



MINUTES OF A **REGULAR COMMON COUNCIL** MEETING OF THE 33<sup>rd</sup> COMMON COUNCIL HELD AT 7:45 P.M., TUESDAY, MAY 15, 2018, IN THE COUNCIL CHAMBERS OF BROOKFIELD CITY HALL, 2000 N. CALHOUN ROAD, BROOKFIELD, WISCONSIN

Mayor Ponto called the meeting to order at 7:58 pm.

**PUBLIC COMMENT:** Richard Hernke, 2005 N 166<sup>th</sup> St, Brookfield WI 53005 spoke against the school district's plan for new tennis courts and softball diamonds.

**ANNOUNCEMENTS:** The next regularly scheduled Common Council meeting is June 5<sup>th</sup> at 7:45 pm

**COMMON COUNCIL ROLL CALL:** City Clerk Kelly Michaels called the roll and noted the following members in attendance.

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

1 ALDERMAN EXCUSED: Rick Owen

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

**PLEDGE:** Alderman Mark Nelson led the Council in the Pledge of Allegiance.

**PRESENTATION:** Council President Nelson read the proclamation resolution commending City Attorney Karen Flaherty for 24 years of service. Mayor Ponto presented the framed resolution.

**8:08 PM PUBLIC HEARING:** Request of the Department of Community Development to establish Modified Suburban Overlay zoning in addition to the Industrial Zoning District to the Brookfield Industrial Park and the properties abutting Enterprise Avenue, Commerce Avenue, and Industry Avenue. The site consists of 25 properties.

Motion by Alderman Nelson, seconded by Alderman Reddin to close the public hearing at 8:17 pm. Motion carried unanimously.

**ACTIONS OF THE COMMON COUNCIL**

**CONSENT AGENDA:**

Items removed from the consent agenda: Alderman Berg requested Item #4 be withdrawn from the consent agenda.

Motion by Alderman Nelson, seconded by Alderman Reddin to approve all items on the consent agenda except for Items 4. Motion carried unanimously.

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

As recommended by the Finance Committee

- 2) Vouches exceeding \$50,000 requiring immediate action.
- 3) Resolution authorizing the issuance and awarding the sale of \$5,130,000 General Obligation Corporate Purpose Bonds; providing the form of the bonds; and levying a tax in connection therewith. **Resolution No. 9422-18\***
- 4) ~~Initial Resolution authorizing General Obligation Bonds in an amount not to exceed \$7,750,000; paying the costs of acquiring land and constructing and equipping a conference center including site preparation, design, capitalized interest and bond issuance costs.~~ **Removed from Consent**
- 5) Resolution approving public depositories for the City of Brookfield. **Resolution No. 9424-18\***
- 6) Resolution approving authorized broker/dealers for City of Brookfield investments. **Resolution No. 9425-18\***
- 7) Resolution authorizing the submission of a Community Development Investment (CDI) grant to the Wisconsin Economic Development Corporation (WEDC) for the Brookfield Railroad Depot project. **Resolution No. 9426-18\***

As recommended by the Legislative & Licensing Committee

- 8) Original Bartender licenses. (See applicants listed in Leg. & Lic. agenda)
- 9) Renewal Bartender licenses. (See applicants listed in Leg. & Lic. agenda)
- 10) Temporary Bartender licenses. (See applicants listed in Leg. & Lic. agenda)
- 11) Retail License Transfer – Person to Person for a Class B Beer/Liquor license: From-Devine’s Lariat, 4165 N. 124<sup>th</sup> St., Agent – Robert T. Devine (deceased) to Diane L. Townsend (daughter).
- 12) Renewal Class B Beer licenses:
  - a. Chipotle Mexican Grill #558, 15375 W. Bluemound Rd., Suite 170
  - b. Chipotle Mexican Grill #618, 3705 N. 124<sup>th</sup> St., Suite 200
- 13) Renewal Class A Beer & Liquor licenses:
  - a. Fresh Thyme Farmer’s Market, 17300 W. Bluemound Rd.
  - b. Piggly Wiggly #118, 2315 N. 124<sup>th</sup> St.
  - c. Sendik’s Fine Foods, 18985 W. Capitol Dr.
  - d. Target Store T2780, 13725 W. Bluemound Rd.
  - e. Westbrook Beverage Centre, 13430 W. Greenfield Ave.
  - f. World Market, 625 Main St.
- 14) Renewal Class B Beer & Liquor licenses:
  - a. Bluemound Bowl, 12935 W. Bluemound Rd.
  - b. Boulder Junction, 12550 W. Bluemound Rd.
  - c. Brookfield Hills Golf Course, 16075 Pinehurst Dr.

- d. Butch's Red Mill, 1005 S. Elm Grove Rd.
- e. Doubletree Milwaukee Brookfield, 18155 W. Bluemound Rd.
- f. Embassy Suites Brookfield, 1200 S. Moorland Rd.
- g. Fujiyama, 17395 W. Bluemound Rd. #D

- 15) Re-Appointment to the Ethics Board: Susan Heffron to a 3-year term expiring 11/5/2020.

