



MINUTES OF A **REGULAR COMMON COUNCIL** MEETING OF THE 33<sup>rd</sup> COMMON COUNCIL HELD AT **7:00 P.M.**, TUESDAY, **APRIL 17, 2018**, IN THE COUNCIL CHAMBERS OF BROOKFIELD CITY HALL, 2000 N. CALHOUN ROAD, BROOKFIELD, WISCONSIN

Mayor Ponto called the meeting to order at 7:00 pm.

**CEREMONIAL SWEARING-IN:** Introduction and swearing-in of re-elected Mayor Steven V. Ponto, Aldermen Bill Carnell, Bob Reddin, Jeff McCarthy, Mark Nelson, Gary Mahkorn, Jerry Mellone and newly elected Alderman Brad Blumer by Municipal Judge Jeff Warchol.

Mayor Ponto gave the following statement: “When I first ran for Alderman in 1998, which is now 20 years ago, I often said to people, if government is to work anywhere, it should work in Brookfield. Brookfield to me has always been and is now, a special place, a premier city, blessed with a very talented and fair minded population. We have so many advantages. It is a privilege for me and for each of the Aldermen to represent this community as its elected representatives. We will do our best to be worthy of the trust that has been placed in us. The professional resident survey which was conducted last year by Cobalt Community Research shows that our residents have a very favorable view of the city government. Satisfaction with the city government was higher even than satisfaction with the community as a whole. Particularly noteworthy was that satisfaction with the city government was 30 percentage points ahead of satisfaction with the state government. I must note also that, with this spring election, it has now been 12 years since an incumbent Brookfield Alderman was defeated in a bid for re-election. This suggests to me that most residents approve of the direction of our city government. With this swearing-in ceremony, we now have the 33<sup>rd</sup> Common Council and I continue to be the 5<sup>th</sup> Mayor in the history of the City of Brookfield. I call upon all of us elected officials to unite in our service to Brookfield. That doesn’t mean that we will always agree on everything; but if we disagree, it must be with mutual respect and tolerance. Fundamentally, we must always strive to be worthy of the community that we represent. We will seek to cooperate with other governmental entities to provide even better services to our residents at a lower cost. We will work with others to promote Waukesha County, the Milwaukee Metropolitan Area and the State of Wisconsin. We will at the same time vigorously represent the interests of this City to other local governments, to Waukesha County and to the State government. For me, I thank the citizens of Brookfield for again giving me the opportunity to serve as your Mayor. This is truly what I most want to do at this point in my life. As I said when I was first elected Mayor in 2010, I will do the very best I can. I will not let you down. Thank you.”

A moment of silence was held to honor former First Lady Barbara Bush who passed away this evening.

**PUBLIC COMMENT:** Laurel Mellone, 16980 Ruby Lane, Brookfield WI congratulated all elected alderman sworn into office this evening and wished Alderman Jerry Mellone a Happy Birthday.

**ANNOUNCEMENTS:** The next regularly scheduled Common Council meeting is May 1<sup>st</sup> at **7:00** pm

**COMMON COUNCIL ROLL CALL:** City Clerk Kelly Michaels 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, Gary Mahkorn, Scott Berg, Christopher Blackburn, Jerry Mellone, Renee Lowerr, Brad Blumer

ALDERMAN EXCUSED: none

STAFF PRESENT: City Attorney Karen Flaherty, Director of Finance Robert Scott, City Clerk Kelly Michaels, Director of Community Development Dan Ertl, Director of Public Works Tom Grisa, Director of Human Resources Jim Zwerlein

**PLEDGE:** Alderman Ron Balzer led the Council in the Pledge of Allegiance.

### **ACTIONS OF THE COMMON COUNCIL**

Motion by Alderman Balzer, second by Alderman Jurken to nominate Alderman Mark Nelson for Council President. Motion by Alderman Mahkorn, second by Alderman Jurken to close nominations for the office of Council President. Motion Alderman Berg, seconded by Alderman Mahkorn to cast the vote by unanimous acclamation for Alderman Mark Nelson. Motion carried unanimously. Alderman Mark Nelson was elected Council President.

### **CONSENT AGENDA:**

Items 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.

2) Minutes of the Regular Common Council meeting of April 3, 2018.

#### *As recommended by the Plan Commission*

3) Plan Review Board actions and recommendations of March 22, 2018:

- a. Hydro-Flo Products Inc., 2655 N. 124<sup>th</sup> St., for approval of a minor revision to plan and method of operation permitting site and façade alterations.
- b. Robert and Judith Neary for approval of a gazebo at 4275 N. 133<sup>rd</sup> St.
- c. Jilly's Car Wash, 14100 W. Capitol Dr., for a new monument sign.
- d. Jilly's Car Wash, 14100 W. Capitol Dr., for a wall sign.
- e. PJR Properties/Ruby Isle Shopping Center, for approval of a revised master sign program at 2205 N. Calhoun Rd.
- f. OneSource Wellness & Chiropractic for approval of a revised monument sign at 13730 W. Greenfield Avenue.

4) Request of Life Time Fitness (LTF Real Estate Co.), Ben Alberts, Development Manager, 2902 Corporate Place, Chanhassen, MN, amending PDD Ordinance #2393-14 and #2423-15 to create Lot 4 Southwest, refine permitted uses permitted for Lot 4 Southwest, establish parking offsets for Lot 4 Southwest, permit the installation of certain fences and outdoor recreation areas on Lot 4 Southwest and vary parking supply and sign standards for Lot 4 Southwest of "The Corridor", a mixed use development on lands south of Bluemound Road, north of Interstate 94 along Calhoun Road. Request also includes General and Specific Planned Development District approval to construct an approximate 125,000 sq. ft. fitness center would be built on Lot 4 Southwest.

