



MINUTES OF A **REGULAR COMMON COUNCIL** MEETING OF THE 33rd COMMON COUNCIL HELD AT 7:45 P.M., TUESDAY, **JANUARY 15, 2019**, IN THE COUNCIL CHAMBERS OF BROOKFIELD CITY HALL, 2000 N. CALHOUN ROAD, BROOKFIELD, WISCONSIN

Mayor Ponto called the meeting to order at 7:47 pm.

PUBLIC COMMENT: Scott Offord, 16520 LaVela Circle Upper, spoke in support of the beekeeping ordinance but disagreed with the neighbors unanimously giving permission.

ANNOUNCEMENTS: The next scheduled Common Council meeting is February 5, 2019 at 7:45 pm.

COMMON COUNCIL ROLL CALL: Deputy City Clerk Renee Tadych called the roll and noted the following members in attendance.

14 ALDERMEN PRESENT: Dan Sutton, Bill Carnell, Bob Reddin, Rick Owen, Jeff McCarthy, Ron Balzer, Edward “Buck” Jurken, Mark Nelson, Gary Mahkorn, Scott Berg, Christopher Blackburn, Jerry Mellone, Brad Blumer, Renee Lowerr

ALDERMAN EXCUSED: None

STAFF PRESENT: City Attorney Jenna Merten, Deputy City Clerk Renee Tadych, Director of Community Development Dan Ertl, Director of Human Resources Jim Zwerlein, Director of Finance and Administration Robert Scott, Director of Public Works Tom Grisa, Neighborhood Planner Richard VanDerWal, Fire Chief Charlie Myers, Economic Development Coordinator Todd Willis

PLEDGE: Boy Scout Troop 119 from St. Dominic’s School and Boy Scout Troop 23 from Swanson Elementary School led the Council in the Pledge of Allegiance. Boy Scout Troop 56 from Dixon Elementary School was also in attendance.

PUBLIC HEARING: (7:53 pm – 8:29 pm) Mayor Ponto read the request of the City of Brookfield to: (1) amend the *2035 Comprehensive Plan* through adoption of the Bishop’s Woods Neighborhood Plan; (2) amend Title 17 of the Municipal Code by creating a chapter entitled Office and Limited Residential/Commercial/Light Industrial District (“O&L R/CLI”) in Exhibit C; (3) amend the land use designation in Map 1 of the *2035 Comprehensive Plan* for the properties depicted in Exhibit A from Employment Focused-Lower Density to Mixed Use-Higher Density; and (4) rezone properties depicted in Exhibit B from Office and Limited Industry (O&LI) and Planned Development District #5 – Commercial (PDD #5 – Commercial) to Office and Limited Residential/Commercial/Light Industrial (O&LR/C/LI). (*Separate minutes were taken.*)

Alderman Nelson moved to adjourn the hearing. Seconded by Alderman Reddin and carried unanimously.

ACTIONS OF THE COMMON COUNCIL

CONSENT AGENDA:

Alderman Lowerr requested Item #12 be removed from the consent agenda. Alderman Berg requested Items #5 and #13 be removed from the consent agenda.

Motion by Alderman Nelson, seconded by Alderman McCarthy to approve all items on the consent agenda except for Items #5, #12, and #13 which were removed. Motion carried unanimously.

- 1) Minutes of the Regular Common Council meeting of December 18, 2018.

As recommended by the Finance Committee

2) Vouchers exceeding \$50,000 requiring immediate action.	
United Liquid Waste Recycling Inc.	
Digester Cleaning	\$ 76,300.00
Kahler Slater	
Conference Center Architectural and Interior Design	204,146.10
Wood Sewer & Excavating Inc.	
2018 Water Main Relay Project	259,200.44
Seven Brothers Painting Inc.	
Burleigh Water Tower Painting	456,600.00
JH Findorff & Son	
Conference Center Bid Package #1 – Pay #2	788,708.36
Conference Center Bid Package #1 – Pay #3	425,418.98
TOTAL VOUCHERS	<u>\$ 2,210,373.88</u>

- 3) Resolution approving 2019 budget amendment requested by the Water Utility Superintendent: appropriate \$18,000 to account 50198009-601000-W1912, for purposes of allocating funds for the Carriage Hills auxiliary well pump replacement project. **Resolution No. 9531-19***

- 4) Resolution approving 2018 budget amendment requested by the Director of Finance: transfer \$300,000 from the contingency appropriation 07001700-590000 to Transfers to Other Funds account 07001700-590000 to Transfers to Other Funds account 07001701-591000, for purposes of funding a transfer to the Capital Improvement Fund to fund 2019 budgeted capital projects. **Resolution No. 9532-19***

- 5) ~~Removed from the Consent Agenda - Resolution awarding the contract for the update to the City 2035 Comprehensive Plan for \$91,500 to Vandewalle & Associates.~~

- 6) Request of the Wastewater Utility for approval of purchase of liquid aluminum sulfate from Alexander Chemical Company for up to a total of \$80,000.
- 7) Request of the Water Utility for approval of 2019 purchases:
 - a. Water meters (Badger Meter) - \$350,000
 - b. Accu Tab chlorine tablets (Energenecs) - \$95,000
 - c. Aqua Mag solution (Martelle Water Treatment) - \$75,000
- 8) Request of the Director of Finance for approval of 2019 fuel purchases from E.H. Wolf and Sons, Inc.
- 9) Denial of claim of Mary Vivian, 2415 Eastwood Ln., Brookfield, WI.

