



OFFICIAL MINUTES OF A COMMON COUNCIL MEETING

MINUTES OF A REGULAR COMMON COUNCIL MEETING OF THE 35TH COMMON COUNCIL HELD ON **JUNE 7, 2022** 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 8:00 pm.

Public Comment: None.

Announcements: The next regularly scheduled meeting of the Common Council is Tuesday, June 21, 2022, at 7:45 pm held in the Council Chambers of City Hall.

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

13 members present and 1 participated by phone: Dave Christianson (via telephone), Bill Carnell, Bob Reddin, Rick Owen, Jenna Meza, 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)

Members excused: n/a

Staff Present: City Attorney Jenna Merten, Deputy Finance Director Sarah Kitsembel, Director of Public Works Tom Grisa (via telephone), Director of Community Development Dan Ertl, City Clerk Michelle Luedtke, Fire Chief Dave Mason, and William SaintAmour

Pledge: Alderman Mahkorn led the Council in the Pledge of Allegiance.

Public Hearing: none.

Presentation: William SaintAmour from Cobalt Community Research presented the results of the 2022 Community Survey. (Slides of the presentation can be viewed in the City Clerk's office or on-line at www.ci.brookfield.wi.us) 8:04 – 9:09 pm.

Consent Agenda:

The following items were removed from the Consent Agenda: Alderman Blackburn requested Items #2 and #5 be removed from the Consent Agenda.

Motion by Alderman Reddin, seconded by Alderman Hallquist, to approve all items on the Consent Agenda except for Items #2 and #5. The motion carried unanimously.

1. Minutes of the May 17, 2022, meeting of the Common Council.

Plan Commission

2. **Removed from the Consent Agenda** - Ordinance creating Section 15.04.176 requiring Minimum Street Frontage for Building Permits and amend the Provisions of Chapter 8.08 regarding Fire Apparatus Road Access Length.

Finance Committee

3. Vouchers exceeding \$50,000 requiring immediate action.

Legislative & Licensing Committee

4. Ordinance repealing Section 2.08.045 of the Brookfield Municipal Code, the Plan Review Board. **Ordinance No. 2800-22***
5. **Removed from the Consent Agenda** - Ordinance establishing term limits for the Information Technology Subcommittee.
6. Resolution approving an Original Bartender/Operator license: Pamela S. Dragan. **Resolution No. 10379-22***
7. Resolution approving Original Bartender/Operator license for an applicant with violations – Shomari Nash. **Resolution No. 10380-22***
8. Resolution approving Original Bartender/Operator license for an applicant with violations – Jacquelyn E. Czarnecki. **Resolution No. 10381-22***
9. Resolution denying an Original Bartender/Operator license for an applicant with violations – Katie Oldenburg. **Resolution No. 10382-22***
10. Resolution approving the Renewal PEDD Class B Beer and Liquor license for an applicant with a violation – Whirly Brookfield Inc., d/b/a Whirlyball, 185 S. Moorland Rd., Agent: Jeffrey S. Brown. **Resolution No. 10383-22***
11. Resolution approving a Renewal Bartender/Operator license: Bobette M. Schmirler. **Resolution No. 10384-22***
12. Resolution approving a Change of Agent for a Class A Beer and Liquor License premise: Ultra Mart Foods LLC, d/b/a Pick N Save #368, 17295 W. Capitol Dr., Agent: Aaron Matthews. **Resolution No. 10385-22***
13. Resolution approving a Change of Agent for a Class A Beer and Liquor License premise: Ultra Mart Foods LLC, d/b/a Pick N Save #397, 15170 W. Greenfield Ave., Agent: Dawn Harder. **Resolution No. 10386-22***
14. Resolution approving an Original Class B Liquor license: Biloba Brewing LLC, d/b/a Biloba Brewing, 2970 N. Brookfield Rd., Agent: Gordon T. Lane. **Resolution No. 10387-22***
15. Resolution approving Renewal Alcohol Licenses for license year July 1, 2022 to June 30, 2023: **Resolution No. 10388-22***
 - a. Class A Beer:
 - i. Brookfield Place BP, 3075 N. 124th St.
 - ii. Greenfield BP, 14000 W. Greenfield Ave.
 - b. Class A Beer & Liquor:
 - i. Bar Stars Bartending Service, 200 S. Executive Dr., Suite 101
 - ii. CVS Pharmacy #6855, 17165 W. Bluemound Rd.
 - iii. Cost Plus World Market, 625 Main St.
 - iv. Danielle’s Deli, 15655 W. North Ave.
 - v. Fresh Thyme Market #702, 17300 W. Bluemound Rd.
 - vi. Piggy Wiggly #118, 2315 N. 124th St.
 - vii. Sendik’s Fine Foods, 18985 W. Capitol Dr.
 - viii. Target Store T-2780, 12725 W. Bluemound Rd.
 - ix. Total Wine Spirits Beer & More, 17300 W. Bluemound Rd., Suite 200
 - x. Trader Joe’s #726, 12665 W. Bluemound Rd.
 - xi. Westbrook Beverage Center, 13430 W. Greenfield Ave.

