

OFFICIAL MINUTES OF A COMMON COUNCIL MEETING

MINUTES OF A REGULAR COMMON COUNCIL MEETING OF THE 34TH COMMON COUNCIL HELD ON **SEPTEMBER 15, 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 8:05 pm.
- Public Comment: Gregory Stark, 275 N 166th Street, Brookfield spoke in favor of a complete ban on burning.
- Announcements: The next regularly scheduled meeting of the Common Council is Tuesday, October 6, 2020, at 7:45 pm (subject to change).
- Roll Call: City Clerk Kelly Michaels called the roll and noted the following members in attendance:
- 14 Members present: Daniel Sutton, Bill Carnell, Rick Owen, Bob Reddin, Jenna Meza, Michael Jurken, 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 Clerk Kelly Michaels, City Attorney Jenna Merten, Director of Community Development Dan Ertl, Director of Finance and Administration Robert Scott, Director of Public Works Tom Grisa, Fire Chief Charlie Myers, and Director of Parks and Recreation John Kelliher*
- Pledge: Alderman Bob Reddin led the Council in the Pledge of Allegiance.
- Public Hearing: None

Consent Agenda:

The following were removed from the Consent Agenda: None

Motion by Alderman Nelson, seconded by Alderman Reddin to approve all items on the Consent Agenda.
Motion carried unanimously.

1. Minutes of the September 1, 2020, meeting of the Common Council.

Finance Committee

2. Vouchers exceeding \$50,000 requiring immediate action.
3. Resolution approving 2020 budget amendment requested by the City Attorney and Director of Finance and Administration: transfer \$45,000 from contingency appropriation 07001700-590000 to Attorney outside legal services account 020400006-5600003, for purposes of funding contracted legal services expenditures.
Resolution No. 9946-20*
4. Resolution approving extension of service agreement with Elmbrook Humane Society, Inc. for animal control and shelter and humane officer services for the calendar year 2021. **Resolution No. 9947-20***
5. Resolution approving lease agreement with Andrew Motor Sales, Inc. for Police HIDTA vehicle lease.
Resolution No. 9948-20*

Human Resources and Public Safety Committee

6. Resolution approving an agreement between the City of Brookfield Police Department and the United States Justice, Drug Enforcement Administration regarding the State and Local HIDTA vehicle lease. **Resolution No. 9949-20***

Legislative & Licensing Committee

7. Resolution approving the applicants for Original Bartender/Operator Licenses: David A. Baldwin, Nicholas J. Simchak, Morgan T. Towne. **Resolution No. 9950-20***
8. Resolution approving an Original Bartender/Operator license for an applicant with a record: Jordan Finkbeiner. **Resolution No. 9951-20***
9. Resolution approving an Original Bartender/Operator license for an applicant with a record: Shannon M. Miller. **Resolution No. 9952-20***
10. Resolution denying an Original Bartender/Operator license for an applicant with a record: Zachary J. Darr. **Resolution No. 9953-20***

Plan Commission

11. Resolution discontinuing a 30' wide unpaved highway/public way in Sunny Crest Subdivision bounded by 17045, 17065, 17135 and 17165 W. Capitol Dr., 3920 N. Calhoun Rd., 17130 Sunny Crest Dr., 17060 Grant Ct., and 3945 N. 169th St., pursuant to Wis. Stats. Section 66.1003. **Resolution No. 9954-20***

Board of Public Works/Plan Commission

12. Resolution discontinuing a portion of Golf Parkway right-of-way adjacent to 125 S. Columbia Boulevard. **Resolution No. 9955-20***

Board of Public Works

13. Resolution awarding the Corporate Drive Bridge Replacement Project #SW-20-01 to C.W. Purpero Inc. for \$846,835.00. **Resolution No. 9956-20***
14. Resolution approving Temporary and Perpetual Pedestrian Path Easements for the Fox River Trail extension at North Hills Plat. **Resolution No. 9957-20***
15. Resolution approving the Intergovernmental Cooperation Agreement between City of Brookfield and Waukesha County for the construction and maintenance of the Fox River Trail, Trailhead and Connector Trail. **Resolution No. 9958-20***

Water & Sewer Board

16. Resolution accepting Dedication of Water Distribution System for the Hill Park subdivision located on Burleigh Road. **Resolution No. 9959-20***
17. Resolution approving a Perpetual Water Main Easement for water main for Grace Landing development located at 16760 W. North Avenue. **Resolution No. 9960-20***
18. Resolution approving a Perpetual Sanitary Sewer Easement for sanitary sewer for Grace Landing development located at 16760 W. North Avenue. **Resolution No. 9961-20***

Council as a Whole

19. Resolution commending Michael Theis for over 30 years of service upon his retirement on September 7, 2020. **Resolution No. 9945-20***

NON-Consent Agenda:

20. Act on any items removed from the consent agenda - None

Legislative & Licensing Committee

21. Motion by Alderman Mahkorn, seconded by Alderman Owen to adopt the Ordinance repealing and recreating Chapter 8.36 of the Municipal Code regarding Open Burning and Recreational Fires as amended.

Motion by Alderman Sutton, seconded by Alderman Blackburn to amend the ordinance to allow burning on Tuesdays, Thursdays and Saturdays from Noon to 7pm., during the months of April-May and October-November. A roll call vote on the amendment failed 6-8 with Alderman Sutton, Reddin, Owen, Meza, Jurken, and Blackburn casting the six affirmative votes.


On the main motion to adopt the ordinance as presented a roll call vote was taken and carried 10-4 with Alderman Sutton, Reddin, Meza, and Jurken casting the four dissenting votes. **Ordinance No. 2613-20***

Board of Public Works

22. Director of Public Works Tom Grisa gave an update to the capital cost and need for retaining walls for the Moorland Road sidewalk. Motion by Alderman Mahkorn, seconded by Alderman Berg to approve the spending of \$36,300 for design fees for the Moorland Road Sidewalk Project (retaining wall) and that the funds would come from TID. A roll call vote was taken and carried 14-0.

Council as a Whole

23. Mayor's assignment of legislative referrals and requests for services:
a. Referred to the Legislative & Licensing Committee to modify the city's leaf and yard waste ordinance. Specifically, the use of permits for burning. *(Referred by Ald. Blumer)*

 **Closed Session Notice: Pursuant to Wis. Stats. §19.85(1) (g) to consider Item #24 for the purpose of conferring with legal counsel who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is likely to become involved, specifically to consider whether to join Visit Brookfield's lawsuit against the Town of Brookfield as a third party for the claim in Case No. 20-CV-785. You are further notified that at the end of the closed session, the Council will reconvene in open session pursuant to Wis. Stats. 19.85(2) for possible additional discussion and action regarding the matter discussed in closed session.**

24. Motion by Alderman Nelson, seconded by Alderman Reddin, to enter into Closed Session pursuant to Section 19.85(1)(g) as stated above to consider whether to join Visit Brookfield's lawsuit against the Town of Brookfield as a third party for the claim in Case No. 20-CV-785. Motion carried unanimously.

Closed Session start time: 9:46 am. Present were: Mayor Steven Ponto, City Attorney Jenna Merten, City Clerk Kelly Michaels, Director of Community Development Dan Ertl, Director of Public Works Tom Grisa, Director of Finance and Administration Robert Scott.

Motion by Alderman Nelson, seconded by Alderman Reddin to enter into open session. Motion carried unanimously.

25. Motion by Alderman Nelson, seconded by Alderman Sutton to adjourn the meeting. Motion carried unanimously. Meeting concluded at 9:57 pm.

RESPECTFULLY SUBMITTED
KELLY MICHAELS, CITY CLERK

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