



OFFICIAL MINUTES OF A COMMON COUNCIL MEETING

MINUTES OF A REGULAR COMMON COUNCIL MEETING OF THE 35TH COMMON COUNCIL HELD ON **JANUARY 17, 2023** AT 7:45 PM., IN THE COUNCIL CHAMBERS, 2000 N. CALHOUN ROAD, BROOKFIELD, WI

- Call to Order: Mayor Steven V. Ponto called the meeting to order at 7:50 pm.
- Public Comment: Nicole Ryf, Waukesha County Center for Growth, spoke in support of the Flats at Bishops Woods.
Claudia Kornacki, 12975 Lewis Ave., spoke against the Flats at Bishops Woods.
Suzanne Kelley, 2717 N. Grandview Blvd, Suite 300, Waukesha, spoke in support of the Flats at Bishops Woods.
Dave Marcello, 3035 N. Brookfield Rd., spoke in memory of Martin Luther King.
Richard Schoos, 3160 Old Lantern Ct., spoke against the Flats at Bishops Woods.
Mike Mooney, 18000 W. Bluemound Rd., spoke in support of the Flats at Bishops Woods.
- Announcements: The next regularly scheduled meeting of the Common Council is Tuesday, February 7, 2023, at 7:45 pm held in the Council Chambers of City Hall.
- Roll Call: Deputy City Clerk Renee Tadych called the roll and noted the following members in attendance:

13 members present: Dave Christianson, Rick Owen, Bob Reddin, Jason Anderson, Mike Hallquist, Chuck Bloom III, Gary Mahkorn, Scott Berg, Christopher Blackburn, Jerry Mellone, Kathryn Wilson, Kris Seals. (Number of members needed to meet quorum requirements: 10)

Members absent: Jenna Meza

Staff Present: City Attorney Jenna Merten, Director of Community Development Dan Ertl, Director of Public Works Tom Grisa, Director of Human Resources Jim Zwerlein, Director of Finance and Administration Robert Scott, Planning Administrator Richard Vanderwal, Deputy City Clerk Renee Tadych
- Pledge: Alderman Chuck Bloom led the Council in the Pledge of Allegiance.
- Public Hearing: 8:04 pm. Mayor Ponto read the request of Kegel Real Estate LLC (Wheel & Sprocket property) amending the zoning of 3950 Lilly Road and 13925 W. Capitol Drive, property tax keys BRC 1054-038 and 1054-035 respectively, to "PDD" Planned Development District (PDD). The rezoning is in association with the applicant's proposed redevelopment plans for a mixed-use project at the southeast corner of Lilly Road and Capitol Drive consisting of a new mixed-use building with first floor retail spaces and apartment units. The *Lilly Road and Capitol Drive Neighborhood Plan* (Neighborhood Plan) would also be amended for consistency with the City's *2050 Comprehensive Plan*

regarding the development proposal. Proposed Neighborhood Plan amendments include updating the recommended land uses map to allow for Higher Density Mixed Use with Residential above Retail/Office for the site, and description of potential redevelopment for the site.

The following people spoke during the public hearing:

John Obradovich, 14360 Hyland Dr. – opposed
Laura Crouse, 3310 Fiebrantz Dr. – opposed.
Lyle LaForge, 4225 Lilly Rd. – opposed
Jean Horner, 3585 Chesterwood Dr. – opposed
Michael VanBrunt, 4690 Camfield Dr. – opposed
Bryan Gast, 14050 Newell Dr. – opposed
Richard Schoos, 3160 Old Lantern Ct. – opposed
David Rosenberg (Bill's Power Center), 13885 W. Capitol Dr. – opposed
Michael Burkard, 3305 Fiebrantz Dr. – opposed
Rachel Schmidt, 3080 Kingsview Ln. – support
Jacob LaFontain, 4460 N. 147th St. – opposed
Joe Jorgensen, 1925 Churchview Dr. - support
Richard Voigt, 13720 Keefe Ave. – support
Charles Braley, 14110 Lindsay Dr. – opposed
Jonathan Ward, 3025 Burlawn Pkwy. – support

The following people did not want to speak during the public hearing but submitted a public comment form at the public hearing or submitted an email:

