



## OFFICIAL MINUTES OF A COMMON COUNCIL MEETING

MINUTES OF A REGULAR COMMON COUNCIL MEETING OF THE 35<sup>TH</sup> COMMON COUNCIL HELD ON **SEPTEMBER 6, 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 8:12 pm.

Public Comment: Alderman Bob Reddin spoke regarding an on-line petition for Wheel & Sprocket that he accidentally clicked on and possibly other city officials receiving the email.  
Erin Booher, 21730 W. North Ave., spoke regarding a permit for keeping of chickens.  
Leah Socks, 21990 King Arthurs Ct., spoke regarding the keeping of chickens.

Announcements: (a) The next regularly scheduled meeting of the Common Council is Tuesday, September 20, 2022, at 7:45 pm held in the Council Chambers of City Hall.  
(b) Memo by City Clerk Michelle Luedtke regarding August Election Recap and November Election Information.  
(c) The Wheel & Sprocket redevelopment Neighborhood Information meeting is scheduled for September 14<sup>th</sup>. The Public Hearing is scheduled for September 20<sup>th</sup>.

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, Director of Parks & Recreation John Kelliher, Director of Human Resources Jim Zwerlein, Special Guest Dr. Richard Scott*

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

Public Hearing: 8:25 pm. Mayor Ponto called the public hearing to order regarding the request of the City of Brookfield, Department of Community Development, to zone land that has been detached from the Village of Menomonee Falls and attached to the City of Brookfield to "Light Industrial/Commercial Mixed-Use District No. 1" as set forth in Chapter 17.81 and Shoreland Wetland as set forth in Chapter 17.92 of the Municipal Code.

Motion by Alderman Mahkorn, seconded by Alderman Reddin, to adjourn the public hearing. Motion carried unanimously. 8:29 pm

### Consent Agenda:

The following items were removed from the Consent Agenda: Alderman Blackburn requested Item #10 be removed from the Consent Agenda. Mayor Ponto announced that Item #13 has been withdrawn from the Agenda.

Motion by Alderman Mahkorn seconded by Alderman Reddin, to approve all items on the Consent Agenda, except for Item #10. The motion carried unanimously.

1. Minutes of the August 16, 2022, meeting of the Common Council.

### Finance Committee

2. Vouchers exceeding \$50,000 requiring immediate action.
3. Resolution approving 2022 General fund budget amendment requested by the Director of Finance and Administration: transfer \$30,000 from Contingency appropriation 07001700-590000 to Community Development capital outlay account 06018009-601000, for purposes of funding detachment of parcels from the Village of Menomonee Falls. **Resolution No. 10455-22\***
4. Resolution approving 2022 Park Development Fund budget amendment requested by the Director of Parks, Recreation and Forestry: appropriate \$6,000 to Park Development fund expenditure account 23350363-579600, for purposes of funding roof replacement at the Dousman Stagecoach Inn. **Resolution No. 10456-22\***
5. Resolution approving 2022 Vehicle/Equipment Replacement Fund budget amendment requested by the Director of Finance and Administration: appropriate \$328,665 to Street Machinery outlay account 25011561-603000, for purposes of providing funds for Highway patrol truck components budgeted and ordered in 2021 but not received until 2022. **Resolution No. 10457-22\***
6. Resolution certifying proposed 2023 library funding for purposes of exemption from Waukesha County library tax levy. **Resolution No. 10458-22\***
7. Resolution approving memorandum of understanding with the State of Wisconsin Department of Administration regarding state law enforcement agency grant. **Resolution No. 10459-22\***
8. Resolution authorizing pre-order of vehicles/equipment to be funded via the 2023 budget: **Resolution No. 10460-22\***
  - a. Fire department command van
  - b. Highway patrol trucks
  - c. Highway horizontal grinder
9. Resolution denying claim of Joe Gnatzig, 2945 N. Brookfield Rd., Brookfield, Wisconsin. **Resolution No. 10461-22\***
10. **Removed from the Consent Agenda** - Resolution regarding claim of Charles Smith, 1435 Longwood Ave., Elm Grove, Wisconsin.

