

## OFFICIAL MINUTES OF A COMMON COUNCIL MEETING

MINUTES OF A REGULAR COMMON COUNCIL MEETING OF THE 34<sup>TH</sup> COMMON COUNCIL HELD ON **JUNE 15, 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 7:47 pm.
- Public Comment: Chris Klages, 18985B Wilderness Ct., Brookfield spoke in against partisan redistricting and gerrymandering.  
Allison Nastoff, 4735 Meadow View East, Brookfield spoke in favor of fair maps and an end to partisan gerrymandering in Wisconsin.  
Jana Gharia, 765 Safer Ct., Brookfield spoke in favor of non-partisan redistricting with fair maps for Wisconsin.  
Margaret Kot, 955 Edwards St., Brookfield spoke in favor of a resolution ending gerrymandering with fair maps for Wisconsin. Supports the Iowa model for redistricting maps.  
Gloria Rozmus, 16145 Cathy Ann Ln., Brookfield registered in support of fair maps.  
David Marcello, 18140B Hoffman Ave., spoke with regard to the gorgeous plantings on the plaza and invited council members to enjoy them. He spoke in support of unity and a fair and just system behind voting but expressed concern with the National movement creating a grass roots effort for a political action such as this.  
Kevin McCourt 16150 Wildwood Ct., spoke in favor of fair redistricting maps and noted he is not being paid and doesn't know anyone from the national Sasha organization.  
Cindy Harvey, 15795 Heather Hill Dr., spoke in favor of fairness and asked as a resident that we stand up and declare we believe in fairness.
- Announcements: The next regularly scheduled meeting of the Common Council is Tuesday, July 20, 2021, at 7:45 pm held in the Council Chambers of City Hall (subject to change).
- 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, Administration and Finance Director Robert Scott, Director of Community Development Dan Ertl, Director of Public Works Tom Grisa, Director of Human Resources Jim Zwerlein, Director of Parks & Recreation John Kelliher, Police Chief James Adlam. IT Director Kevin Beck, Fire Chief David Mason*
- Pledge: Alderman Jenna Meza led the Council in the Pledge of Allegiance.
- Presentation: None.
- Public Hearing: (8:10 – 8:13 pm) Mayor Ponto read the request of the City of Brookfield creating Section 17.108.050.V of the Zoning Code regarding Expansion of Existing Conditional Use.

Motion by Alderman Nelson, seconded by Alderman Reddin, to close the public hearing.  
Motion carried unanimously.

## Consent Agenda:

The following were removed from the Consent Agenda: None

Motion by Alderman Nelson, seconded by Alderman Reddin to approve all items on the Consent Agenda.  
Motion carried unanimously.

1. Minutes of the June 1, 2021, meeting of the Common Council.

## Plan Commission

2. Actions and recommendations of the Plan Review Board from May 20, 2021:
  - a) Request of Tree-Ripe Fruit Co. for approval of a temporary use permit to conduct a pop-up fruit and nut stand at Brookfield Square, 95 N. Moorland Rd.
  - b) Request of Backyard Butchers Community Food Drive for approval of a temporary use permit to conduct a drive-thru canned good donation center at Brookfield Square, 95 N. Moorland Road.
  - c) Request of Noby Capitol LLC, 2360 N. 124<sup>th</sup> St., for approval of a minor revision to plan and method of operation in association with exterior building modifications at 12460 W. Capitol Drive.
3. Request of the City of Brookfield to amend the "O" Office District to permit preschools and childcare centers as a permitted use, to amend the "B-1" Local Business District to list lawn care equipment dealers and service centers including the storage of lawn care and related equipment products for sale and service as a permitted use and permit fence enclosures of said products and to amend the Zoning Code to eliminate the Maximum Floor Area Ratio in the R-1, R-2, and R-3 Districts for single-family uses, define "attics, vaulted and atrium areas", modify that Minimum Open Space in the R-3, R-2 and R-3 Districts applies to dwelling units and not family, and increase Minimum Open Space in the R-3 District for lots created after August 15, 1989 and associated text amendments.
4. Ordinance allowing preschools and child care centers in the "O" Office District, Chapter 17.68 and Lawn and Garden Equipment Dealers in the Local Business (B-1" District Chapter 17.52; Eliminated Floor Area Ratio Maximums for Single-family Residential Districts and Setting Floor Area Ratios for Conditional Uses in Residential Districts, Chapter 17.28, 17.32 and 17.36; Adding Definitions and Calculations for Floor Area Ratio regulations Chapter 17.116; Increasing the Floor Area Ratio in the Office and Limited Business District, 17.68; and correcting minor errors and rearranging and updating language in the Zoning Code, Title 17. **Ordinance No. 2021-061504\***

## Finance Committee

5. Vouchers exceeding \$50,000 requiring immediate action.
6. Resolution affirming City financial policies regarding debt and capital improvement budgets.  
**Resolution No. 2021-061506\***
7. Resolution designating authorized representative for purposes of executing necessary agreements and certifications to access Local Fiscal Recovery Funds allocated under the American Rescue Plan Act.  
**Resolution No. 2021-061507\***
8. Request of the Wastewater Utility to purchase and install replacement HVAC equipment from Mared Mechanical for \$76,900.
9. Request of the Information Technology department to purchase replacement server hardware and software from Dell, Inc. for \$65,000.