Julian Kegel, N52W21765 Virginia, Menomonee Falls – support
Nancy Obradovich, 14360 Hyland Dr. – opposed
Barb Vasko, 3840 Westwood Ct. – opposed
Ronald Vasko, 3840 Westwood Ct. – opposed
Jeff King, 3660 Lilly Rd. – opposed
Ericka King, 3660 Lilly Rd. – opposed
Teresa Popko, 1260 Fairlane Ave. – opposed
Kathleen Meyer, 4155 Clare Bridge Ln. – opposed
Bill Meyer, 4155 Clare Bridge Ln. – opposed
Craig Setzer, 3440 Lilly Rd. – opposed
Meredith Shane, 3215 Applegate Ln. – opposed
Brian Thate, 4765 N. 159th St. – opposed
Nina Sasich, 3845 Dale Dr. – support
Charles Kallinger, 4705 N. 159th St. – opposed
Margaret Ely, 3360 Fiebrantz Dr. – opposed
Katie Gerstmeier, 3130 Old Lantern Dr. – opposed
Frank Klein, 3375 Fiebrantz Dr. – opposed
Barb Feest, 3875 Westwood Ct. – opposed
Jean Bennett, 3360 Fiebrantz Dr. – opposed
Mary Cobb, 3860 Fiebrantz Dr. – opposed
Pete Cobb, 3860 Fiebrantz Dr. – opposed
Charles Meudt, 3180 Fiebrantz Dr. – opposed

Dawn Seefeldt, 3460 Lilly Rd. – opposed
 Douglas Werner, 3930 Westwood Ct. – opposed
 David Feest, 3875 Westwood Ct. – opposed
 Mary LaFontain, 3285 Old Lantern Dr. – opposed
 Thomas LaFontain, 3285 Old Lantern Dr. – opposed
 Ram Subedi, 12600 W. Capitol Dr. – support
 Courtney King Espinoza, 13760 Keefe Ave. – opposed
 Dustin J. Espinoza, 13760 Keefe Ave. – opposed
 Jean LaForge, 4225 Lilly Rd. – opposed
 Nick Zehren, 2334 N. 64th St., Wauwatosa – support
 Peggy Radder, 3315 Fiebrantz Dr. – opposed
 Richard Radder, 3315 Fiebrantz Dr. – opposed
 Robert Johnson, 14225 Newell Dr. – opposed
 Lynn Carlson, 15845 Fieldbrook Dr. – opposed
 Amanda Hyland, 3735 Crestview Cir. – opposed
 Richard Bowen, 14645 Woodland Pl. – opposed
 Carissa Kazmierski, resident of Brook Park Estates – support
 Jeffrey Metz, RE Enterprises, 1345 N. Jefferson St., Milwaukee – support
 Russell Brethauer, 4090 Stonewood Ct. – support
 Steve Ashcroft, 15105 High Knoll Ln. – support
 Mark Herr, 15355 Woodbridge Rd. – support
 Susan Hay, Chesterwood Parc Homeowner’s Assoc. – opposed
 Steve Mehnert, 14735 Woodland Pl. – opposed
 Cheryl Printz, 3910 Lone Elm Dr. – opposed
 Bryan Gast, 14050 Newell Dr. – opposed
 Kathy and Don Treis, 14335 Lindsay Dr. – opposed
 Jonathan Ward, 3025 Burlawn Pkwy. – support
 Michael Streit & Family - support

Motion by Alderman Mahkorn, seconded by Alderman Owen, to close the public hearing. 9:31 pm

Consent Agenda:

The following items were removed from the Consent Agenda: Alderman Seals requested Items #2 and #3 be removed from the Consent Agenda. Alderman Mellone requested Item #4 be removed from the agenda. Mayor Ponto asked Alderman Seals that he requested to remove Items #3 and #4 from the Consent Agenda, and not Item #2. Alderman Seals confirmed.

Motion by Alderman Mahkorn, seconded by Alderman Bloom, to approve all items on the Consent Agenda, except Items #3 and #4. The motion carried unanimously.

1. Minutes of the December 20, 2022, meeting of the Common Council.

Plan Commission

2. Ordinance amending the zoning of Noby West Capitol, 12660 W. Capitol Drive to “B-2” General Business District. **Ordinance No. 2826-23***
3. ~~Removed from the Consent Agenda - Resolution approving Certified Survey Map for property located at 250 and 350 Bishops Way, property tax keys BRC 1107-999-004 and 1107-999-003, Flats at Bishops Woods.~~

4. ~~Removed from the Consent Agenda - Resolution approving Plan Commission's recommendation for approval of the Flats at Bishop's Woods Planned Development District (PDD) Specific Plan, plan and method of operation and located for 250 and 350 Bishops Way.~~