c. Class B Beer:

- i. Brookfield Conference Center, 325 S. Moorland Rd.
- ii. Game Shown Battle Rooms, 12565 W. Feerick St., Suite B
- iii. Metro Cigars, 13640 W. Capitol Dr.
- iv. The Ponds of Brookfield, 2810 N. Calhoun Rd.

d. Class B Beer & Liquor:

- i. American Legion Post 449, 3245 N. 124th St.
- ii. Bar Louie, 95 N. Moorland Rd.
- iii. Bluemound Bowl & Entertainment Center, 12935 W. Bluemound Rd.
- iv. Bobby's Bar Great Place Good Times, 14735 W. Lisbon Rd.
- v. Bougey's Bar & Grill, 16760 W. Greenfield Ave.
- vi. Boulder Junction Charcoal Grill, 12550 W. Burleigh Rd.
- vii. Bravo, 95 N. Moorland Rd., A147, D68
- viii. Brookfield Hills Golf Course, 16075 Pinehurst Dr.
- ix. Brookfield Indoor Soccer Complex, 19485 W. Lisbon Rd.
- x. Brunch, 18895 W. Capitol Dr.
- xi. CC's Elbow Room, 2850 N. Brookfield Rd.
- xii. Café Manna, 3815 N. Brookfield Rd., Suite 100
- xiii. Capitol Café/Grecian Inn Restaurant, 14375 W. Capitol Dr.
- xiv. Champps Americana, 1240 S. Moorland Rd.
- xv. Cooper's Hawk Winery & Restaurant, 15 S. Moorland Rd.
- xvi. Devine's Lariat, 4165 N. 124th St.
- xvii. Doubletree Milwaukee Brookfield, 18155 W. Bluemound Rd.
- xviii. Elite Brookfield, 13825 W. Burleigh Rd.
- xix. Embassy Suites Brookfield, 1200 S. Moorland Rd.
- xx. Fujiyama, 17395-D W. Bluemound Rd.
- xxi. Hilton Garden Inn Brookfield, 265 S. Moorland Rd.
- xxii. Jake's Restaurant, 21445 Gumina Rd.
- xxiii. Life Time Athletic, 17585 Golf Pkwy.
- xxiv. Lou Malnati's, 15795 W. Bluemound Rd.
- xxv. Marty's Pizza, 16680 W. Bluemound Rd.
- xxvi. Maxim's Restaurant, 18025 W. Capitol Dr.
- xxvii. Mr. B's – A Bartolotta Restaurant, 18380 W. Capitol Dr.
- xxviii. New Taste of India, 17115 W. Bluemound Rd., D1
- xxix. North Star American Bistro, 19115 W. Capitol Dr., Suite 100
- xxx. Parkside 23, 2300 Pilgrim Square Rd.
- xxxi. Residence Inn, 765 S. Pinehurst Ct.
- xxxii. Sharon Lynne Wilson Center for the Arts, 3270 Mitchell Park Dr.
- xxxiii. Sheraton Brookfield/Milwaukee, 375 S. Moorland Rd.
- xxxiv. Sluggo's Sports Pub & Grill, 12760 W. Burleigh Rd.
- xxxv. Uncle Julio's/Savage Burrito, 245 S. Moorland Rd.
- xxxvi. Vino Cappuccino, 2848 N. Brookfield Rd.
- xxxvii. Westmoor Country Club, 400 S. Moorland Rd.
- xxxviii. Wonita Sushi Seafood and Bar, 1260 S. Moorland Rd.

e. Class B Beer & C Wine:

- i. Had's Indian Cuisine, 2345 N. 124th St.
- ii. Portillo's Hot Dogs, 17585 W. Bluemound Rd.

- f. Class C Wine:
 - i. The Jar, 200 N. Moorland R
- g. PEDD – Class B Beer & Liquor:
 - i. Movie Tavern, 175 S. Moorland Rd.
- h. Reserve – Class B Beer & Liquor:
 - i. Buffalo Wild Wings, 16750 W. Bluemound Rd., Suite B
 - ii. Krause Food Service, 21600 W. Capitol Dr.
 - iii. Mitchell’s Fish Market, 275 N. Moorland Rd.
 - iv. Wasabi Sushi Lounge, 95 N. Moorland Rd.

