



OFFICIAL MINUTES OF A COMMON COUNCIL MEETING

MINUTES OF A REGULAR COMMON COUNCIL MEETING OF THE 35TH COMMON COUNCIL HELD ON **AUGUST 16, 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 7:53 pm.

Public Comment: Karla O’Connell, 4515 N. 150th St., Brookfield, spoke of a rat issue.
Rod Carter, of Husch Blackwell, 511 N. Broadway and 2800 Wynfield Ln., asked that the landscaping requirement in association with the Fassett CSM and Subdivider’s Agreement be removed.

Announcements: The next regularly scheduled meeting of the Common Council is Tuesday, September 6, 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, Rick Owen, Jenna Meza, Jason Anderson, Mike Hallquist (phone participation), 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 Information Technology Kevin Beck, Director of Parks & Recreation John Kelliher, City Engineer Jeff Chase, Fire Chief Dave Mason, Police Chief Jim Adlam, Security Administrator Mike Clarke, Economic Development Coordinator Todd Willis

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

Public Hearing: 8:05 pm. Mayor Ponto called the public hearing to order regarding the request of the City of Brookfield, Department of Parks, Recreation & Forestry, to amend the base zoning of Krueger Park and adjacent recreational trail lands, property tax keys BRC 1108-136-001, 1108-136-006, 1108-149-001, 1108-170-001, 1108-991, and 1149-991-001 from “I” Industrial and “R-3” Residential to “REC” Recreational District.

Motion by Alderman Mahkorn, seconded by Alderman Reddin, to adjourn the public hearing. Motion carried unanimously. 8:08 pm

Consent Agenda:

The following items were removed from the Consent Agenda: #5 and #7 were removed from the Consent Agenda.

Motion by Alderman Mahkorn, seconded by Alderman Bloom, to approve all items on the Consent Agenda, except for Items #5 and #7. The motion carried unanimously.

1. Minutes of the July 19, 2022, meeting of the Common Council.

Plan Commission

2. Resolution approving the request of Westridge Builders, Inc. for a variance under Section 16.16.020 D. of the Municipal Code requesting relief from dedicating and platting of Lisbon Road at the location and width indicated on the Waukesha County Street and Highway Width Map for a portion of Lot 49 on the plated dated July 20, 2022. **Resolution No. 10436-22***
3. Resolution approving conditionally a revised preliminary plat, revised final plat and Subdivider Agreement for property located east of Lannon Road and BRC 1026-996, 1026-997, 1026-997-001, 1026-997-003, 1026-997-005, 1026-997-006, 1026-997-007 and MNFV 0127994 for Northern Oaks subdivision. **Resolution No. 10437-22***
4. Resolution approving the Plan Commission's approval of minor revision to Plan and Method of Operation for REI, 13100 W. Capitol Drive. **Resolution No. 10438-22***
5. **Removed from Consent Agenda** – Resolution authorizing execution of Certified Survey Map dated July 3, 2019, submitted by Jeffrey M. Chase and Bridget Fassett, 1529 Upper Parkway South, Wauwatosa, WI; authorization for execution of Subdivider's Agreement for public improvements associated with said CSM, and determination on dedication of right-of-way on Gebhardt Road for said CSM.

Finance Committee

6. Vouchers exceeding \$50,000 requiring immediate action.
7. **Removed from Consent Agenda** – Resolution approving 2022 General fund budget amendment requested by the Director of Public Works: transfer \$200,000 from Contingency appropriation 07001700-590000 to Public Works Outlay pavement maintenance account 04500009-606000, for purposes of funding additional pavement maintenance costs per the previously awarding contract.
8. Resolution approving annual support agreement and license agreement for Enterprise ERP (MUNIS) software with Tyler Technologies. **Resolution No. 10439-22***
9. Resolution approving contract with Vanguard Computers for replacement of desktop and other computer equipment for a total of \$343,152. **Resolution No. 10440-22***
10. Resolution approving request of the Fire department to submit order for replacement Motorola portable radios (2022 and 2023 budget items). **Resolution No. 10441-22***
11. Resolution rescinding 2021/22 property taxes on personal property tax account number 12364. **Resolution No. 10442-22***

Legislative & Licensing Committee

12. Resolution denying an Original Bartender/Operator license for an applicant with a record – Shelly Mathews. **Resolution No. 10443-22***
13. Resolution denying an Original Bartender/Operator license for an application with violations – Karina A. O'Neal. **Resolution No. 10444-22***
14. Resolution denying an Original Massage Business License: Moonlight Spa Inc., d/b/a: Q Spa, 13810 W. Greenfield Ave., Owner – Zhirong Wang. **Resolution No. 10445-22***

Board of Public Works

15. Resolution approving the State/Municipal Agreement between the State of Wisconsin Department of Transportation and the City of Brookfield for Lisbon Road from Lilly Road to 124th Street. **Resolution No. 10446-22***

