



## OFFICIAL MINUTES OF A COMMON COUNCIL MEETING

MINUTES OF A REGULAR COMMON COUNCIL MEETING OF THE 35<sup>TH</sup> COMMON COUNCIL HELD ON **JUNE 21, 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 7:46 pm.

Public Comment: None.

Announcements: The next regularly scheduled meeting of the Common Council is Tuesday, July 19, 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:

*14 members present: Dave Christianson, 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, Director of Finance and Administration Robert Scott, Director of Public Works Tom Grisa, Director of Community Development Dan Ertl, City Clerk Michelle Luedtke, Fire Chief Dave Mason, Director of Human Resources Jim Zwerlein, Police Chief Jim Adlam*

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

Public Hearing: (7:47 pm) Mayor Ponto introduced the request of the City of Brookfield to revise and amend provisions in Title 16 entitled "Subdivisions", particularly, but not limited to processing applications, block layout, and survey monuments.

Motion by Alderman Mahkorn, seconded by Alderman Reddin, to adjourn the public hearing. Motion carried unanimously. 7:56 pm.

### Consent Agenda:

The following items were removed from the Consent Agenda: Alderman Blackburn requested Items #2, #7, and #8 be removed from the Consent Agenda. Alderman Christianson requested Item #9 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, #7, #8, and #9. The motion carried unanimously.

1. Minutes of the June 7, 2022, meeting of the Common Council.

## Plan Commission

2. **Removed from the Consent Agenda** - Ordinance amending Chapter 17.100 Site Plan Approval Requirements (Plan and Method of Operation) and 17.04 Definitions.
3. Resolution approving Plan Commission's approval of minor revision to plan and method of operation for Cooper's Hawk Winery & Restaurant, 15 S. Moorland Road. **Resolution No. 10390-22\***

## Finance Committee

4. Vouchers exceeding \$50,000 requiring immediate action.
5. Resolution awarding the sale of \$5,985,000 General Obligation Corporate Purpose Bonds; providing the form of the bonds; and levying a tax in connection therewith. **Resolution No. 10391-22\***
6. Resolution affirming City financial policies regarding general fund balance and operating budgets. **Resolution No. 10392-22\***
7. **Removed from the Consent Agenda** - Resolution granting assistance in the form of a \$65,000 economic development grant to Colorwheel Painting for improvements at 12780 W. Lisbon Rd., Brookfield (recommended by the Community Development Authority).
8. **Removed from the Consent Agenda** - Resolution approving 2022 budget amendment requested by the Director of Community Development: appropriate \$65,000 to CDA fund expenditure account 24060504-546000, for purposes of funding Colorwheel Painting economic development grant.
9. **Removed from the Consent Agenda** - Resolution approving request of the Fire Department to purchase replacement fire pumper truck from E-One for \$793,968 (funding to be included in the 2023 budget).
10. Resolution approving contract with Johnson Controls, Inc. for purchase and installation of replacement HVAC equipment for City Hall building C for a total of \$91,121. **Resolution No. 10396-22\***

## Human Resources & Public Safety Committee

11. Resolution approving the Suburban Narcotics and Vice Unit Mutual Aid Agreement. **Resolution No. 10397-22\***
12. Ordinance adopting a 2022 Salary Ordinance Addendum amendment. **Ordinance No. 2803-22\***
13. Ordinance adopting a 2022 Positions Ordinance amendment. **Ordinance No. 2804-22\***

## Legislative & Licensing Committee

14. Resolution approving Original Bartender/Operator licenses: Julie C. Bird, Maureen L. Donald, Bode B. Houston, June M. Kuka, and Gregory R. Tromp. **Resolution No. 10398-22\***
15. Resolution approving Renewal Bartender/Operator license: David D. Johnson. **Resolution No. 10399-22\***
16. Resolution denying an Original Bartender/Operator license for an applicant with violations: Matt D. Zepecki. **Resolution No. 10400-22\***
17. Resolution approving a Renewal Class B Beer and Liquor license for an applicant with a violation: Perseverance Corp., d/b/a Badger Burger, 12455 W. Capitol Dr. Unit C, Agent: Mark A. Weiss. **Resolution No. 10401-22\***
18. Resolution approving Renewal Alcohol Licenses for license year July 1, 2022 to June 30, 2023: **Resolution No. 10402-22\***
  - 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 #373, 2205 N. Calhoun Rd.
    - iv. Pick N Save #368, 17295 W. Capitol Dr.