As recommended by the Legislative & Licensing Committee

- 10) Resolution affirming the Legislative and Licensing Committee recommendation re: applicants for Original Operator's (Bartender) licenses: Donald M. Castine; Heather M. Cullen; Elizabeth A. Guerino, Pasarit A. Meekhunsut; Alan J. Simon; Chad R. Williams. **Resolution No. 9534-19***
- 11) Resolution affirming the Legislative and Licensing Committee recommendation re: Change of Agent at Portillo's Hot Dogs LLC, 17685 W. Bluemound Rd.; Erik Scott Petersen – Agent. **Resolution No. 9535-19***
- 12) ~~Removed from the Consent Agenda - Ordinance creating Subsection 15.04.350 to allow Honey Beekeeping.~~
- 13) ~~Removed from the Consent Agenda - Ordinance creating Section 2.08.080 Administrative Appeals Board.~~
- 14) Ordinance repealing and creating Section 9.34 of the Municipal Code relating to the Sex Offender Residency Restrictions. **Ordinance No. 9540-19***

As recommended by the Board of Public Works

- 15) Resolution approving release of existing public storm sewer and drainage easement with all rights released located at 3755 N. Brookfield Road. **Resolution No. 9536-19***

As recommended by the Water & Sewer Board

- 16) Resolution approving the agreement with Donohue & Associates for design of improvements to the Fox River Water Pollution Control Center for low level phosphorous removal. **Resolution No. 9537-19***

Council As A Whole

- 17) Resolution commending Mike Terry for over 38 years of service upon his retirement. **Resolution No. 9530-19***
- 18) Mayor's Reappointments:
 - a. Board of Review – Judy Wisla, alternative, 1 year term expiring February 1, 2020.
- 19) Consideration to change the Common Council meeting start time back to 7:45 p.m., from 7:00 p.m., on February 19th as there is no need for a Primary Election in Brookfield.

~ END OF CONSENT AGENDA ~

NON-CONSENT AGENDA:

- 20) Items removed from the consent agenda:

- 5) Moved by Alderman Berg, seconded by Alderman Reddin, to approve the Resolution awarding the contract for the update to the City 2035 *Comprehensive Plan* for \$91,500 to

Vandewalle & Associates. (*Finance Committee voted 6-1 with Ald. Mellone voting no.*) An electronic vote was taken and carried Ayes 12, No's 2 with Aldermen Blackburn and Mellone voting no. **Resolution No. 9533-19***

12) Moved by Alderman Mahkorn, seconded by Alderman Jurken, to adopt the Ordinance creating Subsection 15.04.350 to allow Honey Beekeeping. An electronic vote was taken and carried Ayes 13, No's 1 with Alderman Lowerr voting no. **Ordinance No.2538-19***

13) Moved by Alderman Mahkorn, seconded by Alderman McCarthy, to adopt the Ordinance creating Section 2.08.080 Administrative Appeals Board.

Motion by Alderman Berg, seconded by Alderman Blackburn, to amend 2.08.080 F. (3) to add, "...the Mayor may appoint an Alderman and one citizen upon the Board's creation "*subject to confirmation by the Common Council*". The amendment carried unanimously.

The main motion as amended carried unanimously. **Ordinance No. 9539-18***

Plan Commission

21) Motion by Alderman Mahkorn, seconded by Alderman Owen, to approve the actions and recommendations of the Plan Review Board of December 20, 2018. Motion carried unanimously.

- a. Request of Tom Knopp, owner, 20995 Bradford Ln., for approval of a landsplit permitting division of 21730 W. North Avenue into two single-family residential lots. One new lot will be created.
- b. Request of Midwest Orthopedic Sports Complex, 19485 W. Lisbon Rd., for a monument sign.
- c. Request of Northfield Shopping Center, 12605-12669 W. North Ave., for a master sign program revision.

22) Motion by Alderman Mahkorn, seconded by Alderman Owen, to approve the request of Brookfield Care Group LLC, 5101 NE 82nd Ave., Suite 200, Vancouver, WA 98662, owner (aka JEA Senior Living), Rachel Rudiger, Land Use and Design Manager, for approval of a minor revision to plan and method of operation extending the project completion deadline for an approximate 34,492 sq. ft. one-story memory care facility at 4065 N. Calhoun Road. Motion carried unanimously.

23) Motion by Alderman Mahkorn, seconded by Alderman Owen, to approve the request of Herzing University, Brookfield Campus, 555 S. Executive Dr., Brookfield WI 53005, and CBL & Associates Properties Inc., Chattanooga, TN, c/o Jarvis Racine, Campus President, for approval of a conditional use public hearing to remodel and utilize an approximate 23,000 sq. ft. building located at 15895 W. Bluemound Road for an accredited university. Motion carried unanimously.

ADJOURNMENT:

Motion by Alderman Sutton, seconded by Alderman Reddin, to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 9:21 pm.

* May be viewed in the City Clerk's Office.
Minutes respectfully submitted by Kelly Michaels, City Clerk