



MINUTES OF A **REGULAR COMMON COUNCIL** MEETING OF THE 33rd COMMON COUNCIL HELD AT **7:45 P.M.**, TUESDAY, **JULY 16, 2019**, IN THE COUNCIL CHAMBERS OF BROOKFIELD CITY HALL, 2000 N. CALHOUN ROAD, BROOKFIELD, WISCONSIN

Mayor Ponto called the meeting to order at 7:57 pm.

PUBLIC COMMENT: None

ANNOUNCEMENTS: The next scheduled Common Council meeting is August 20, 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 (telephone), Jeff McCarthy, Ron Balzer, Mark Nelson, 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 Human Resources Jim Zwerlein, Director of Public Works Tom Grisa, Revenue Manager Therese Hrica, Fire Chief Charlie Myers

PLEDGE: Pack 45 from Burleigh Elementary School led the Council in the Pledge of Allegiance.

ACTIONS OF THE COMMON COUNCIL

CONSENT AGENDA:

Items be removed from the consent agenda: Alderman Berg requested Item #12 be removed from consent as it was postponed at committee and he recommended doing the same at Council. Alderman Blackburn requested Items #2 and #3 be removed from consent.

Motion by Alderman Nelson, seconded by Alderman Reddin to approve the consent agenda, except for Items #2, 3, & 12. Motion carried unanimously.

- 1) Minutes of the Regular Common Council meeting of June 18, 2019.

As recommended by the Plan Commission

2) ~~Request of Midwest Detox LLC, 6633 Lincoln Ave., Lincolnwood, IL 60712, Aber Hollander, Dev. Project Manager, c/o Husch Blackwell, 120 S. Riverside Plaza, Suite 2200, Chicago, IL 60606, Nida Shakir Ghaffar, Attorney, to approve a conditional use and minor revision to plan and method of operation at 13850 W. Capitol Drive allowing occupancy of the entire building by Midwest Detox LLC, operating two substance abuse treatment programs.~~ **Removed from Consent**

3) ~~Ordinance granting a conditional use at 13850 W. Capitol Drive allowing occupancy of the entire building by Midwest Detox LLC, operating two substance abuse treatment programs.~~ **Removed from**

Consent

- 4) Request of NFI Properties LLC, 19745 W. Gebhardt Rd., Brookfield, WI, Joseph C. Niebler Sr., President, for re-approval of the final plat for The Shire Addition No. 2, a 6 lot subdivision located on the extension of Misty Mountain Parkway.
- 5) Request of Milwaukee Tool, c/o Stephen Perry Smith Architects Inc., 215 N. Water St., Suite 250, Milwaukee, WI 53202, Matthew A. Mano, Architect, for approval of an amendment to Development Agreement extending the deadline for completion of roadway improvements in association with construction at 12930 Lisbon Road.
- 6) Request of North Shore Bank, 15700 W. Bluemound Rd., Brookfield, WI 53005, David Kane, V.P., for approval to schedule a Planned Development District rezoning public hearing for the purpose of redeveloping 15830 W. Capitol Drive with a new commercial building and site plan.
- 7) Request of the Department of Community Development for approval to amend Chapter 17.50.030 A.5 of the Code which regulates permitted uses and restrictions in the Village Area Business District related to restaurants and their outdoor seating.
- 8) Ordinance amending Section 17.50.030 A.5 regarding outdoor seating in the Village Area Business District. **Ordinance No. 2566-19***

As recommended by the Finance Committee

9) Vouchers exceeding \$50,000 requiring immediate action.		
Mared Mechanical		
Chiller Replacement in Library	\$	50,000.00
Badger Truck & Auto Group		
Ford F250 4x4 with V-Plow – WPCC		36,279.00
Ford F350 Replacement Vehicle – Fleet		<u>54,153.00</u>
		90,432.00
Building Service Inc.		
Library Carpet Replacement		32,353.00
Library Carpet Replacement		<u>97,060.00</u>
		129,413.00
Cudahy Roofing & Supply Inc.		
Re-Roofing Administration Building – WPCC		148,485.00
JH Findorff & Son		
Bid Package 1 – Conference Center Payment #9		153,263.76
V & T Painting LLC		
Sunnyslope Water Tower Tank Painting		174,182.50
Visu-Sewer Inc.		
2018 Manhole & Sanitary Sewer Rehab		191,391.08
UPI LLC		
2019 Water Main Extension		560,408.33
JP Cullen & Sons Inc		
Bid Package 2 – Conference Center		<u>1,645,688.36</u>
		<u>\$ 3,143,264.03</u>

