



MINUTES OF A **REGULAR COMMON COUNCIL** MEETING OF THE 33<sup>rd</sup> COMMON COUNCIL HELD AT **7:45 P.M.**, TUESDAY, **JUNE 18, 2019**, IN THE COUNCIL CHAMBERS OF BROOKFIELD CITY HALL, 2000 N. CALHOUN ROAD, BROOKFIELD, WISCONSIN

Mayor Ponto called the meeting to order at 8:12 pm.

**PUBLIC COMMENT:** None

**ANNOUNCEMENTS:** Mayor Ponto announced the passing and memorial service of former City Clerk, Kristine Schmidt. The City was ranked first by the National Chamber of Commerce as the best City to live in Wisconsin, 2019. The next scheduled Common Council meeting is July 16, 2019 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 & 1 TELEPHONE APPEARANCE: Dan Sutton, Bill Carnell, Bob Reddin, Rick Owen, Jeff McCarthy, Ron Balzer, Mark Nelson (telephone), Edward “Buck” Jurken, Gary Mahkorn, Scott Berg, Christopher Blackburn, Jerry Mellone, Brad Blumer, Renee Lowerr

ALDERMAN EXCUSED: None

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

**PLEDGE:** Alderman Christopher Blackburn led the Council in the Pledge of Allegiance.

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

**CONSENT AGENDA:**

Items be removed from the consent agenda: None

Motion by Alderman Reddin, seconded by Alderman McCarthy to approve the consent agenda. Motion carried unanimously.

- 1) Minutes of the Regular Common Council meeting of June 4, 2019.

*As recommended by the Plan Commission*

- 2) Request of Poppert Preschool, 14665 Lisbon Rd., Unit 1C, Brookfield, WI 53005, Jessica Poppert, owner/operator, for approval of a conditional use and minor revision to plan and method of operation permitting occupancy of 14665 Lisbon Road by a conditional use preschool.
- 3) Ordinance granting a conditional use permitting occupancy of 14665 Lisbon Road by Poppert Preschool. **Ordinance No. 2562-19\***

- 4) Request of Tom Knopp, owner, 20995 Bradford Ln., Brookfield, WI 53045, for approval of a preliminary survey map, final certified survey map, landscape plan and subdivider agreement dividing 21730 W. North Avenue into single-family residential lots. One new lot will be created.
- 5) Request of Neumann Companies Inc., N27 W24075 Paul Ct., Suite 100, Pewaukee, WI 53072, Kevin Anderson, Development Manager, for approval of a final plat, landscape plan and subdivider agreement of Hidden Lake Estates, a 10 lot single-family subdivision located at 2760, 2770, 2780 N. Lilly Road and a vacant parcel with tax key number 1058-981-002.
- 6) Request of Windsor Estates Condominiums, 18410-18730 Estate Cir., Brookfield, WI 53045, Mike Klasen, Vice President, for approval of a minor revision to plan and method of operation permitting façade alterations at Windsor Estates Condominiums.
- 7) Request of Kelly Homes LLC, 2490 Byron Ct., Brookfield, WI 53045, Duane McAllister, Manager, for approval to schedule a conditional use public hearing permitting construction of Grace Landing of Brookfield, a three-building Community Based Residential Facility (CBRF) with eight bedrooms per building and a one-building Adult Family Home (AFH) with two bedrooms located at 16760 W. North Avenue.
- 8) Request of North Central Group, 1600 Aspen Commons, Suite 200, Middleton, WI 53562, Erik Sande, Project Manager, for approval of a wall sign (north) in association with the construction of an approximate 98,000 sq. ft. five-story hotel with outdoor seating to be located at 265 S. Moorland Road.
- 9) Request of North Central Group, 1600 Aspen Commons, Suite 200, Middleton, WI 53562, Erik Sande, Project Manager, for approval of a wall sign (south) in association with the construction of an approximate 98,000 sq. ft. five-story hotel with outdoor seating to be located at 265 S. Moorland Road.
- 10) Request of North Central Group, 1600 Aspen Commons, Suite 200, Middleton, WI 53562, Erik Sande, Project Manager, for approval of a wall sign (east) in association with the construction of an approximate 98,000 sq. ft. five-story hotel with outdoor seating to be located at 265 S. Moorland Road.
- 11) Request of North Central Group, 1600 Aspen Commons, Suite 200, Middleton, WI 53562, Erik Sande, Project Manager, for approval of a wall sign (west) in association with the construction of an approximate 98,000 sq. ft. five-story hotel with outdoor seating to be located at 265 S. Moorland Road.
- 12) Request of the City of Brookfield, c/o Peter Ogden, Kahler Slater Architects, 111 W. Wisconsin Ave., Milwaukee, WI for approval of a monument sign in association with the construction of an approximate 55,000 sq. ft. single-story conference center with outdoor seating located at 325 S. Moorland Road.
- 13) Request of the City of Brookfield, c/o Peter Ogden, Kahler Slater Architects, 111 W. Wisconsin Ave., Milwaukee, WI for approval of a wall sign (north) in association with the construction of an approximate 55,000 sq. ft. single story conference center with outdoor seating located at 325 S. Moorland Road.
- 14) Request of the City of Brookfield, c/o Peter Ogden, Kahler Slater Architects, 111 W. Wisconsin Ave., Milwaukee, WI for approval of a wall sign (south) in association with the construction of an approximate 55,000 sq. ft. single story conference center with outdoor seating located at 325 S. Moorland Road.