5) Ordinance amending Planned Development District (PDD) #20, Ordinance #2393-14 and 2423-15 to facilitate the construction of a fitness center at The Corridor, a mixed use development on lands located

south of Bluemound Road, north of Interstate 94 along Calhoun Road (Life Time Fitness). **Ordinance No. 2503-18\***

6) Request of Deer Creek LLC, c/o Tom O'Meara, Irgens, 648 N. Plankinton Ave., Milwaukee, of a preliminary survey and Certified Survey Map dividing a parcel located south of Golf Parkway into three lots and establishing a permanent reciprocal parking easement between two lots. The Corridor is located north of Interstate 94, south of Bluemound Road, west of Calhoun Road.

7) Amendment to Chapter 14.04.340 to allow additional height on special needs fences and expand the allowable construction material.

8) Ordinance amending Section 15.04.340(B)(11) of the Fence Code regarding Special Needs Residents. **Ordinance No. 2504-18\***

9) Schedule a public hearing in order to amend the 2035 *Comprehensive Plan* through adoption of a Bishop's Woods Neighborhood Plan; amend Title 17 of the Municipal Code in the creation of a new Bishop's Woods Neighborhood mixed-use zoning district ordinance; and amend the zoning of affected properties (properties defined by Tax Key Number BRC 1107-999001 to BRC 1107999003, BRC 1107999007 to BRC 1107999011, BRC 1150994001, BRC 1150994003, BRC 1150994006, and BRC 1150994018) in the City Zoning Map in accordance with the adopted plan.

*As recommended by the Human Resources and Public Safety Committee*

10) Ordinance amending Section 2.24.010 of the Municipal Code relating to the removal of certain officials. **Ordinance No. 2505-18\***

*As recommended by the Board of Public Works*

11) Resolution accepting the 2017 Highway Statistics Annual Report. **Resolution No. 9408-18\***

12) Resolution awarding the contract for the 2018 Road Resurfacing Project #R-18-0 to Stark Pavement Corporation for \$1,671,060. **Resolution No. 9409-18\***

13) Resolution approving the WE Energies electrical service easement across the Pleasant Street Public Parking lot to serve 18760 Pleasant Street. **Resolution No. 9410-18\***

*As recommended by the Water & Sewer Board*

14) Resolution awarding the 2018 Cherokee Hills Area Water Main Extension Project #W-18-02 to American Sewer Services Inc. for \$1,188,197. **Resolution No. 9411-18\***

15) Final Resolution authorizing the installation of water main and levying of special assessments against: Cherokee Hills Area Water Main Extension Project #W-18-02. **Final Resolution No. 9412-18\***

16) Resolution awarding the 2018 Televiser Sanitary Sewer and Laterals Project #SA-18-01 to Northern Pipe Inc. for \$246,400.00. **Resolution No. 9413-18\***

17) Resolution approving the agreement with United Liquid Waste Recycling Inc. to clean digester 3 at

the Fox River Water Pollution Control Center. **Resolution No. 9414-18\***

18) Resolution approving the agreement with Midwest General and Mechanical Contractors to remove vivianite and paint digester 3 at the Fox River Water Pollution Control Center. **Resolution No. 9415-18\***

19) Resolution awarding the contract for the Burleigh Water Tower Tank Painting Project #W-18-12 to Seven Brothers Painting Inc. for \$458,200. **Resolution No. 9416-18\***

19a) Mayor's Reappointments to the Board of Review:

- a. Dale Casper – reappoint to a 3 year term expiring February 1, 2021
- b. Tom Koch – reappoint to a 3 year term expiring February 1, 2021
- c. David Schneider – reappoint to a 3 year term expiring February 1, 2021

~ END OF CONSENT AGENDA ~

**NON-CONSENT AGENDA:**

20) Items removed from the Consent Agenda as follows: None

**Council as a Whole**

21) Motion by Alderman Nelson, seconded by Alderman Reddin to approve the Vouchers exceeding \$50,000 requiring immediate action. Motion carried unanimously.

22) Motion by Alderman Nelson, seconded by Alderman Reddin to approve the Resolution approving municipal agreement to purchase sodium chloride (road salt) with the Wisconsin Department of Transportation. Motion carried unanimously. **Resolution No. 9417-18\***

23) Motion by Alderman Nelson, seconded by Alderman Mahkorn to approve the Original Bartender's Licenses (see applicants listed in memo). Motion carried unanimously.

24) Motion by Alderman Nelson, seconded by Alderman Reddin to approve the Resolution awarding the North Avenue Bike Pathway Project #BP-16-01 to Poblocki Paving Corporation for \$272,695.00. Motion carried unanimously. **Resolution No. 9418-18\***

25) Mayor's assignment of legislative referrals and requests for services:

- a. Referral to the Board of Public Works to consider new LED lights available to solve the excessive lighting complaints at the Golf Parkway and Calhoun Road intersection to correct the problem of light contamination into neighboring residential properties and still meet safety requirements. (*Referred by Alderman Jerry Mellone*)

**ADJOURNMENT:**

Motion by Alderman Sutton, seconded by Alderman Reddin to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 7:25 pm.

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