- v. Pick N Save #397, 15170 W. Greenfield Ave.
- b. Class B Beer & C Wine:
  - i. PhoOne 24, 3705 N. 124<sup>th</sup> St.
- c. Class B Beer & Liquor:
  - i. Belle’s Castle Inn, 13170 W. Greenfield Ave.
  - ii. HoneyBerry Pancakes & Café, 17915 W. Bluemound Rd.
  - iii. O’Sullivan’s Public House, 12525 W. North Ave.
  - iv. Outback Steakhouse, 295 S. Moorland Rd.
  - v. Pistol Pete’s Neighborhood, 16755 W. Lisbon Rd.
  - vi. Red Robin Gourmet Burgers and Brew, 95 N. Moorland Rd.
  - vii. Saloon on Calhoun, 17000 W. Capitol Dr.
  - viii. Sonesta Select Milwaukee Brookfield, 16865 W. Bluemound Rd.
  - ix. The Red Mill Inn, 1005 S. Elm Grove Rd.
  - x. XGolf, 12565 W. Feerick St.
- d. Reserve – Class B Beer & Liquor:
  - i. Bonefish Grill, 18355 W. Bluemound Rd.
  - ii. Carrabba’s Italian Grill, 18375 W. Bluemound Rd.
  - iii. Fleming’s Prime Steakhouse & Wine Bar, 15665 W. Bluemound Rd.

Board of Public Works

- 19. Resolution approving the Parking Restrictions south side of Burleigh Place from Calhoun Road to Dartmouth Drive. **Resolution No. 10403-22\***
- 20. Resolution awarding the contract for engineering services for the Railroad Quiet Zone Design & Project Management #TR-22-03 to Ruckert & Mielke Inc. for design of railroad crossing improvements and management of the process to establish a quiet zone in Brookfield for \$53,488. **Resolution No. 10404-22\***
- 21. Resolution approving the Pedestrian Crosswalk Policy. **Resolution No. 10405-22\***
- 22. Resolution approving the Dedication of roads, streets, sidewalk and path improvements and storm sewer and surface drainage improvements for 3755 N. Brookfield Road and 3830 Richland Parkway. **Resolution No. 10406-22\***

Water & Sewer Board

- 23. Resolution approving a 10’ wide Water Main Easement across Outlot A, Block 2, in the Mission Heights Plat (3035 and 3055 San Gabriel Drive). **Resolution No. 10407-22\***
- 24. Resolution approving the Partial Termination and Release of a Water and Road Easement Across Lot 16 and Lot 17, Block 2, in the Mission Heights Plat (3035 and 3055 San Gabriel Drive). **Resolution No. 10408-22\***
- 25. Resolution awarding the Televiser Sanitary Sewer and Laterals Project #SA-22-02 to Northern Pipe Inc. for \$224,277.40. **Resolution No. 10409-22\***
- 26. Resolution approving the 2021 Compliance Maintenance Annual Report for the City of Brookfield wastewater collection system and Fox River Water Pollution Control Center. **Resolution No. 10410-22\***
- 27. Resolution approving the policy regarding Management of Assets in the Wastewater Division. **Resolution No. 10411-22\***
- 28. Resolution approving the policy regarding Regulatory Compliance in the Wastewater Division. **Resolution No. 10412-22\***
- 29. Resolution approving the policy regarding Maintenance of Rights of Way and Easements containing sanitary sewers. **Resolution No. 10413-22\***