### Human Resources & Public Safety Committee

11. Ordinance establishing rates of pay (salaries) for non-represented City of Brookfield titles effective January 1, 2023. **Ordinance No. 2809-22\***
12. Resolution approving an additional supplemental insurance benefit provider, Colonial Life. **Resolution No. 10463-22\***

13. **Withdrawn from agenda** - Resolution establishing a Sworn Represented Employee Benefits Policy in the Compendium of City-Wide Employment Policies.

Legislative & Licensing Committee

14. Resolution approving Original Bartender/Operator licenses: Noah Gregory, Rebecca Thomas. **Resolution No. 10464-22\***
15. Resolution approving Original Bartender/Operator license for an applicant with violations – Jared Brewer. **Resolution No. 10465-22\***
16. Resolution approving Original Bartender/Operator license for an applicant with violations – Serena Stinson. **Resolution No. 10466-22\***
17. Resolution approving a Renewal Bartender/Operator license for an applicant with violations – Nicole R. Nowak. **Resolution No. 10467-22\***
18. Resolution approving Change of Agent for a Class A Beer and Liquor license premise: Lake Ventures LLC; d/b/a: Fresh Thyme Farmer’s Market, 17300 W. Bluemound Rd., Agent: Sharna Y. Sinjakovic. **Resolution No. 10468-22\***

Council As A Whole

19. Resolution recognizing Curt Witynski and Gail Sumi for their service at the League of Wisconsin Municipalities. **Resolution No. 10469-22\***
20. Resolution approving Mayor’s Reappointment to the Civil Service Commission: Lee Schulz, reappoint to a 5-year term expiring July 1, 2027. **Resolution No. 10470-22\***

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

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

#10. Motion by Alderman Christianson, seconded by Alderman Hallquist, to deny the Resolution regarding claim of Charles Smith, 1435 Longwood Ave., Elm Grove, Wisconsin. Motion carried to deny Ayes 9, No’s 5 with Aldermen Anderson, Blackburn, Meza, Reddin and Wilson voting no. **Resolution No. 10462-22\***

★ **Closed Session Notice:** The Common Council for the City of Brookfield may vote to go into closed session for item 22 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, Director of Human Resources, and City Clerk staff.

22. Update and possible action regarding the postponed Resolution for authorization for execution of Subdivider’s Agreement for public and streetyard landscaping improvements associated with the CSM submitted by Jeffrey M. Chase and Bridget Fassett, 1529 Upper Parkway South, Wauwatosa, WI, determination of dedication of right-of-way on Gebhardt Road for said CSM, and results of search of history of landscaping implementation for land divisions.

Motion by Alderman Mahkorn, seconded by Alderman Reddin, to convene into Closed Session pursuant to Wis. Stats. Section 19.85(1)(g) to discuss Item #22. 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. 9:24 pm.

Motion by Alderman Mahkorn, seconded by Alderman Bloom, to approve the Resolution approving the execution of the associated Subdivider's Agreement subject to final approval by the City Attorney with the inclusion of Option 4 as stated by the City Attorney in Closed Session if Fassett/Chase accept the offer within the 48 hours of transmission of the emailed offer to them, or Option 6 if they do not accept that offer, and authorize the City Attorney to draft a Quit Claim Deed if Option 6 is included in the Subdivider's Agreement to return the right-of-way to Fassett. An electronic vote was taken and carried Ayes 12, No's 2 with Aldermen Berg and Blackburn voting no. **Resolution No. 10471-22\***

23. Mayor's announcement of legislative referrals and requests for services: None.

24. Motion by Alderman Bloom, seconded by Alderman Hallquist, to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 9:27 pm.

RESPECTFULLY SUBMITTED

MICHELLE LUEDTKE, CITY CLERK

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