Water & Sewer Board

16. Resolution awarding the 2022 Manhole and Sanitary Sewer Rehabilitation Project #SA-22-03 to Visu-Sewer Inc. for \$491,307.25. **Resolution No. 10447-22***
17. Resolution awarding the Recycle Wetwell Pump and Variable Frequency Drive replacement at the Fox River Water Pollution Control Center to Quality Flow for \$101,345. **Resolution No. 10448-22***
18. Resolution accepting the Dedication of Water Distribution system for Milwaukee Electric Tool Corporation development located at 12930 W. Lisbon Road. **Resolution No. 10449-22***

Board of Public Works and Water & Sewer Board

19. Resolution updating the Public Infrastructure and Development Handbook. **Resolution No. 10450-22***

Council As A Whole

20. Ordinance attaching a parcel of land at N48 W20275 Lisbon Road, Tax Key #MNFV0127994, from the Village of Menomonee Falls to the City of Brookfield and establishing temporary zoning of said lands. **Ordinance No. 2807-22***

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

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

5. (See Closed Session item.)

7. Motion by Alderman Christiansen, seconded by Reddin, approving the Resolution approving 2022 General fund budget amendment requested by the Director of Public Works: transfer \$200,000 from Contingency appropriation 07001700-590000 to Public Works Outlay pavement maintenance account 04500009-606000, for purposes of funding additional pavement maintenance costs per the previously awarding contract. Motion carried unanimously. **Resolution No. 10451-22***

Parks & Recreational Commission

22. Motion by Alderman Mellone, seconded by Alderman Mahkorn, approving a Resolution for a Recreational Trail Easement and Updated Wetland Dedication Amount for Northern Oaks Subdivision. Motion carried unanimously. **Resolution No. 10452-22***

Plan Commission

23. Motion by Alderman Mahkorn, seconded by Alderman Bloom, to adopt the Ordinance rezoning the base zoning of six properties to Section 17.84 "Recreational District" in accordance with the "124th Street and Bluemound Road Neighborhood Plan" (Krueger Park). A roll call vote was taken and carried unanimously. **Ordinance No. 2808-22***
24. Motion by Alderman Mahkorn, seconded by Alderman Bloom, to approve the Resolution approving Plan Commission's approval of new plan and method of operation for 7 Brew, 1200 S. Moorland Road. (At Plan Commission, it was recommended 5-1 with Commissioner Pettitt voting no.) A roll call vote was taken and carried Ayes 13, No's 1 with Alderman Wilson voting no. **Resolution No. 10453-22***

★ **Closed Session Notice:** The Common Council for the City of Brookfield may vote to go into closed session for item 5 for the purpose to deliberate and confer with the City Attorney and City staff in regard to the court decision in Bridget Fassett v. City of Brookfield, 20-CV-317, and approval of the CSM and other Code requirements for this land reconfiguration. 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. Stat. 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. 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 the closed session would be the Mayor, Common Council members, City Attorney, Director of Public Works, Director of Community Development, and Director of Finance and Administration.

#5 and Addendum. Resolution authorizing execution of Certified Survey Map dated July 3, 2019, submitted by Jeffrey M. Chase and Bridget Fassett, 1529 Upper Parkway South, Wauwatosa, WI; authorization for execution of Subdivider's Agreement for public improvements associated with said CSM, and determination on dedication of right-of-way on Gebhardt Road for said CSM.

Motion by Alderman Mahkorn, seconded by Alderman Bloom, to convene into Closed Session pursuant to Wis. Stats. Section 19.85(1)(g) to discuss Item #5 and addendum as stated above. Motion carried unanimously. 8:08 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. 8:50 pm.

Motion by Alderman Mahkorn, seconded by Alderman Bloom, to approve the Resolution pursuant to the court order authorizing execution of Certified Survey Map dated July 3, 2019, submitted by Jeffrey M. Chase and Bridget Fassett, 1529 Upper Parkway South, Wauwatosa, WI, and postpone the subdivider's agreement, quit claim deed, and landscape plan requirement in order to have further evaluation with outside Legal Counsel; and to require the City Engineer to provide the information requested in the resolution by August 23, 2022; and to require the City Engineer's supervisor to provide any missing information by August 30, 2022, all as set forth in the resolution distributed at the meeting. An electronic vote was taken and carried Ayes 11, No's 3 with Alderman Berg, Blackburn and Carnell voting no.

Resolution No. 10454-22*

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

- a. Referred to the Legislative & Licensing Committee regarding consideration of possible limitation on number of dogs and cats at a residence. *(Referred by Ald. Christianson)*

26. Motion by Alderman Bloom, seconded by Alderman Meza, to adjourn the meeting. Motion carried 14-0. Meeting adjourned at 9:00 pm.

RESPECTFULLY SUBMITTED

MICHELLE LUEDTKE, CITY CLERK

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