



MINUTES OF A **REGULAR COMMON COUNCIL** MEETING OF THE 33rd COMMON COUNCIL HELD AT 7:45 P.M., TUESDAY, MAY 21, 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: None

ANNOUNCEMENTS: The next scheduled Common Council meeting is June 4, 2019 at 7:45 pm.

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

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

ALDERMAN EXCUSED: Ron Balzer

STAFF PRESENT: City Attorney Jenna Merten, Deputy City Clerk Renee Tadych, Director of Community Development Dan Ertl, Director of Public Works Tom Grisa, Director of Human Resources Jim Zwerlein, Fire Chief Charlie Myers

PLEDGE: Burleigh Girl Scout Troop 8998 led the Council in the Pledge of Allegiance.

ACTIONS OF THE COMMON COUNCIL

CONSENT AGENDA:

Items be removed from the consent agenda: Alderman Mahkorn removed Items 3, 5, and 6 from the Consent Agenda.

Motion by Alderman Nelson, seconded by Alderman Reddin to approve the consent agenda except for Items 3, 5, and 6. Motion carried unanimously.

- 1) Minutes of the Regular Common Council meeting of May 7, 2019.

As recommended by the Plan Commission

- 2) Plan Review Board actions and recommendations of April 18, 2019:
 - a. Request of Heartis Brookfield Partners, 16040 W. Greenfield Ave., for a monument sign.
- 3) ~~Removed from the Consent Agenda - Request of Landmark Credit Union, 5445 S. Westridge Dr., New Berlin, WI 53151, c/o Eppstein Uhen Architects, 533 E. Chicago St., Milwaukee, WI 53202, Peter Kucha, Senior Project Manager, for approval of an “MSO” Modified Suburban Overlay, preliminary survey map, final Certified Survey Map, Development Agreement, and new plan and method of operation at 555 S. Executive Drive in association with construction of a 158,000 sq. ft. Phase One and 148,000 sq. ft. Phase Two office building.~~

- 4) Ordinance applying the “MSO” Modified Suburban Overlay zoning designation and establish dimensional standards at 555 S. Executive Drive in association with construction of a 158,000 sq. ft. phase one and 148,000 sq. ft. phase two office building for Landmark Credit Union. **Ordinance No. 2556-19***
- 5) ~~Removed from the Consent Agenda - Request of the Elmbrook School District, 13780 Hope St., WI 53005, Kristin Sobocinski, Assistant Superintendent for Business Services, for approval to discontinue a road reservation depicted upon 3525 and 3555 N. Calhoun Road and amending the Official Map to reflect the discontinuance. Also, approval of a conditional use, Development Agreement, and new plan and method of operation at 3555 N. Calhoun Road in association with construction of a 15,000 sq. ft. Central Administration Office building.~~
- 6) ~~Removed from the Consent Agenda - Ordinance granting a conditional use permitting construction of a 15,000 sq. ft. Central Administration Office Building for the Elmbrook School District at 3555 N. Calhoun Road.~~
- 7) Resolution releasing the interest of a road reservation upon 3525 and 3555 N. Calhoun Road and amending the City of Brookfield Official Map removing depiction of said reservation from said map (Bermuda Boulevard extended). **Resolution No. 9614-19***
- 8) Ordinance releasing an interest of a road reservation upon 3525 and 3555 N. Calhoun Road and amending the City of Brookfield Official Map by removing depiction of said reservation from said map (Bermuda Boulevard extended). **Ordinance No. 2558-19***
- 9) Request of Marcus Theaters Corporation and CBL & Associates Properties Inc., c/o David Baum, SHA Architects, 311 Chicago St., Milwaukee, WI 53202, for approval of a minor revision to plan and method of operation in association with the construction of an approximate 41,000 sq. ft. multiplex theater and restaurant with outdoor seating to be located at 95 N. Moorland Road, Brookfield Square Shopping Center.
- 10) Request of Bright Future of America LLC, 7 Douglas Dr., Little Falls, NJ 07424, Kuldeep Gupta, owner for approval to schedule a conditional use public hearing permitting construction of Kiddie Academy, an 11,080 sq. ft. childcare facility at 15435 W. Capitol Drive.
- 11) Amend the *2035 Comprehensive Plan* through adoption of an update to the Park and Open Space Plan – amending Chapter 5: Natural Resources and Recreation on pp. 67-71 to incorporate the updated figures, status of recommendations, and references to the Park and Open Plan summarized in Exhibit “A”; and amending Map 2 on p. 73 to incorporate the recommendations for Park and Open Space Plan elements depicted in Exhibit “B”, trail systems depicted in Exhibit “C”, and city park, open space, and conservancy sites depicted in Exhibit “D”, including any corresponding updates to the Greenway Corridor Plan.
- 12) Resolution amending the figures and text of the City of Brookfield *2035 Comprehensive Plan* through adoption of an update to the *Park and Open Space Plan of the City of Brookfield*, including updates to the Greenway Corridor Plan. **Resolution No. 9615-19***
- 13) Ordinance amending the City of Brookfield *2035 Comprehensive Plan* by adopting an update to the *Park and Open Space Plan* including updates to the Greenway Corridor Plan. **Ordinance No. 2559-19***

14) Request by Community Development Department to authorize a public hearing to amend the current Section 17.80.030 of the Zoning Code with Modified Suburban Overlay (Ord. #2508-18) related to parking setbacks for the Enterprise, Commerce and Industrial Avenue Industrial District from 25' to 15' – *Legislative Referral*.