## Human Resources and Public Safety Committee

10. Ordinance amending the 2021 Salary Ordinance Addendum regarding Police Department organizational design. **Ordinance No. 2021-061510\***

11. Ordinance amending the 2021 Positions Ordinance regarding Police Department organizational design. **Ordinance No. 2021-061511\***
12. Ordinance amending the 2021 Salary Ordinance Addendum. **Ordinance No. 2021-061512\***

Legislative & Licensing Committee

13. Resolution approving the Original Bartender/Operator licenses: Nicola A. Davidson; Andrew G. Schultz; Jessie K. Vranek. **Resolution No. 2021-061513\***
14. Resolution approving Original Bartender/Operator license for an applicant with a record: Joseph A. Porter. **Resolution No. 2021-061514\***
15. Resolution approving Original Class B Beer and C Wine license: H.S. Products LLC; d/b/a Had's Indian Cuisine, 2345 N. 124<sup>th</sup> St.; Agent – Hardeep Singh. **Resolution No. 2021-061515\***
16. Resolution approving Renewal Bartender/Operator licenses: Christine P. Cannon; Robert W. Gogin; Ashley K. Hubal. **Resolution No. 2021-061516\***
17. Resolution approving Renewal Bartender/Operator license for an applicant with a record: Sharice A. Nelson. **Resolution No. 2021-061517\***
18. Resolution approving Renewal Class B Beer and Liquor license applicant with a liquor law violation: Uncle Julio's, 245 S. Moorland Rd.; Agent – Patty Weichal. **Resolution No. 2021-061518\***
19. Resolution approving Renewal Alcohol Licenses, effective July 1, 2021 thru June 30, 2022: **Resolution No. 2021-061519\***
  - a) Class A Beer & Liquor:
    - i. Bar Stars Bartending Service, 200 S. Executive Dr.
    - ii. Danielle's Deli, 15655 W. North Ave.
    - iii. Target Store T-2780, 12725 W. Bluemound Rd.
    - iv. Total Wine Spirits Beer & More, 17300 W. Bluemound Rd.
    - v. Trader Joe's #726, 12665 W. Bluemound Rd.
    - vi. Westbrook Beverage Center, 13430 W. Greenfield Ave.
    - vii. World Market, 625 Main St.
  - b) Class C Wine:
    - i. The Jar, 200 N. Moorland Rd.
  - c) Class B Beer:
    - i. Brookfield Conference Center, 325 S. Moorland Rd.
  - d) Class B Beer & C Wine:
    - i. Had's Indian Cuisine, 2345 N. 124<sup>th</sup> St.
  - e) Class B Beer & Liquor
    - i. Bar Louie, 95 N. Moorland Rd.
    - ii. Belle's Castle Inn, 13170 W. Greenfield Ave.
    - iii. Bougey's Bar & Grill, 16760 W. Greenfield Ave.
    - iv. Boulder Junction Restaurant, 12550 W. Burleigh Rd.
    - v. Bravo!, 95 N. Moorland Rd. A147
    - vi. Doubletree Milwaukee Brookfield, 18155 W. Bluemound Rd.
    - vii. Elite Brookfield, 13825 W. Burleigh Rd.
    - viii. Hilton Garden Inn Brookfield, 265 S. Moorland Rd.
    - ix. Marty's Pizza, 16680 W. Bluemound Rd.
    - x. North Star American Bistro, 19115 W. Capitol Dr.
    - xi. Parkside 23, 2300 Pilgrim Square Rd.
    - xii. Red Robin Gourmet Burgers and Brews, 95 N. Moorland Rd.
    - xiii. Residence Inn by Marriott, 765 S. Pinehurst Ct.
    - xiv. Sabella's Pub & Grill, 2850 N. Brookfield Rd.
    - xv. Sharon Lynne Wilson Center for the Arts, 3270 Mitchell Park Dr.

- xvi. Sonesta Select Milwaukee Brookfield, 16865 W. Bluemound Rd.
  - xvii. Taste of India, 17115 W. Bluemound Rd.
  - xviii. Westmoor Country Club, 400 S. Moorland Rd.
  - f) Reserve Class B Beer & Liquor:
    - i. Mitchell's Fish Market, 275 N. Moorland Rd.
    - ii. Wasabi Sushi Lounge, 95 N. Moorland Rd.
  - g) PEDD Class B Beer & Liquor:
    - i. Movie Tavern, 175 S. Moorland Rd.
20. Resolution approving Renewal Alcohol Licenses, effective July 1, 2021 thru June 30, 2022: **Resolution No. 2021-061520\***
- a) Class A Beer & Liquor:
    - i. Metro Market #301, 17630 W. Bluemound Rd.
    - ii. Metro Market #853, 12735 W. Capitol Dr.
    - iii. Pick N Save #368, 17295 W. Capitol Dr.
    - iv. Pick N Save #373, 2205 N. Calhoun Rd.
    - v. Pick N Save #397, 15170 W. Greenfield Ave.
  - b) Class B Beer & Liquor:
    - i. Cooper's Hawk Winery & Restaurant, 15 S. Moorland Rd.
    - ii. Embassy Suites Brookfield, 1200 S. Moorland Rd.
    - iii. Honey Berry Pancakes & Café, 17915 W. Bluemound Rd.
    - iv. Maxims Restaurant, 18025 W. Capitol Dr.
    - v. Mr. B's – A Bartolotta Steakhouse, 18330 W. Capitol Dr.
    - vi. The Badger Burger Company, 12455 W. Capitol Dr.
  - c) Reserve Class B Beer & Liquor:
    - i. Buffalo Wild Wings, 16750 W. Bluemound Rd.