Road.

15) Request of the City of Brookfield, c/o Peter Ogden, Kahler Slater Architects, 111 W. Wisconsin Ave., Milwaukee, WI for approval of a wall sign (east ) in association with the construction of an approximate 55,000 sq. ft. single-story conference center with outdoor seating located at 325 S. Moorland Road.

As recommended by the Finance Committee

16) Vouchers exceeding \$50,000 requiring immediate action.

|                                               |                        |
|-----------------------------------------------|------------------------|
| Badger Meter                                  |                        |
| Water Meters – Sole Provider                  | \$ 7,144.10            |
| Water Meters – Sole Provider                  | 14,362.92              |
| Water Meters – Sole Provider                  | 23,037.44              |
| Water Meters – Sole Provider                  | <u>64,537.78</u>       |
|                                               | \$ 109,082.24          |
| JH Findorff & Son                             |                        |
| Bid Package 1 – Conference Center, Payment #8 | 318,425.77             |
| Rosenbauer Minnesota LLC                      |                        |
| Fire Service Ladder Truck                     | 412,738.00             |
| JP Cullen & Sons Inc.                         |                        |
| Bid Package 2 – Conference Center, Payment #5 | <u>573,246.34</u>      |
|                                               | <u>\$ 1,413,492.35</u> |
|                                               | TOTAL VOUCHERS         |

17) Resolution approving 2019 general fund budget amendment requested by the Fire Chief: transfer \$17,707 from contingency account 07001700-590000 to various Fire department accounts, for purposes of funding training and policy development software and alerting system maintenance expenditures.

**Resolution No. 9640-19\***

As recommended by the Legislative & Licensing Committee

18) Resolution approving the applicants for Original Operator’s (Bartender) licenses: Kaitlin J. Bero, Abigail L. Borck, Farrah S. Chapple, Skye M. Cross, Daniel A. Gordon, Marcus A. Green, Madilyn C. Gruenwald, Elizabeth M. Hofman, Ricky J. Kloth, William J. Manning, Richard P. Noll, Marlyn K. Schueler, Yon M. So, Jeanne M. Stegall, Eric J. Stern, Rebecca M. Sullivan. **Resolution No. 9641-19\***

19) Resolution approving the applicant for Temporary Operator’s (Bartender) license: Natalie C. Chaplock. **Resolution No. 9642-19\***

20) Resolution approving the applicants for Renewal Operator’s (Bartender) licenses: Thomas J. Bartz, Ruth M. Bembenek, John R. Cawley, Christine L. Dakins, Taylor A. Dinkins, Kelly J. Doucette, Monica B. Eckert, Michael W. Faber, Noreen L. Froelich, Cheyenne L. Gillis, Jay Y. Han, Douglas J. Horick, Shari B. Litscher, Kate M. Parkhurst, Peter A. Sanfillippo, Tracy L. Schiedemeyer, Kathryn C. Truttschel, Shelly M. Waldbillig, Samuel L. Weinberg, Brian J. Wysocki. **Resolution No. 9643-19\***