As recommended by the Legislative & Licensing Committee

15) Resolution affirming the Legislative and Licensing Committee's recommendation re: applicants for Original Operator's (Bartender) licenses: Stephanie H. Bradley, Santiago Cruz, Kristin R. Dort, Terri L. Emerson, Jonathan Gideon, Michael R. Hogan, David Kosy, Nicole B. Krause, Candida A. Mainville, Peter C. Mol, Joseph T. Piscitello, Erin N. Pringle, Karen B. Replogle, Stacy L. Schramek, Christine K. Strike, Mareana C. Williams. **Resolution No. 9616-19***

16) Resolution affirming the Legislative and Licensing Committee's recommendation re: applicants for Temporary Operator's (Bartender) licenses: John F. Austin, Christine S. Stich, Darryl D. Stich. **Resolution No. 9617-19***

17) Resolution affirming the Legislative and Licensing Committee's recommendation re: applicants for Renewal Operator's (Bartender) licenses: Audrey J. Buschman, Matthew D. Craft, Debra L. Everett, Cory R. Fitzpatrick Armando C. Hart, Scott P. Kane, Sandra C. Knoff, Russell E. Koehn, David A. Loncaric, Barry L. Quackenbush, Tonia A. Paradies, Kathleen B. Pirkey, Lynn K. Stranberg, Cody L. Trinko. **Resolution No. 9618-19***

18) Resolution affirming the Legislative and Licensing Committee's recommendation re: DENIAL of an Original Bartender license for an applicant with a record less than 18 months – Theron Beaugard. **Resolution No. 9619-19***

19) Resolution affirming the Legislative and Licensing Committee's recommendation re: Original Bartender license for an applicant with a record between 19 months and 5 years – Antonio JT Esparza. **Resolution No. 9620-19***

20) Resolution affirming the Legislative and Licensing Committee's recommendation re: applicant for a Temporary Class B Beer and Wine license – St. Dominic Parish Dominic Days, 18255 W. Capitol Drive, July 11-14, 2019, sold/served from tent on parish grounds. **Resolution No. 9621-19***

21) Resolution affirming the Legislative and Licensing Committee's recommendation re: applicant for a Fireworks User Permit – City of Brookfield for July 4th Family Fest on July 4th at Mitchell Park. **Resolution No. 9622-19***

22) Resolution affirming the Legislative and Licensing Committee's recommendation re: applicant for an Original Class B Beer and Class C Wine license – Pho One of Brookfield LLC (new owner), d/b/a PHO One24, 3075 N. 124th St., Unit 400, Agent – Nhan N. Tran. **Resolution No. 9623-19***

23) Ordinance creating Section 5.44.040 relating to Investigation of License Applicants – *Legislative Referral*. **Ordinance No. 2560-19***

24) Resolution approving the Application Information and Criteria for Operator and Provisional

Licenses – *Legislative Referral. Resolution No. 9624-19**

As recommended by the Board of Public Works

- 25) Resolution awarding the Imperial Drive and Burlawn Parkway Storm Sewer Project Nos. SW-19-01 and SW-19-02 to Vinton Construction Company for \$332,814.25. **Resolution No. 9625-19***
- 26) Resolution awarding the contract for the 2019 Epoxy Pavement Marking Project #R-19-05 to Century Fence Company for \$59,380.00. **Resolution No. 9626-19***

As recommended by the Water & Sewer Board

- 27) Resolution awarding the Sanitary Sewer Lateral Lining Project #SA-19-03 to Musson Brothers Inc. for \$384,720.00. **Resolution No. 9627-19***
- 28) Final Resolution authorizing the installation of private sanitary sewer lateral repair and levying of special assessment: Sanitary Sewer Lateral Lining PPI Proj. #SA-19-03. **Final Resolution No. 9628-19***
- 29) Resolution awarding the contract for the 2019 Water Main Relay #W-19-02 (Lisa Lane and Chapel Road) to PTS Contractors Inc. for \$1,244,215.00. **Resolution No. 9629-19***

~ **END OF CONSENT AGENDA** ~

NON-CONSENT AGENDA:

30) Items removed from the consent agenda:

3) Moved by Alderman Mahkorn, seconded by Alderman Owen, to approve the request of Landmark Credit Union, 5445 S. Westridge Dr., New Berlin, WI 53151, c/o Eppstein Uhen Architects, 533 E. Chicago St., Milwaukee, WI 53202, Peter Kucha, Senior Project Manager, for approval of an “MSO” Modified Suburban Overlay, preliminary survey map, final Certified Survey Map, Development Agreement, and new plan and method of operation at 555 S. Executive Drive in association with construction of a 158,000 sq. ft. Phase One and 148,000 sq. ft. Phase Two office building subject to the removal of the requirement of the bikeway impact fees. Motion carried unanimously.