- 10) Resolution affirming City financial policies regarding general fund balance, operating budget, and

post-issuance tax compliance. **Resolution No. 9651-19***

11) Resolution approving settlement of claim of Robert Schiesl, 17745 Royalcrest Dr., Brookfield, WI. **Resolution No. 9652-19***

12) ~~Resolution approving change order no. 1 to Brookfield Conference Center bid package 2 contract with JP Cullen.~~ **Removed from Consent**

As recommended by the Human Resources & Public Safety Committee

13) Resolution approving an intergovernmental agreement between the City of Brookfield and Elmbrook School District regarding School Resource Officers. **Resolution No. 9653-19***

As recommended by the Legislative & Licensing Committee

14) Resolution approving the applicants for Original Operator's (Bartender) licenses: Anabel Aguilera, Xin Xin Bao, Seth M. Calhoun, Amber L. Czaplewski, Julie A. Marinich, Peggy J. Pomplin, Mary C. Reiter, Joseph Sanchez, Krysal R. Scanell, Jennifer K. Serkowski, Erika L. Spahn. **Resolution No. 9654-19***

15) Resolution approving the applicants for Renewal Operator's (Bartender) licenses: David A. Allen, Noelle C. Baranowski, Karen A. Bruekner, Sarah R. Brunner, Viridiana E. Castro, Kathryn A. Collelo, Alexia D. Couto, Mark W. Dobratz, Alana R. Harding, Jason J. Heiting, Kali L. Kilishek, Chryoula Kotsakis-Wood, Michael A. Lamonte, April J. Majkowski, Ashley M. Majkowski, Debra A. McCarthy, Duane R. Nowak, Michael R. Phillips, Michelle R. Quilling, Chayna J. Regalis, Justin R. Rezek, Catherine A. Schmidt, Michele R. Szidon, Barbara K. VanHoveln, Monica E. Warren, David J. Weber. **Resolution No. 9655-19***

16) Resolution approving Renewal Operator's (Bartender) license for an applicant with a record less than 18 months: Daniel M. Oakes. **Resolution No. 9656-19***

17) Resolution approving the applicants for Renewal Alcohol licenses for the license year July 1, 2019 to June 30, 2020: **Resolution No. 9657-19***

- a. Class B Beer –
 1. Portillo's Hot Dogs, 17685 W. Bluemound Rd.
- b. Class A Beer & Liquor –
 1. Danielle's Deli, 15655 W. North Ave.
- c. Class B Beer & Liquor –
 1. Bravo Cucina Italiana, 95 N. Moorland Rd.
 2. Brookfield Indoor Soccer Complex, 19485 W. Lisbon Rd.
 3. Ground Round, 1005 S. Moorland Rd.
 4. A Bartolotta Steakhouse, 18380 W. Capitol Dr.
 5. Pistol Pete's Neighborhood Grill, 16755 W. Lisbon Rd.
 6. Red Robin, 95 N. Moorland Rd., Unit C
 7. Saloon on Calhoun with Bacon, 17000 W. Capitol Dr.
- d. Reserve Class B Beer & Liquor –
 1. Buffalo Wild Wings, 16750 W. Bluemound Rd.

- 18) Resolution approving the Renewal Class B and Liquor license for an applicant with a record within the current license year: TGI Friday's, 17430 W. Bluemound Rd. **Resolution No. 9658-19***
- 19) Resolution approving the Renewal Class B Beer and Class C Wine license for an applicant with a record within the current license year: Blaze Pizza, 17530 W. Bluemound Rd. **Resolution No. 9659-19***
- 20) Resolution approving the Class B Beer and Liquor license premise expansion for temporary use event: Brunch, 18895 W. Capitol Dr., Suite 103, "Talk of the Towne: Beer Garden", premise expansion to include adjacent east parking lot, Saturday, August 17th from 2:00-6:00 p.m. **Resolution No. 9660-19***

