



## OFFICIAL MINUTES OF A COMMON COUNCIL MEETING

MINUTES OF A REGULAR COMMON COUNCIL MEETING OF THE 35<sup>TH</sup> COMMON COUNCIL HELD ON **JULY 19, 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 7:59 pm.

Public Comment: None.

Announcements: The next regularly scheduled meeting of the Common Council is Tuesday, August 16, 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, Bill Carnell, Bob Reddin (phone participation), 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, Director of Human Resources Jim Zwerlein, Director of Parks & Recreation John Kelliher, Economic Development Coordinator Todd Willis*

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

Public Hearing: None.

### Consent Agenda:

The following items were removed from the Consent Agenda: None.

Motion by Alderman Mahkorn, seconded by Alderman Bloom, to approve all items on the Consent Agenda. The motion carried unanimously.

1. Minutes of the June 21, 2022, meeting of the Common Council.

### Plan Commission

2. Resolution approving preliminary concept map, including variances under Section 16.16.040.C.11 and 16.16.040.C.12 of the Municipal Code, for property located at N. 124<sup>th</sup> Street and Congress Street, property tax keys BRC 1012-008, 1012-009, 1012-014, 1012-015, 1012-016, 1012-018, 1012-019, 1012-020, and 1012-021. **Resolution No. 10418-22\***
3. Resolution approving a revised plan and method of operation and development agreement, permitting demolition and reconstruction of an approximate 8,315 square foot dining establishment with outdoor patio seating and liquor sales, landscaping improvements, and site parking

modifications, in association with the operation of a full service restaurant, BJ's Restaurant and Brewhouse, 17430 W. Bluemound Road. **Resolution No. 10419-22\***

4. Ordinance amending various provisions of Title 16 to refine procedures and correct errors and inconsistencies and clarify the measurement for street frontage. **Ordinance No. 2805-22\***

#### Finance Committee

5. Vouchers exceeding \$50,000 requiring immediate action.
6. Ordinance amending Section 3.28.010 of the City code (schedule of development fees and fiscal securities). **Ordinance No. 2806-22\***
7. Resolution approving renewal of contract with Axon Enterprise Inc. for purchase of police video capture equipment and related contractual services from September 2022 through September 2027. **Resolution No. 10420-22\***
8. Resolution approving contract with Mid-City Corporation for purchase and installation of replacement HVAC equipment for the Public Works building for a total of \$92,920. **Resolution No. 10421-22\***

#### Legislative & Licensing Committee

9. Resolution approving Original Bartender/Operator licenses: Ryer J. Gruetzmacher, William EW Hunchberger, Krystyna P. Jones, Adam B. Lynch. **Resolution No. 10422-22\***
10. Resolution approving Renewal Bartender/Operator license: Kayla C. Burk. **Resolution No. 10423-22\***
11. Resolution approving Original Bartender/Operator licenses: Amber R. Boreson, Emily G. Bierman, Arthur S. Conrad, Kathryn M. Fantl, Marlene Fuja, Cambryelle R. Getter, Allison M. Howard, Angela M. Liegel, Krista L. Nommensen, Hannah E. O'Koney, Michaela J. Schmitz, Josie W. Smith, Lily N. Sobczak, Kyle S. Soukup. **Resolution No. 10424-22\***
12. Resolution approving Renewal Bartender/Operator licenses: Penny L. Abel, Jordan EW Finkbeiner, Lisa M. Marchese, Desirae E. Moza, Henry T. Posnanski. **Resolution No. 10425-22\***
13. Resolution approving Fireworks User Permit for Brookfield Academy, 3642 N. Brookfield Rd., Event – Homecoming/Founders Fest, September 23, 2022, at 8:00 pm. **Resolution No. 10426-22\***

