



## OFFICIAL MINUTES OF A COMMON COUNCIL MEETING

MINUTES OF A REGULAR COMMON COUNCIL MEETING OF THE 35<sup>TH</sup> COMMON COUNCIL HELD ON **NOVEMBER 15, 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 7:55 pm.

Public Comment: Dennis Russell, 235 N. Elm Grove Rd., Unit F, spoke in opposition of the Flats at Bishops Woods and is also a spokesperson for eight condominium owners in attendance (Mary Perner, 105A N Elm Grove Rd.; Patty and Kurt Neuswanger, 235D N. Elm Grove Rd.; Norah Lenardic, 175C N. Elm Grove Rd.; Janet Christiaansen, 175F N. Elm Grove Rd.; Pat Russell, 235F N. Elm Grove Rd.; Jeff Powers, 345 N. Elm Grove Rd.; Suzanne Schmitt, 175E N. Elm Grove Rd.; and Mary Rau, 105A N. Elm Grove Rd.) Nicole Ryf, of the Waukesha County Center for Growth, spoke in support of the Flats at Bishops Woods.  
Peggy Hamill, 13030 Nelson Ave., lives in the subdivision Columbia Gardens, directly east of Bishops Woods. She felt she lives in a safe and diverse area. The Flats of Brookfield plans to utilize the resources in her neighborhood, safety, water wells, and first responders. She is opposed to the project. Her neighborhood will be stressed and this is totally unacceptable.

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

*14 members present: Dave Christianson, Rick Owen, Bob Reddin, 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: none*

*Staff Present: City Attorney Jenna Merten, Director of Human Resources Jim Zwerlein, Director of Finance and Administration Robert Scott, Director of Community Development Dan Ertl, Director of Public Works Tom Grisa, Director of Parks & Recreation John Kelliher, City Clerk Michelle Luedtke, Associate Planner Richard Vanderwal, Deputy Finance Director Sarah Kitsembel*

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

Public Hearing: (8:14 pm) Mayor Ponto read the request of the City of Brookfield 2023 Budget.

Motion by Alderman Mahkorn, seconded by Alderman Owen, to close the public hearing. Hearing ended at 8:31 pm.

Consent Agenda:

The following items were removed from the Consent Agenda: Alderman Carnell requested Item #2 be removed from the consent agenda. Alderman Hallquist requested Item #14, #17 and #22 be removed from the Consent Agenda. Alderman Wilson requested Item #3 be removed from the Consent Agenda. Alderman Blackburn requested Item #4 be removed from the Consent Agenda.

Motion by Alderman Mahkorn, seconded by Alderman Bloom, to approve all items on the Consent Agenda, except for Items #2, #3, #4, #14, #17, and #22. The motion carried unanimously.

1. Minutes of the November 1, 2022, meeting of the Common Council.

#### Plan Commission

2. ~~Removed from the Consent Agenda - Ordinance amending the "Recommended Land Uses" map in "The Neighborhood Vision" of the Bishop's Woods Neighborhood Plan.~~
3. ~~Removed from the Consent Agenda - Ordinance rezoning two lots, property tax keys BRC 1107-999-004 and BRC 1107-999-003, located at the southeast corner of Bishops Lane and Bishops Way to "PDD" Planned Development District General Plan – Mixed Use No. 32 (Flats at Bishops Woods).~~
4. ~~Removed from the Consent Agenda - Resolution approving the preliminary concept map for property located at 250 and 350 Bishops Way, property tax keys BRC 1107-999-004 and BRC 1107-999-003 (Flats at Bishops Woods).~~
5. Resolution approving the Final Plat and Subdivider Agreement for Sunrise of Brookfield, a nine lot single-family subdivision located east of Pilgrim Road, north of Capitol Dr., BRC 1059-999-003. **Resolution No. 10516-22\***
6. Resolution acknowledging Achievement of a Requirement contained within the Planned Development Agreement for Capitol Heights Center LLC. **Resolution No. 10517-22\***
7. Resolution approving Plan Commission's approval of minor revision to Plan and Method of Operation for Life Church, 3285 N. Calhoun Road. **Resolution No. 10518-22\***

#### Finance Committee

8. Vouchers exceeding \$50,000 requiring immediate action.
9. Ordinance amending Section 3.24.020 of the Municipal Code relative to ambulance fees. **Ordinance No. 2816-22\***

#### Human Resources and Public Safety Committee

10. Resolution approving the 2023 Stop Loss Insurance Program for the City of Brookfield Health Plan. **Resolution No. 10519-22\***

#### Legislative & Licensing Committee

11. Resolution approving Original Bartender/Operator licenses: Christopher Dirk, Megan Fiene. **Resolution No. 10520-22\***
12. Resolution approving the Change of Agent for a Class B Beer and Liquor license premise: 17915 Bluemound Co., d/b/a Honey Berry Pancakes & Café, 17915 W. Bluemound Rd., Agent – Isabel E. Santiago. **Resolution No. 10521-22\***
13. Resolution approving the Change of Agent for a Class B Beer and Liquor license premise: Real Hospitality Group, d/b/a Sheraton Milwaukee/Brookfield, 375 S. Moorland Rd., Agent – Richard M. Bradley. **Resolution No. 10522-22\***
14. ~~Removed from the Consent Agenda - Denial of Legislative Referral of the Ordinance regarding Surveillance Device Locations. (Recommended denial 5-0 at the Legislative & Licensing Comm.)~~
15. Resolution reappointing Monica Riederer to the Ethics Board for a three-year term. **Resolution No. 10523-22\***

