



OFFICIAL MINUTES OF A COMMON COUNCIL MEETING

MINUTES OF A REGULAR COMMON COUNCIL MEETING OF THE 34TH COMMON COUNCIL HELD ON **JUNE 16, 2020** 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 8:02 p.m.

Public Comment: Craig Dedo, 17130 Burleigh Place, spoke in opposition to support the police rally proposed recently, as reported by Mark Belling and the Milwaukee Journal Sentinel. Mayor Ponto said he was contacted by the Police Chief about a proposed rally on Sunday, June 14th, outside the Police Department in support of the Police. The Police Chief said the Department did not want a rally and asked for the Mayor's assistance. The Mayor contacted a person planning the rally and expressed appreciation for support of the Police but said the Police Department would prefer that there not be a rally. The rally was then cancelled as requested by the Police Department.

Announcements: The next regularly scheduled meeting of the Common Council is Tuesday, July 21, 2020, at 7:45 pm (subject to change).

Roll Call: Deputy City Clerk Renee Tadych called the roll and noted the following members in attendance:

14 Members present: Daniel Sutton, Bill Carnell, Rick Owen, Bob Reddin, Jenna Meza (via teleconference call), Michael Jurken (via teleconference call), 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)

Members excused: None

Staff Present: City Attorney Jenna Merten, Director of Public Works Tom Grisa, Director of Community Development Dan Ertl (via teleconference call), Director of Finance and Administration Robert Scott, Deputy City Clerk Renee Tadych, Fire Chief Charlie Myers

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

Consent Agenda:

Alderman Wilson requested Item #3 be removed from the Consent Agenda. Alderman Blackburn requested Item #11 be removed from the Consent Agenda.

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

1. Minutes of the June 2, 2020, meeting of the Common Council.

Plan Commission

2. Actions and recommendations of the May 21, 2020, Plan Review Board meeting.
 - a. Request of BP for a monument sign at 14000 W. Greenfield Avenue.

- b. Request of the School District of Elmbrook for a monument sign at 3555 N. Calhoun Road.
3. ~~Removed from the Consent Agenda - Request of the Department of Community Development to amend, create, and repeal various provisions in the Zoning Code related to Conditional Uses, Permitted Uses in Certain Districts, Site Plan Approval Requirements, and Definitions.~~
 4. Ordinance amending, creating, and repealing various provisions in the Zoning Code related to Conditional Uses, Permitted Uses in Certain Districts, Site Plan Approval Requirements, and Definitions. **Ordinance No. 2606-20***
 5. Request of Thomas T. Tang, D.D.S. and Associates Brookfield Family Dentistry, owner, 17185 W. North Avenue, Brookfield, WI 53005, for approval to schedule a public hearing to amend the land use recommendation in the 2050 City of Brookfield Comprehensive Plan from Mixed Use – Higher Density to Shopping/Services Focused – Lower Density upon lands purchased from the City of Brookfield, rezone said lands from B-3 Regional Business to B-1 Local Business, amend MSO Ordinance #2361-14 to establish building/pavement setbacks and offsets upon said lands, approve a conditional use ordinance permitting installation of a driveway and parking in the floodplain of a water course determined by regional study on said lands and apply MSO zoning establishing building/pavement dimensional standards upon 17185 W. North Avenue in association with a Certified Survey Map merging said lands with 17185 W. North Avenue and a plan and method of operation depicting site access and parking lot expansion.
 6. Request of Udol Investments LLC, 3313 N. 124th Street, Brookfield, WI 53005, William Wirostko, member, for approval of a revised plan and method of operation in association with parking, landscaping, and exterior building modifications at 3313 N. 124th Street.
 7. Request of Department of Community Development for approval to schedule a public hearing in order to amend the land use recommendation of the 2050 Comprehensive Plan from Shopping/Services Focused – Lower Density to Shopping/Services Focused – Higher Density; amend Title 17 of the Municipal Code in the creation of a new 124th Street Corridor zoning district ordinance including amendments to off-street parking requirements; and amend the City Zoning Map from “O&LI” Office and Limited Industry District to the proposed 124th Street Corridor zoning district for 3313 N. 124th Street, property tax key BRC 1056-995, in accordance with the adopted Development Plan for Brookfield’s 124th Street Corridor.
 8. Introduction of a Resolution discontinuing a 30’ wide service court in Sunny Crest Subdivision bounded by 17045, 17065, 17135 and 17165 W. Capitol Drive, 3920 N. Calhoun Road, 17130 Sunny Crest Drive, 17060 Grant Court, and 3945 N. 169th Street, pursuant to Wisconsin Statutes Section 66.1003.