21) Resolution approving the applicants for Renewal Alcohol licenses for the license year July 1, 2019 to June 30, 2020: **Resolution No. 9644-19\***

- a. Class A Beer & Liquor –
  - 1. Bar Stars Bartending Service, 200 S. Executive Dr., Suite 101
  - 2. Fresh Thyme Farmers Market, 17300 W. Bluemound Rd.
  - 3. Metro Market #301, 17630 W. Bluemound Rd.
  - 4. Metro Market #853, 12735 W. Capitol Dr.
  - 5. Pick ‘N Save #373, 2205 N. Calhoun Rd.
  - 6. Pick ‘N Save #368, 17295 W. Capitol Dr.
  - 7. Pick ‘N Save #397, 15170 W. Greenfield Ave.
  - 8. Target Store T2780, 12725 W. Bluemound Rd.
  - 9. Total Wine Spirits Beer & More, 17300 W. Bluemound Rd.
  - 10. Trader Joe’s #726, 12665 W. Bluemound Rd.
- b. Class B Beer –
  - 1. Chipotle Mexican Grill #618, 3705 N. 124<sup>th</sup> St., Suite 200
  - 2. Game Show Battle Rooms, 12565 W. Feerick St., Suite B
  - 3. Metro Cigars, 13640 W. Capitol Dr.
- c. Class B Liquor –
  - 1. Water 2 Wine, 17135 W. Bluemound Rd., Suite G & H
- d. Class B Beer & Liquor –
  - 1. American Legion Post 449, 3245 N. 124<sup>th</sup> St.
  - 2. Bar Louie, 95 N. Moorland Rd.
  - 3. Belle’s Castle Inn, 13170 W. Greenfield Ave.
  - 4. Brookfield Hills Golf Course, 16075 Pinehurst Dr.
  - 5. Champps Americana, 1240 S. Moorland Rd.
  - 6. Chili’s Grill & Bar, 17915 W. Bluemound Rd.
  - 7. Cooper’s Hawk Winery & Restaurant, 15 S. Moorland Rd.
  - 8. Courtyard by Marriott, 16865 W. Bluemound Rd.
  - 9. Devine’s Lariat, 4165 N. 124<sup>th</sup> St.
  - 10. Fuddruckers, 16065 W. Bluemound Rd.
  - 11. Hooters of Brookfield, 17105 W. Bluemound Rd.
  - 12. Maxim’s Restaurant, 18025 W. Capitol Dr.
  - 13. North Star American Bistro, 19115 W. Capitol Dr.
  - 14. O’Sullivan’s Public House, 12525 W. North Ave.
  - 15. Outback Steakhouse, 1260 S. Moorland Rd.
  - 16. Parkside 23, 2300 Pilgrim Square Rd.
  - 17. Sabella’s Pub, 2850 N. Brookfield Rd.
  - 18. Sharon Lynne Wilson Center of the Arts, 19805 W. Capitol Dr.
  - 19. Sheraton Brookfield/Milwaukee, 375 N. Moorland Rd.
  - 20. Sluggo’s Sports Pub, 12760 W. Burleigh Rd.
  - 21. Uncle Julio’s, 245 N. Moorland Rd.
  - 22. Westmoor Country Club, 400 S. Moorland Rd.
- e. Reserve Class B Beer & Liquor –
  - 1. Bonefish Grill, 18355 W. Bluemound Rd.
  - 2. Carrabba’s Italian Grill, 18375 W. Bluemound Rd.
  - 3. Fleming’s Prime Steakhouse & Wine Bar, 15665 W. Bluemound Rd.
  - 4. Mitchell’s Fish Market, 275 N. Moorland Rd.
  - 5. Wasabi Sushi Lounge, 15455 W. Bluemound Rd.