## Board of Public Works

16. Resolution approving the Intergovernmental Agreement with Waukesha County regarding the Municipal Recycling Dividend Program. **Resolution No. 10524-22\***
17. ~~Removed from the Consent Agenda - Resolution rejecting bids for the Gebhardt Road Bridge Replacement Project #SW-22-02.~~

## Water & Sewer Board

18. Resolution approving the Right-of-Way Restoration Policy. **Resolution No. 10526-22\***
19. Resolution awarding the contract for the Tanglewood Booster Station Rehabilitation Project #W-23-01 to Lee Plumbing Mechanical Contractor for \$99,300.00. **Resolution No. 10527-22\***
20. Resolution approving updated costs for Thickened Biosolids Transfer Pump for \$133,485. **Resolution No. 10528-22\***

## Council as a Whole

21. Resolution approving the 2023 Common Council meetings schedule. **Resolution No. 10529-22\***
22. ~~Removed from the Consent Agenda - Resolution re-appointing John Kersey to the Community Development Authority for a 4-year term and re-appointing Mark Tushaus to the Parks & Recreation Commission for a 5-year term.~~

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

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

#2. Motion by Alderman Mahkorn, seconded by Alderman Bloom, to adopt the Ordinance amending the "Recommended Land Uses" map in "The Neighborhood Vision" of the Bishop's Woods Neighborhood Plan. A roll call vote was taken and carried Ayes 10, No's 4 with Aldermen Blackburn, Mellone, Reddin and Seals voting no. **Ordinance No. 2814-22\***

#3. Motion by Alderman Mahkorn, seconded by Alderman Hallquist, to adopt the Ordinance rezoning two lots, property tax keys BRC 1107-999-004 and BRC 1107-999-003, located at the southeast corner of Bishops Lane and Bishops Way to "PDD" Planned Development District General Plan – Mixed Use No. 32 (Flats at Bishops Woods).

Motion by Alderman Wilson, seconded by Alderman Mellone, to amend the height regulation, on p. 3, to 50 feet maximum. The vote on the amendment carried Ayes 12, No's 2 with Aldermen Christianson and Hallquist voting no. A roll call vote was taken on the main motion as amended carried Ayes 8, No's 6 with Aldermen Anderson, Blackburn, Bloom, Carnell, Mellone and Reddin voting no. **Ordinance No. 2815-22\***

#4. Motion by Alderman Mahkorn, seconded by Alderman Bloom, to approve the Resolution approving the preliminary concept map for property located at 250 and 350 Bishops Way, property tax keys BRC 1107-999-004 and BRC 1107-999-003 (Flats at Bishops Woods). A roll call vote was taken and carried Ayes 8, No's 6 with Aldermen Anderson, Blackburn, Carnell, Mellone, Reddin and Seals voting no. **Resolution No. 10515-22\***

#14. Motion by Alderman Mahkorn, seconded by Alderman Bloom, to deny the Legislative Referral of the Ordinance regarding Surveillance Device Locations. (*Recommended denial 5-0 at the Legislative & Licensing Committee.*) A roll call vote was taken and carried Ayes 9, No's 5 with Aldermen Blackburn, Hallquist, Reddin, Wilson and Seals voting no.

#17. Motion by Alderman Owen, seconded by Alderman Hallquist, to approve the Resolution rejecting bids for the Gebhardt Road Bridge Replacement Project #SW-22-02. A roll call vote was taken and carried unanimously. **Resolution No. 10525-22\***

#22. Motion by Alderman Hallquist, seconded by Alderman Mahkorn, to approve the Resolution re-appointing John Kersey to the Community Development Authority for a 4-year term and re-appointing Mark Tushaus to the Parks & Recreation Commission for a 5-year term.

Motion by Alderman Hallquist, seconded by Alderman Mahkorn, to amend the resolution to remove the second paragraph with reference to Monica Riederer as she has a separate resolution appointing her. The motion to amend carried unanimously. The main motion as amended carried unanimously. **Resolution No. 10530-22\***

#### Ethics Board

24. Motion by Alderman Mahkorn, seconded by Alderman Blackburn, approving the Resolution on the Findings of Fact, Conclusion of Law, and Recommendation to Common Council of the Ethics Board concerning the Second Amended Complaint against Alderwoman Jenna Meza dated April 11, 2022. Motion carried unanimously. *Alderman Meza recused herself.* **Resolution No. 10531-22\***

#### Finance Commission

25. Motion by Alderman Christianson, seconded by Alderman Reddin, adopting the Ordinance appropriating the necessary funds and adopting the budgets for the operation of the government and administration of the City of Brookfield for the year 2023. Motion carried unanimously. **Ordinance No. 2817-22\***
26. Motion by Alderman Christianson, seconded by Alderman Reddin, adopting the Ordinance levying property taxes for the General, Non-Major Special Revenue/Capital Projects and Debt Service Funds of the City of Brookfield for the year 2022 (2023 budgets). Motion carried unanimously. **Ordinance No. 2818-22\***
27. Motion by Alderman Christianson, seconded by Alderman Bloom, adopting the Ordinance approving the authorized positions for departments of the City of Brookfield for the year 2023. Motion carried unanimously. **Ordinance No. 2819-22\***
28. Mayor's announcement of legislative referrals and requests for services: none.
29. Motion by Alderman Bloom, seconded by Alderman Hallquist, to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 10:37 pm.

RESPECTFULLY SUBMITTED

MICHELLE LUEDTKE, CITY CLERK

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