*As recommended by the Board of Public Works*

- 16) Resolution approving the request by Milwaukee County Transit for a bus stop to be located on Wirth Street at N. 126<sup>th</sup> Street. **Resolution No. 9427-18\***

- 17) Resolution awarding the contract for the 2018 Curb and Gutter and Inlet Repair Project #R-18-02 to T.P. Concrete for \$75,565.00. **Resolution No. 9428-18\***

- 18) Resolution awarding the contract for the Burleigh Road Bike Path Project #BP-18-01 to Poblocki Paving Corporation for \$161,867.00. **Resolution No. 9429-18\***

*As recommended by the Water & Sewer Board*

- 19) Resolution awarding the contract for the 2018 Water Main Relay #W-18-03 to Wood Sewer and Excavating Inc. for \$671,941.00. **Resolution No. 9430-18\***

- 20) Resolution approving the engineering agreement with Donohue & Associates Inc. for design of improvements to the primary effluent splitter structure at the Fox River Water Pollution Control Center. **Resolution No. 9431-18\***

- 21) Resolution approving a change order to contract with Municipal Well and Pump for radium logging of the Bishop's Woods well. **Resolution No. 9432-18\***

- 22) Preliminary Resolution declaring intent to exercise special assessment powers under Section 66.0703, Wis. Stats.: Sanitary Sewer Lateral Lining Project #SA-18-02. **Resolution No. 9433-18\***

- 23) Resolution approving a Perpetual Water Main Easement for CADDIS Healthcare (Heartis Brookfield Partners LP) located at 16070 W. Greenfield Avenue. **Resolution No. 9434-18\***

- 24) Resolution approving the Water Main Easement with Neumann Realty Co. Inc. for 14460 W. Capitol Drive. **Resolution No. 9435-18\***

- 25) Resolution approving the Water Main Easement with 14530 LLC for 14530 W. Capitol Drive. **Resolution No. 9436-18\***

*Council as a Whole*

- 26) Resolution commending City Attorney Karen Flaherty for 24 years of service upon her retirement. **Resolution No. 9421-18\***

**NON-CONSENT AGENDA:**

27) Items removed from the Consent Agenda as follows:

4) Motion by Alderman Berg, seconded by Alderman Reddin to approve an initial resolution authorizing General Obligation Bonds in an amount not to exceed \$7,750,000: paying the costs of acquiring land and constructing and equipping a conference center including site preparation, design, capitalized interest and bond issuance costs. An electronic vote was taken and carried 10-3 with Alderman Mellone, Alderman Blackburn and Alderman Blumer casting the dissenting votes. ***Initial Resolution No. 9423-18\****

**Plan Commission**

28) Motion by Alderman Mahkorn, seconded by Alderman Nelson to approve the request for a Development Agreement between Life Time Fitness (LTF Real Estate Co.), c/o Ben Alberts, Development Manager, 2902 Corporate Place, Chanhassen, MN, and the City of Brookfield for the construction of a two-story 125,000 sq. ft. fitness center on Lot 4 Southwest of “The Corridor”, a mixed use development on lands located south of Bluemound Road, north of Interstate 94 along Calhoun Road. An electronic vote was taken and carried 13-0.

29) Motion by Alderman Mahkorn, seconded by Alderman Nelson to approve the request for an Amendment to a Development Agreement between Deer Creek Development Partners LLC and Deer Creek Corporation, c/o Tom Demuth, Irgens, Milwaukee, WI and the City of Brookfield for modifying the timing of the installation of the Greenway Corridor Trail and the installation of a finished wall on Dick’s Sporting Goods on lands located at “The Corridor”, a mixed use development on lands located south of Bluemound Road, north of Interstate 94 along Calhoun Road. An electronic vote was taken and carried 13-0.

30) Motion by Alderman Mahkorn, seconded by Alderman Nelson to approve the request of Elmbrook School District, 13780 Hope St., Brookfield, WI 53005, owner, c/o Point of Beginning Inc., 5709 Windy Dr., Suite D, Stevens Point, WI 54482, Matt Cyran, Project Manager, for approval of a conditional use allowing modifications to impervious surface area in excess of 30% in association with reorientation/reconstruction of softball fields with impervious surface increases attributable to dugouts and batting cages, relocation/reconstruction/expansion of tennis courts, accessory building and plaza. Illumination of the tennis courts and southerly softball diamond is proposed at Brookfield Central High School, 16900 Gebhardt Road. An electronic vote was taken and carried 13-0.

31) Motion by Alderman Mahkorn, seconded by Alderman Nelson, to adopt the ordinance granting a conditional use in association with athletic facility alteration/expansion and illumination at Brookfield Central High School, 16900 Gebhardt Road. An electronic vote was taken and carried 13-0. ***Ordinance No. 2506-18\****

**Legislative & Licensing Committee**

32) Motion by Alderman Mahkorn, seconded by Alderman Jurken to adopt the ordinance amending Chapter 2.08.020(6) of the Municipal Code as it pertains to the oversight duties of the Economic Development Committee to include the review and consideration of requests for industrial revenue bonds

pursuant to Wis. Stats. Motion by Alderman Sutton, seconded by Mellone to **postpone** the matter.  
Motion carried 13-0.

**Council as a Whole**

33) Motion by Alderman Nelson, seconded by Alderman Reddin to approve the resolution designating the NOW Media Group (West Now) as the City's Official newspaper for the purpose of complying with Chapter 985 of the Wis. Statutes. An electronic vote was taken and carried 13-0. ***Resolution No. 9437-18\****

34) Mayor's assignment of legislative referrals and requests for services: None

**ADJOURNMENT:**

Motion by Alderman Reddin, seconded by Alderman McCarthy to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 8:58 pm.

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