Finance Committee

5. Vouchers exceeding \$50,000 requiring immediate action.
6. Resolution approving 2023 Vehicle/Equipment Replacement fund budget amendment requested by the Director of Finance and Administration: appropriate \$225,830 to Highway/Streets vehicle expenditure account 25011561-603000, for purposes of funding purchase of replacement Highway patrol truck equipment budgeted in 2021 and 2022 but which will not be received/completed until 2023. **Resolution No. 10563-23***
7. Resolution approving 2023 Vehicle/Equipment Replacement fund budget amendment requested by the Director of Finance and Administration: appropriate \$27,932 and \$202,600 to Fire vehicle and equipment expenditure accounts 25011562-612000 and 25011562-613000, respectively, for purposes of funding purchase of replacement Fire vehicles and equipment budgeted in 2022 but which will not be received/completed until 2023. **Resolution No. 10564-23***

Human Resources & Public Safety Committee

8. Resolution regarding the 2023-2025 labor agreement between the City of Brookfield and the Brookfield Professional Firefighters' Association (B.P.F.A.) **Resolution No. 10565-23***

Legislative & Licensing Committee

9. Resolution approving Original Bartender/Operator licenses for an applicant with violations – Patricia A. Gordon. **Resolution No. 10566-23***
10. Resolution denying an Original Bartender/Operator license for an applicant with violations – Samantha Mosley. **Resolution No. 10567-23***

Water & Sewer Board

11. Preliminary Resolution declaring intent to exercise special assessment powers under Section 66.0703, Wis. Stats., for the Sanitary Sewer Lateral Replacement Project #SA-22-04. **Preliminary Resolution No. 10568-23***
12. Preliminary Resolution declaring intent to exercise special assessment powers under Section 66.0703, Wis. Stats., for the 2023 Water Main Extension Project #W-23-01. **Preliminary Resolution No. 10569-23***

Council as a Whole

13. Resolution reappointing Michael Post to the Board of Review for a 3-year term, commencing January 1, 2023, and expiring January 1, 2026. **Resolution No. 10570-23***
14. Resolution approving International Migratory Bird Day the first Saturday in June at the Brookfield Farmer's Market. **Resolution No. 10571-23***

NON-Consent Agenda: Items Removed from Consent (if applicable):

15. Act on any items removed from the consent agenda as necessary:

#3 - Motion by Alderman Mahkorn, seconded by Alderman Bloom, to approve the Resolution approving Certified Survey Map for property located at 250 and 350 Bishops Way, property tax keys BRC 1107-999-004 and 1107-999-003, Flats at Bishops Woods. An electronic vote was taken and carried ayes 10, No's 3 with Aldermen Blackburn, Mellone and Seals voting no. **Resolution No. 10561-23***

#4 - Motion by Alderman Mahkorn, seconded by Alderman Owen, to approve the Resolution approving Plan Commission's recommendation for approval of the Flats at Bishop's Woods Planned

Development District (PDD) Specific Plan, plan and method of operation, development agreement and temporary limited easement for street yard landscaping for 250 and 350 Bishops Way. An electronic vote was taken and carried Ayes 9, No's 4 with Aldermen Blackburn, Bloom, Mellone, and Seals voting no. **Resolution No. 10562-23***

Council as a Whole

★ **Closed Session Notice:** The Common Council for the City of Brookfield may vote to go into closed session for Item #16 for the purpose to deliberate and confer with City staff on the offer(s) to purchase for 3380 North Calhoun Road. A closed session for these purposes is authorized pursuant to Wis. Stats. Section 19.85(1)(e), which authorizes a governmental body, upon motion duly made, seconded, and approved upon by the majority of the members present as required under Wis. Stat. Section 19.85(1), to meet in Closed Session to conduct other specified public business whenever competitive or bargaining reasons require a closed session. Upon conclusion of the closed session, the Common Council will reconvene in open session, pursuant to Wis. Stat. Section 19.85(2), for possible additional discussion and action concerning any matter discussed in closed session or further business on the agenda. Persons attending or potentially attending the closed session would be Common Council members, Mayor, City Attorney, Director of Public Works, Director of Administration and Finance, City Clerk staff, and/or their staff designees.

16. Consideration of offer received for sale of 3380 N. Calhoun Road, further identified by tax key BRC 1046-116.

Motion by Alderman Mahkorn, seconded by Alderman Reddin, to convene into Closed Session pursuant to Wis. Stats. Section 19.85(1)(e), regarding the possible sale of 3380 N. Calhoun Road, further identified by tax key BRC 1046-116 (Item #16). Motion carried unanimously. 10:05 pm

The Council did not reconvene into open session.

16. Mayor's announcement of legislative referrals and requests for services: none.
17. The Council adjourned in Closed Session at 10:18 pm.

RESPECTFULLY SUBMITTED

MICHELLE LUEDTKE, CITY CLERK

** May be viewed in the City Clerk's Office.*