5) Moved by Alderman Mahkorn, seconded by Alderman Owen, to approve the request of the Elmbrook School District, 13780 Hope St., WI 53005, Kristin Sobocinski, Assistant Superintendent for Business Services, for approval to discontinue a road reservation depicted upon 3525 and 3555 N. Calhoun Road and amending the Official Map to reflect the discontinuance. Also, approval of a conditional use, Development Agreement, and new plan and method of operation at 3555 N. Calhoun Road in association with construction of a 15,000 sq. ft. Central Administration Office building subject to the removal of the requirement of the bikeway impact fees. Motion carried unanimously.

6) Moved by Alderman Mahkorn, seconded by Alderman Owen, to adopt the Ordinance granting a conditional use permitting construction of a 15,000 sq. ft. Central Administration Office Building for the Elmbrook School District at 3555 N. Calhoun Road subject to the removal of the requirement of the bikeway impact fees. A roll call vote was taken and carried unanimously. **Ordinance No. 2557-19***

Board of Public Works

31) Moved by Alderman Owen, seconded by Alderman Jurken, to approve the Resolution approving the Agreement with The Highland Group for acquisition of right-of-way and related property interests for the Calhoun Road widening project. *(Recommended by the Board of Public Works 4-1 with Ald. Blackburn voting no.)* Motion carried Ayes 12, No's 1 with Alderman Blackburn voting no. **Resolution No. 9630-19***

Council As a Whole

32) Moved by Alderman Nelson, seconded by Alderman Reddin, to approve the Resolution approving the Mayor's Appointment of John Kelliher to the position of Director of Parks, Recreation and Forestry. Motion carried unanimously. **Resolution No. 9631-19***

33) Moved by Alderman Nelson, seconded by Alderman Reddin, to approve the Resolution designating the City's official newspaper for the purpose of complying with Chapter 985 of the Wisconsin Statutes. Motion carried unanimously. **Resolution No. 9632-19***

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

JP Cullen & Sons Inc.	\$342,850.44
Bid Package 2-Conference Center, Payment #4	
TOTAL VOUCHERS	<u>\$342,850.44</u>

35) Mayor's Assignment of legislative referrals and requests for services:
a. Referred by Mayor Ponto to refer to the Legislative & Licensing Committee to facilitate the alcohol licensing at the Conference Center, the City will need to amend Subsection 5.24.060 B.1 of the Code to include a management agreement with a governmental agency.

Closed Session:

Pursuant to Section 19.85(1)(e) of the Wisconsin Statutes to consider Item 36, for the purpose of deliberating or negotiating the purchasing of public properties, investing of public funds, and conducting other specified public business where competitive and bargaining reasons require a Closed Session, and then reconvene into Open Session pursuant to Section 19.85(2) of the Wisconsin Statutes for the purpose of acting on items from Closed Session if necessary and/or continuing the remainder of the agenda.

Motion by Alderman Nelson, seconded by Alderman Reddin, to enter into Closed Session pursuant to Section 19.85(1)(e) of the Wisconsin Statutes as stated above. Motion carried unanimously by roll call vote. Closed Session start time: 8:03 p.m.

36) Consider Vacant Land Offers to Purchase located at 17550 W. Greenfield Ave., Tax Key No. 1140-233.

Present during Closed Session: Mayor Steven Ponto, 13 Aldermen, City Attorney Jenna Merten, Director of Community Development Dan Ertl, Director of Public Works Tom Grisa, Director of Human Resources

Jim Zwerlein, and Deputy City Clerk Renee Tadych.

Open Session:

Motion by Alderman Nelson, seconded by Alderman McCarthy to reconvene into Open Session pursuant to Section 19.85(2) of the Wisconsin Statutes for the purpose of acting on items from Closed Session if necessary and/or continuing the remainder of the agenda. 8:14 p.m.

Motion by Alderman Nelson, seconded by Alderman Blackburn, to direct the City Attorney to proceed as discussed in Closed Session. The motion carried unanimously.

ADJOURNMENT:

Motion by Alderman Reddin, seconded by Alderman McCarthy to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 8:15 pm.

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