Finance Committee

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

Tesch Court Investments Group LLC	
Property Conveyance BRC 1067-988 Parcel 30	\$ 86,726.45
Sikh Religious Society of Wisconsin Inc	
Parcel 65	47,700.00
Parcel 66	46,200.00
Parcel 67	<u>32,354.92</u>
	\$126,254.92
Blaze Landscaping Contracting Inc.	
Brookfield Road Bike Path	213,490.00
MJ Construction Inc.	
2020 Water Main Extension	776,497.88
TOTAL VOUCHERS	<u>\$1,202,969.25</u>

10. Resolution rescinding Resolution 9807-20 relative to the allocation of sale proceeds from sale of City-owned parcel near North Avenue/Calhoun Road and placing said proceeds in the General Fund. **Resolution No. 9873-20***
11. ~~Removed from the Consent Agenda - Resolution approving amendments to the Park Development fund and Fleet Services fund budgets requested by the Director of Finance and Administration: appropriate~~

~~\$500,000 to Park Development fund account 23350370-578600 and \$400,000 to Fleet Services fund account 10910909-591000, to provide for transfers to the General fund to address projected 2020 revenue budget shortfalls.~~

12. Request of the Fire Department to purchase dispatch alerting/paging hardware for Fire Stations 2 and 3 from US Digital Design for \$66,513.

Legislative & Licensing Committee

13. Resolution approving the applicants for Renewal Bartender/Operator Licenses: Brenda J. Buchanan, Madilyn C. Gruenwald, Joseph M. Janzer, Sharon L. Kaminski, Gregg P. Krause, Nicole R. Krause, Candida A. Mainville, James C. Matthews, Thomas J. Mosey, Elaine K. Petry, Rosalia A. Sanfelippo, Bobette M. Schmirler, Sarah M. Schmirler, Stacy L. Schramek, Lisa A. Sheets, Alfred J. Vergolina, Marvin R. Wunder. **Resolution No. 9875-20***
14. Resolution denying an Original Bartender/Operator license for an applicant with a record: Mott C. Abrams. **Resolution No. 9876-20***
15. Resolution approving an Original Class B Beer and C Wine license: Portillo's Hot Dogs (changing from Class B Beer to Class B Beer and Wine), 17685 W. Bluemound Rd., Agent Dejan Radisic. **Resolution No. 9877-20***
16. Resolution approving an Original Class B Beer and Liquor license: Devine's Lariat (change from sole proprietor to LLC), 4165 N. 124th St., Agent – Diane L. Townsend. **Resolution No. 9878-20***
17. Resolution approving Renewal Alcohol Licenses: **Resolution No. 9879-20***
 - a. Class A Beer & Liquor:
 - i. Fresh Thyme Farmers Market #702, 17300 W. Bluemound Rd.
 - ii. Metro Market #301, 17630 W. Bluemound Rd.
 - iii. Metro Market #853, 12735 W. Capitol Dr.
 - iv. Pick N Save #373, 2205 N. Calhoun Rd.
 - v. Pick N Save #368, 17295 W. Capitol Dr.
 - vi. Pick N Save #397, 15170 W. Greenfield Ave.
 - vii. Target Store T-2780, 12725 W. Bluemound Rd.
 - viii. Total Wine Spirits & More, 17300 W. Bluemound Rd.
 - ix. World Market, 625 Main St.
 - b. Class C Wine:
 - i. The Jar, 200 N. Moorland Rd.
 - c. Class B Beer & C Wine:
 - i. Blaze Pizza, 17530 W. Bluemound Rd.
 - d. Class B Beer & Liquor:
 - i. Bar Louie, 95 N. Moorland Rd.
 - ii. Boulder Junction, 12550 W. Burleigh Rd.
 - iii. Bravo Cucina Italiana, 95 N. Moorland Rd.
 - iv. Champ's Americana, 1240 S. Moorland Rd.
 - v. Cooper's Hawk Winery & Restaurant, 15 S. Moorland Rd.
 - vi. Doubletree Milwaukee Brookfield, 18155 W. Bluemound Rd.
 - vii. Embassy Suites Brookfield, 1200 S. Moorland Rd.
 - viii. Fujiyama, 17395-D W. Bluemound Rd.
 - ix. Hilton Garden Inn, 265 S. Moorland Rd.
 - x. Lou Malnati's 15795 W. Bluemound Rd.
 - xi. North Star American Bistro, 19115 W. Capitol Dr., Suite 100

- xii. Outback Steakhouse, 295 S. Moorland Rd.
 - xiii. Pistol Pete’s Neighborhood Grill, 16755 W. Lisbon Rd.
 - xiv. Red Robin Gourmet Burgers and Brews, 95 N. Moorland Rd.
 - xv. Sabella’s Pub & Grill, 2850 N. Brookfield Rd.
 - xvi. Sheraton Brookfield/Milwaukee, 375 S. Moorland Rd.
 - xvii. Slim McGinn’s Irish Pub, 14735 W. Lisbon Rd.
 - xviii. Sluggo’s Pub & Grill, 12760 W. Burleigh Rd.
 - xix. Uncle Julio’s, 245 S. Moorland Rd.
 - xx. Westmoor Country Club, 400 S. Moorland Rd.
 - xxi. XGolf Brookfield, 12565 W. Feerick St.
- e. Reserve Class B Beer & Liquor:
 - i. Bonefish Grill, 18355 W. Bluemound Rd.
 - ii. Mitchell’s Fish Market, 275 N. Moorland Rd.
 - f. PEDD Class B Beer & Liquor:
 - i. Movie Tavern, 175 S. Moorland Rd.
18. Ordinance repealing and recreating Chapter 15.16 Sign Code. **Ordinance No. 2607-20***

Board of Public Works

- 19. Resolution converting WE Energies leased street lighting to LED lights. **Resolution No. 9880-20***

Board of Public Works and Plan Commission

- 20. Introduction of a Resolution discontinuing a portion of Golf Parkway right-of-way, pursuant to Wisconsin Statutes Section 66.1003.