Council as a Whole

- 16. Resolution appointing John Hubert and Alan Nosbusch to the Information Technology Subcommittee for a 2-year term expiring April 14, 2024, and appointing Mushir Hassan to the Economic Development Committee to fulfill a term expiring January 2, 2024. **Resolution No. 10389-22***
- 17. Resolution commending Frank Pawlicki upon his retirement from the City of Brookfield Highway Division for nearly 9 years of service. **Resolution No. 10378-22***

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

- 18. Act on any items removed from the consent agenda as necessary:
 - #2. Motion by Alderman Mahkorn, seconded by Alderman Owen, to adopt the Ordinance creating Section 15.04.176 requiring Minimum Street Frontage for Building Permits and amend the Provisions of Chapter 8.08 regarding Fire Apparatus Road Access Length. A roll call vote was taken and carried Ayes 12, No’s 1, Abstention 1 with Alderman Blackburn voting no and Alderman Wilson abstaining. **Ordinance No. 2799-22***
 - #5. Motion by Alderman Mahkorn, seconded by Alderman Bloom, to adopt the Ordinance establishing term limits for the Information Technology Subcommittee. A roll call vote was taken and carried unanimously. **Ordinance No. 2801-22***

★ Closed Session Notice: The Common Council for the City of Brookfield may vote to go into closed session for Item #19 for the purpose to deliberate and confer with City staff on the counteroffer received for the sale of property located adjacent to 3335 Parkside Drive. A closed session for these purposes is authorized pursuant to Wis. Stats. Section 19.85(1)(e), which authorizes a governmental body, upon motion duly made, seconded, and approved upon by the majority of the members present as required under Wis. Stats. Sec. 19.85(1), to meet in closed session to conduct other specified public business whenever competitive or bargaining reasons require a closed session. Upon conclusion of the closed session, the Common Council will reconvene in open session, pursuant to Wis. Stat. 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 Common Council members, Mayor, City Attorney, Director of Public Works, Director of Finance and Administration, and/or their staff designees.

Motion by Alderman Mahkorn, seconded by Alderman Reddin, to convene into Closed Session pursuant to Wis. Stats. Section 19.85(1)(e), for the purpose to deliberate and confer with City staff on the counteroffer received for the sale of property located adjacent to 3335 Parkside Drive (Item #19). Motion carried unanimously. 9:21 pm.

Motion by Alderman Mahkorn, seconded by Alderman Blackburn, to reconvene into Open Session pursuant to Wis. Stats. Section 19.85(2) for possible additional discussion and action concerning any matter discussed in closed session or further business on the agenda. 9:44 pm.

19. Counteroffer from Chad Wyman regarding purchase of property located adjacent to 3335 Parkside Drive.

Motion by Alderman Wilson, seconded by Alderman Carnell, to authorize staff to negotiate and return to Council with the proposal. A roll call vote was taken and carried unanimously.

★ **Closed Session Notice:** The Common Council for the City of Brookfield may vote to go into closed session for Item #20 for the purpose to deliberate and confer with the City Attorney and City staff on how to respond to the appeal's court decision in *Bridget Fassett v. City of Brookfield, 20 CV-317*. A closed session for these purposes is authorized pursuant to Wis. Stat. Sec. 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. Stats. Sec. 19.85(1), to meet in closed session to confer 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 will 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 the closed session would be the Mayor, Common Council members, City Attorney, Director of Public Works, Director of Finance and Administration, Director of Community Development, and Associate Planner, and/or any staff designees.

Motion by Alderman Makhorn, seconded by Alderman Berg, to convene into Closed Session pursuant to Wis. Stats. Section 19.85(1)(g) to deliberate and confer with the City Attorney and City staff on how to respond to the appeal's court decision in *Bridget Fassett v. City of Brookfield, 20 CV-317* (Item #20). A roll call vote was taken and carried unanimously. 9:44 pm

The Council did not reconvene into Open Session.

20. Report on appellate court decision on *Bridget Fassett v. City of Brookfield* and consideration of next steps to be taken to secure the street connection. No action was taken.
21. Mayor's announcement of legislative referrals and requests for services: None.
22. Motion by Alderman Mahkorn, seconded by Alderman Bloom, to adjourn the meeting in Closed Session. Motion carried 14-0. Meeting adjourned at 10:17 pm.

RESPECTFULLY SUBMITTED

MICHELLE LUEDTKE, CITY CLERK

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