Council as a Whole

- 21. Resolution approving a Partial Release and Total Release of Sanitary Sewer Easements for the WB Hotel LLC at 765 Pinehurst Court and The Linx Club LLC located at 845, 905, 975, 995 and 1035 Pinehurst Court. **Resolution No. 2021-061521\***
- 22. Resolution approving a Perpetual Water Main Easement for Storage Master located at 16900 Pheasant Drive. **Resolution No. 2021-061522\***
- 23. Mayor's Reappointments:
  - a) Board of Appeals:
    - i. Frank DeGuire Jr. – reappoint to a 3-year term exp. May 1, 2024
    - ii. Gordon Rozmus – reappoint to a 3-year term exp. May 1, 2024
  - b) Civil Service Commission:
    - i. Dean Collins – reappoint to a 5-year term exp. July 1, 2026
    - ii. Dave Kodel – reappoint to a 5-year term exp. July 1, 2026
  - c) Library Board:
    - i. Kay Benning – reappoint as the Elmbrook School representative for a 3-year term exp. July 1, 2024
    - ii. Sheila Buechel – reappoint to a 3-year term exp. July 1, 2024
    - iii. Susan Schweda – reappoint to a 3-year term exp. July 1, 2024
  - d) Police & Fire Commission:
    - i. Jay Rosencrantz – reappoint to a 5-year term exp. May 1, 2026


**NON-Consent Agenda:**

- 24. Act on items removed from the consent agenda: N/A

## Council as a Whole

25. Motion by Alderman Nelson, seconded by Alderman Blumer to approve the resolution approving the 2020 Compliance Maintenance Annual Report for the City of Brookfield wastewater collection system and Fox River Water Pollution Control Center. Motion carried unanimously. **Resolution No. 2021-061525\***
26. Motion by Alderman Nelson, seconded by Alderman Reddin to approve the resolution approving the Lease Concession Stand Agreement with Village Ltd., at the municipal parking lot on Hoffman Avenue with a term of 5 years with two options for 5 year renewals, a ground lease with the Village Ltd. for \$1 per year, and that the Village Ltd. allow the City first right of refusal to keep the structure prior to removal. Motion carried unanimously. **Resolution No. 2021-061526\***

## Parks & Recreation Commission

 **Closed Session Notice:** Pursuant to Wis. Stats., §19.85(1) to consider Item #27 for the purpose to conduct business regarding acquisition of property due to competitive or bargaining reasons as authorized under 19.85(1)(e) Stats., specifically the purchase of a parcel located in the City of Brookfield. If it becomes necessary to convene in closed session, the Mayor will announce to all those present the purpose and following announcement, upon motion duly made and seconded and acted upon by the majority of the members present as required under 19.85(1), Wis. Stats., the closed session may take place. You are further notified that at the conclusion of a closed session, the Council may convene in open session pursuant to 19.85(2) Wis. Stats., for possible additional discussion and action concerning any matter discussed in closed session or further business on the agenda. Persons attending closed session would be elected officials and staff from the City of Brookfield.

27. Motion by Alderman Nelson, seconded by Alderman Reddin to enter into Closed Session pursuant to Section 19.85(1)(e) as stated above to consider the acquisition of the Imperial Park property. A roll call vote was taken and carried unanimously. Closed Session start time: 8:21 pm.

Present were: Mayor Steven Ponto, City Attorney Jenna Merten, City Clerk Kelly Michaels, Director of Parks & Recreation John Kelliher, Director of Community Development Dan Ertl, Director of Public Works Tom Grisa, Human Resources Director James Zwerlein, Director of Finance and Administration Robert Scott.

Motion by Alderman Nelson, seconded by Alderman Reddin to enter into open session per State Stats. 19.85(2). A roll call vote was taken and carried unanimously. Closed Session End time: 8:35 pm

Motion by Alderman Nelson, seconded by Alderman Reddin to authorize staff to proceed as discussed in closed session in regards to the acquisition of the Imperial Park property. Motion carried unanimously.

28. Mayor's announcement of legislative referrals and requests for services: None.
29. Motion by Alderman Reddin, seconded by Alderman Hallquist to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 8:39 pm.

RESPECTFULLY SUBMITTED

KELLY MICHAELS, MMC, WCPC

BROOKFIELD CITY CLERK

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