As recommended by the Board of Public Works

- 21) Resolution awarding the contract for the Brookfield Conference Center Bid Package 3 – Signage Project #BP-3 to Michaels Signs Inc. for \$116,295.00. **Resolution No. 9661-19***
- 22) Resolution awarding the contract for the 2019 Asphalt Road Surface Treatment Project #H-19-01 to Corrective Asphalt Materials LLC for \$65,250.00. **Resolution No. 9662-19***
- 23) Resolution approving the Conveyance of Rights to Waukesha County for the reconstruction of North Avenue from 124th Street to Calhoun Road. **Resolution No. 9663-19***
- 24) Resolution rejecting bids for the Brookfield Road Bike Path Project #BP-19-01. **Resolution No. 9664-19***

As recommended by the Water & Sewer Board

- 25) Resolution approving the modifications to the Digger's Hotline Policy. **Resolution No. 9665-19***
- 26) Resolution appointing an authorized representative to file applications for financial assistance from the State of Wisconsin environmental improvement fund for its Fox River Water Pollution Control Center wastewater treatment facilities. **Resolution No. 9666-19***
- 27) Resolution approving the Perpetual Municipal Utility Easement for water main at Residence Inn and Linx Club with Brookfield Hills Golf Course Inc. at 16075 Pinehurst Ct., TKN 1144-987-004. **Resolution No. 9667-19***
- 28) Resolution releasing a recorded easement and approving a Perpetual Municipal Utility Easement for Brookfield Square Sears Redevelopment Phase VIII with Brookfield Square Joint Venture located at 115 S. Moorland Road. **Resolution No. 9668-19***

As recommended by the Council as a Whole

- 29) Mayor's Appointments:
- a. Library Board:
 - 1. James Heinrich – appoint to fulfill a 3 year term expiring July 1, 2020
 - 2. Beverly Wentz – appoint to a 3 year term expiring July 1, 2022.
 - b. Plan Commission:
 - 1. Lisa K. Chang – appoint to a 3 year term expiring May 1, 2022.

~ END OF CONSENT AGENDA ~

NON-CONSENT AGENDA:

30) Items removed from the consent agenda:

2) Motion by Alderman Mahkorn, seconded by Alderman Reddin to approve a request of Midwest Detox LLC, 6633 Lincoln Ave., Lincolnwood, IL 60712, Aber Hollander, Dev. Project Manager, c/o Husch Blackwell, 120 S. Riverside Plaza, Suite 2200, Chicago, IL 60606, Nida Shakir Ghaffar, Attorney, to approve a conditional use and minor revision to plan and method of operation at 13850 W. Capitol Drive allowing occupancy of the entire building by Midwest Detox LLC, operating two substance abuse treatment programs. Motion carried 14-0 (Electronic vote 07162019a)

3) Motion by Alderman Mahkorn, seconded by Alderman Reddin to adopt an ordinance granting a conditional use at 13850 W. Capitol Drive allowing occupancy of the entire building by Midwest Detox LLC, operating two substance abuse treatment programs. Motion carried 14-0. ***Ordinance No. 2565-19****

12) Motion by Alderman Berg, seconded by Alderman Sutton to postpone the resolution approving change order no. 1 to Brookfield Conference Center bid package 2 contract with JP Cullen. Motion carried unanimously.

Board of Public Works

31) Motion by Alderman Owen, seconded by Alderman Jurken to approve the Relocation Order and Resolution of Necessity for Calhoun Road right-of-way. (*Recommended 4-1 at the Board of Public Works with Ald. Blackburn opposed.*) Motion carried 13 – 1 with Alderman Blackburn casting the dissenting vote. ***Resolution No. 9669-19****

Plan Commission

32) Motion by Alderman Mahkorn, seconded by Alderman Owen to deny the request of Dr. Thomas Tang, 17185 W. North Ave., owner, for approval to schedule a public hearing to rezone 17185 W. North Avenue with “MSO-NS” Modified Suburban Overlay – New Suburban and a portion of 17115 W. North Avenue from “B-3” Regional Business District to “B-1” Local Business District with “MSO-NS” Modified Suburban Overlay-New Suburban in association with the redevelopment of site access, parking, landscaping and building exterior of a health clinic. ***Postponed at the April 16, 2019, Common Council meeting.*** Motion carried 14-0.

33) Mayor’s Assignment of legislative referrals and requests for services:

a. Referred to the Plan Commission to consider amending Section 17.37.030 of the Zoning Code re: a minimum offset of 50 feet to a rear property line when the proposed building is to be adjacent to an existing residential property. (*Referred by Ald. McCarthy*)

ADJOURNMENT:

Motion by Alderman Reddin, seconded by Alderman McCarthy to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 8:27 pm.

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