22) Resolution approving the applicant for an Original Reserve Class B Beer and Liquor license:

Skylark SL LLC, d/b/a X-Golf Brookfield, 12565 W. Feerick St., Unit 2, Shawn M. DeMain – Agent.  
**Resolution No. 9645-19\***

23) Ordinance amending Subsection 5.24.060 B. of the Municipal Code regarding Restrictions on Granting Premises Licenses. **Ordinance No. 2563-19\***

As recommended by the Board of Public Works

24) Ordinance creating Chapter 12.15 regarding Excavation and Placement of Facilities in the City Right-of-Way; repealing and recreating Chapter 12.16 regarding Registration of Facilities in the City Right-of-Way; creating Chapter 12.18 in regard to Excavation in the City Right-of-Way; creating Chapter 19.19 regarding Facilities Placement in the City Right-of-Way; repealing and recreating Section 12.17.100 and Subsections 12.17.080 D-F; repealing Sections 12.17.040, 12.17.110-12.17.130 and Subsections 12.17.060 B.5, 12.17.060 D.1, 12.17.060 D.2., and 12.17.060 E; amending Chapter 12.17, Section 12.17.010, Subsections 12.17.060 B.4, 12.17.060 D., 12.17.070 D.6, 12.17.070 D.5., 12.17.070 C.3, 12.17.090 B., and 15.08.160 of the Municipal Code. **Ordinance No. 2564-19\***

25) Resolution approving the WE Energies gas service easement across the Hoffman Street Public Parking lot at 18725 Hoffman Avenue to serve the new building at 2848 N. Brookfield Road. **Resolution No. 9646-19\***

As recommended by the Water & Sewer Board

26) Resolution approving the modifications to the Option Assessment Connection Policy. **Resolution No. 9647-19\***

27) Resolution approving the modifications to the Utility Bill Adjustment Policy. **Resolution No. 9648-19\***

28) Resolution approving the 2018 Compliance Maintenance Annual Report for the wastewater collection system and the Fox River Water Pollution Control Center. **Resolution No. 9649-19\***

As recommended by the Council as a Whole

29) Resolution commending Paul Yelk for his service upon his retirement to the City of Brookfield Fire Department on July 3, 2019. **Resolution No. 9639-19\***

30) Mayor's Appointments and Reappointments:

- a. Civil Service Commission:
  1. Katherine Steffe – reappoint to a 5 year term expiring 7-1-2024
- b. Economic Development Committee:
  1. Ramkrishna Subedi – appoint for a term expiring 1-2-2022
- c. Library Board:
  1. Richard R. Brandt – reappoint to a 3 year term expiring 7-1-2022
  2. Margaret Courtright – reappoint to a 3 year term expiring 7-1-2022
- d. Police and Fire Commission:
  1. Dean R. Marquardt – appoint for a term expiring 5-1-2020

~ END OF CONSENT AGENDA ~

**NON-CONSENT AGENDA:**

- 31) Items removed from the consent agenda: n/a

**Council As a Whole**

- 32) Mayor's Assignment of legislative referrals and requests for services: None.

- 34) – Addendum Agenda

Motion by Alderman Jurken, seconded by Alderman McCarthy to consider the addendum agenda item #34 out of agenda order to take up the matter prior to item #33, the closed session, and to approve the resolution awarding the contract for the purchase of mobile data computers for the City of Brookfield. Motion carried unanimously. **Resolution No. 9650-19\***

**Closed Session:**

*Pursuant to Section 19.85(1)(e) and (g) of the Wisconsin Statutes to consider Item 33, 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, conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. Further, to not 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 or continuing the remainder of the agenda. Adjournment will take place in closed session.*

Motion by Alderman Jurken, seconded by Alderman Mahkorn to enter into Closed Session pursuant to Section 19.85(1)(e) and (g) of the Wisconsin Statutes as stated above. Motion carried unanimously by roll call vote. Closed Session start time: 8:19 p.m.

- 33) Update on possible incorporation efforts by area towns.

Present during Closed Session: Mayor Steven Ponto, 14 Aldermen of which 1 appeared by phone, City Attorney Jenna Merten, Director of Community Development Dan Ertl, Director of Public Works Tom Grisa, Director of Finance and Administration Robert Scott, Director of Human Resources Jim Zwerlein, and City Clerk Kelly Michaels.

**ADJOURNMENT:**

Motion by Alderman Sutton, seconded by Alderman McCarthy to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 8:48 pm.

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