#### Board of Public Works

14. Resolution approving parking restrictions on the east side of N. 127<sup>th</sup> Street from the driveway for 3530 N. 127<sup>th</sup> Street and Avenue. **Resolution No. 10427-22\***
15. Resolution approving State/Municipal Agreement between the State of Wisconsin Department of Transportation and the City of Brookfield for Replacement of the Enterprise Avenue Bridge over Poplar Creek. **Resolution No. 10428-22\***
16. Resolution the Sidewalk/Pathway Inspection and Repair Policy. **Resolution No. 10429-22\***
17. Resolution approving the Traffic Control Device (Stop Sign) Policy. **Resolution No. 10430-22\***
18. Resolution awarding the contract for the 2022 Asphalt Road Resurface Rejuvenation Project to Certified Asphalt Materials LLC (CAM LLC), for \$1.02/sy (not to exceed \$120,000). **Resolution No. 10431-22\***
19. Resolution awarding the contract for City Pond Dredging Project #SW-22-01 to RLP Diversified Inc. for \$35,000. **Resolution No. 10432-22\***

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

20. Act on any items removed from the consent agenda as necessary: None.

#### Plan Commission

21. Motion by Alderman Mahkorn, seconded by Alderman Owen, to approve a Resolution approving new plan and method of operation and temporary limited easement for street yard landscaping permitting

construction of a 510 square foot building with site modifications, landscaping, and outdoor seating improvements in association with the operation of a drive-thru beverage establishment, 7 Brew, at 1200 S. Moorland Road (Embassy Suites Hotel). (*Recommended 6-1, Commissioner Pettitt voting no at the Plan Commission*).

Motion by Alderman Wilson, seconded by Alderman Seals, to amend the original motion to take the item back to the Plan Commission for further review per the reasons stated in her report (can be viewed in the City Clerk's Office). An electronic vote was taken and carried unanimously.

#### Council as a Whole

22. Motion by Alderman Mahkorn, seconded by Alderman Hallquist, to approve a Resolution of Intent to Attach Land from Menomonee Falls for Northern Oaks Subdivision. An electronic vote was taken and carried unanimously. **Resolution No. 10433-22\***

23. Motion by Alderman Mahkorn, seconded by Alderman Bloom, to approve a Resolution adopting Comprehensive Plan Implementation Priorities and short-term focus initiatives for 2022-2024 Council term.

Motion by Alderman Hallquist, seconded by Alderman Meza, to amend the motion to include a 2022-24 work effort to maintain and operate an official Facebook and Twitter account. An electronic vote was taken on the amendment and carried unanimously.

Motion by Alderman Hallquist, seconded by Alderman Meza, to amend the motion to (a) add a short-term focus initiative to explore public and private partnerships for playground development and recreational programming, and (b) a 2022-24 work effort to pursue such opportunities for the planned Wirth Park playground update to increase the quality and accessibility of the facilities. An electronic vote was taken on the amendment and carried unanimously.

An electronic vote was taken on the main motion as amended and carried unanimously. **Resolution No. 10434-22\***

**★ Closed Session Notice:** The Common Council for the City of Brookfield may vote to go into closed session for Item #23a for the purpose to deliberate and confer with City staff on the offer(s) to purchase for 3380 North Calhoun Road. 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. Stat. Section 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. Section 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 Administration and Finance, an/or their staff designees.

23a. Resolution regarding the possible sale of 3380 N. Calhoun Road, further identified by tax key BRC 1046-116.

Motion by Alderman Mahkorn, seconded by Alderman Hallquist, to convene into Closed Session pursuant to Wis. Stats. Section 19.85(1)(e), regarding the possible sale of 3380 N. Calhoun Road, further identified by tax key BRC 1046-116 (Item #23a). Motion carried unanimously. 9:05 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. 9:10 pm.

Motion by Alderman Mahkorn, seconded by Alderman Bloom, to approve the Resolution accepting the Offer to Purchase of 3380 N. Calhoun Road, further identified by Tax Key BRC 1046-116. An electronic vote was taken and carried unanimously. **Resolution No. 10435-22\***

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

- a. Referred to the Plan Commission to request a Plan Commission discussion and potential code amendments to create performance standards for food services uses that have a drive-through operation in applicable zoning districts. *(Referred by Ald. Hallquist)*
- b. Referred to the Legislative & Licensing Commission to create an ordinance regulating the placement and orientation of residential video surveillance devices. *(Referred by Ald. Hallquist)*

25. Motion by Alderman Bloom, seconded by Alderman Mahkorn, to adjourn the meeting. Motion carried 14-0. Meeting adjourned at 9:12 pm.

RESPECTFULLY SUBMITTED

MICHELLE LUEDTKE, CITY CLERK

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