Water and Sewer Board

- 21. Resolution approving of a grant Funding Agreement with the Milwaukee Metropolitan Sewerage District for televising sanitary sewer laterals as part of the Private Property Infiltration and Inflow Reduction program. **Resolution No. 9881-20***

Council as a Whole

- 22. Appointments:
 - a. Council President’s Appointment of Michael Jurken to the Water and Sewer Board to fulfill the term of Ald. Jeff McCarthy expiring April 15, 2022.
 - b. Mayor’s Appointment of Michael Jurken to the Community Development Authority to fulfill the term of Ald. Jeff McCarthy expiring April 15, 2022.

NON-Consent Agenda:

- 23. Act on any items removed from the consent agenda as necessary –
 - 3. Motion by Alderman Mahkorn, seconded by Alderman Owen, to approve the request of the Department of Community Development to amend, create, and repeal various provisions in the Zoning Code related to Conditional Uses, Permitted Uses in Certain Districts, Site Plan Approval Requirements, and Definitions. A roll call vote was taken and the motion carried Ayes 13, No’s 1 with Alderman Wilson voting no.

11. Motion by Alderman Berg, seconded by Alderman Sutton, to approve the Resolution approving amendments to the Park Development fund and Fleet Services fund budgets requested by the Director of Finance and Administration: appropriate \$500,000 to Park Development fund account 23350370-578600 and \$400,000 to Fleet Services fund account 10910909-591000, to provide for transfers to the General fund to address projected 2020 revenue budget shortfalls. Motion carried unanimously. **Resolution No. 9874-20***

Legislative & Licensing Committee

24. Motion by Alderman Mahkorn, seconded by Alderman Blumer, to approve the Resolution approving Renewal Reserve Class B Beer and Liquor Licenses. The motion carried unanimously. **Resolution No. 9882-20***
 - a. Carrabba's Italian Grill, 18375 W. Bluemound Rd.; Agent – Darren MacKenzie (new).
 - b. Fleming's Prime Steakhouse & Wine Bar, 15665 W. Bluemound Rd.; Agent – Crystal Fritsch (new).
25. Motion by Alderman Mahkorn, seconded by Alderman Blumer, to approve the Resolution approving Renewal Class B Beer and Liquor Licenses (*pending violations at Waukesha County District Attorney's office under review*). Motion carried unanimously. **Resolution No. 9883-20***
 - a. O'Sullivan's Public House, 12525 W. North Ave.
 - b. Saloon on Calhoun with Bacon, 17000 W. Capitol Dr.
 - c. Bougey's Bar & Grill, 16760 W. Greenfield Ave.

Council as a Whole

26. Motion by Alderman Nelson, seconded by Alderman Mahkorn, approving the Resolution granting a temporary premise extension to O'Sullivan's Public House, 12525 W. North Avenue. Motion carried unanimously. **Resolution No. 9884-20***
27. Motion by Alderman Nelson, seconded by Alderman Owen, approving the Resolution granting a temporary premise extension to Slim McGinn's Irish Pub, 14735 W. Lisbon Road. Motion carried unanimously. **Resolution No. 9885-20***

ADDENDUM - Motion by Alderman Nelson, seconded by Alderman Mahkorn, approving the Resolution granting a temporary premise extension to Fujiyama, 17395-D W. Bluemound Road. Motion carried unanimously. **Resolution No. 9886-20***

28. Mayor's assignment of legislative referrals and requests for services:
 - a. Referred to the Plan Commission to consider revisions to City's Zoning Code for consistency with proposed update to Sign Code, Chapter 15.16. (*Referred by Asst. City Attorney and Mayor Ponto*)
 - b. Referred to the Board of Public Works to consider creating an ordinance to administer standards for placing, constructing or altering driveways to City streets. (*Referred by Ald. Owen*)
 - c. Referred to the Legislative & Licensing Committee to consider amending Section 15.04.340 Fences, to permit installation of netting at fenced playfields to preclude balls from leaving the field of play when the fenced playfield is proximate to streets, ponds, or storm water basins. (*Referred by Ald. Meza and Ald. Jurken*)
29. Motion by Alderman Mahkorn, seconded by Alderman Owen, to adjourn the meeting. Motion carried unanimously. Meeting concluded at 8:54 pm.

RESPECTFULLY SUBMITTED
RENEE J. TADYCH, WMCA/CMC
DEPUTY CITY CLERK

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