30. Resolution approving the policy regarding Customer Service related to Wastewater Services. **Resolution No. 10414-22\***
31. Resolution approving a Perpetual Water Main Easement for water main for Milwaukee Electric Tool Corporation at 12985 W. Lisbon Road. **Resolution No. 10415-22\***
32. Resolution accepting Dedication of Water Distribution System Improvements and Sanitary Sewer System for the properties at 3755 N. Brookfield Road and 3830 Richland Parkway. **Resolution No. 10416-22\***

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

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

#2. Motion by Alderman Mahkorn, seconded by Alderman Owen, to adopt the Ordinance amending Chapter 17.100 Site Plan Approval Requirements (plan and method of operation) and 17.04 Definitions. A roll call vote was taken and carried unanimously. **Ordinance No. 2802-22\***

#7. Motion by Alderman Christianson, seconded by Alderman Reddin, to approve the Resolution granting assistance in the form of a \$65,000 economic development grant to Colorwheel Painting for improvements at 12780 W. Lisbon Rd., Brookfield (recommended by the Community Development Authority). A roll call vote was taken and carried Ayes 13, No's 1 with Alderman Blackburn voting no. **Resolution No. 10393-22\***

#8. Motion by Alderman Christianson, seconded by Alderman Reddin, to approve the Resolution approving the 2022 budget amendment requested by the Director of Community Development: appropriate \$65,000 to CDA fund expenditure account 24060504-546000, for purposes of funding Colorwheel Painting economic development grant. A roll call vote was taken and carried Ayes 13, No's 1 with Alderman Blackburn voting no. **Resolution No. 10394-22\***

#9. Motion by Alderman Christianson, seconded by Alderman Owen, to approve the Resolution approving the request of the Fire Department to purchase replacement fire pumper truck from E-One for \$807,144 (funding to be included in the 2023 budget). A roll call vote was taken and carried unanimously. **Resolution No. 10395-22\***

Board of Public Works

34. Motion by Alderman Owen, seconded by Alderman Hallquist, to approve the Resolution adopting the Street Naming and Renaming Policy. *(Recommended 3-1 with Ald. Blackburn voting no at the Board of Public Works.)* An electronic vote was taken and carried Ayes 11, No's 3 with Aldermen Berg, Meza and Seals voting no. **Resolution No. 10417-22\***

Council as a Whole

35. Staff report and introduction by Director of Finance and Administration Robert Scott regarding status of Comprehensive Plan Implementation Priorities and short-term focus initiatives from 2018-2022, and recommended priorities and focus initiatives for 2022-2024 Council term. Director Scott provided an overview of the process for updating the Comprehensive Plan Implementation Priorities and short-term focus initiatives for 2022-24, and requested that the Council provide comments or suggested changes to the Mayor and staff recommended priorities and focus initiatives by July 8, with the item to be brought back at the July 19<sup>th</sup> Common Council meeting.

★ **Closed Session Notice:** The Common Council for the City of Brookfield may vote to go into closed session for Item #36 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.**

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

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 #36). Motion carried unanimously. 8:41 pm.

Motion by Alderman Mahkorn, seconded by Alderman Bloom, 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. The motion carried unanimously. 9:00 pm.

Motion by Alderman Mahkorn, seconded by Alderman Bloom, to accept the offer for \$3,000 for tax key number BRC 1055-199 abutting the property at 3335 Parkside Drive further identified by tax key BRC 1055-112; with the provision that the deed restriction will include language where BRC 1055-112 would need to be sold together with BRC 1055-112. A roll call vote was taken and carried Ayes 12, No's 2 with Aldermen Bloom and Carnell voting no.

37. Mayor's announcement of legislative referrals and requests for services:

- a. Referral to the Legislative & Licensing Committee to consider changing the maximum size for all residential accessory buildings to 200 square feet (referred by Mayor Ponto).

38. Motion by Alderman Mahkorn, seconded by Alderman Bloom, to adjourn the meeting. Motion carried 14-0. Meeting adjourned at 9:03 pm.

RESPECTFULLY SUBMITTED

MICHELLE LUEDTKE, CITY CLERK

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