



OFFICIAL MINUTES OF A COMMON COUNCIL MEETING

MINUTES OF A REGULAR COMMON COUNCIL MEETING OF THE 34TH COMMON COUNCIL HELD ON **MAY 18, 2021** 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 7:46 pm.

Public Comment: Kelly Becherer, 3246 Sunset Graze, Richfield WI spoke in support of Saloonfest2.
Katie Steffe, 17855 Wessex Drive, Brookfield WI spoke in support of a resolution against gerrymandering.
Curt Kroeger, 16760 W Ridgeview Drive, Brookfield WI spoke in support of Saloonfest2.
Kevin McCourt, 16150 Wildwood Ct, Brookfield WI spoke in support of non-partisan redistricting on a state wide basis.
Melody McCabe, 1015 Lynne Drive, Waukesha WI spoke in support of Saloonfest2.
Suzie Franklin, 2520 Thornapple, Brookfield spoke in support of fair redistricting maps.
Jim Wall, 2661 N Harding Blvd, Wauwatosa WI spoke in support of Saloonfest2.
Mr. Robin Engl, 19840 Avondale Drive, Brookfield WI spoke in favor of fair redistricting maps and against gerrymandering.
Mrs. Robin Engl, 19840 Avondale Drive, Brookfield WI registered her support to end gerrymandering by either party.
Rodney Hathaway, 1260 Club Circle #8, Brookfield WI spoke in support of Saloonfest2.
Daniel Medeiros, 20530 Chadwick Lane, Brookfield WI spoke in favor of local control and against gerrymandering.
Tom Hlavacek, 18855 Gebhardt Road, Brookfield WI spoke in favor of non-partisan redistricting by passing a resolution for fair maps.
Steve Hartmann, 12515 N Portland Ave, Mequon WI spoke in favor of Saloonfest2.
David Sauer, 16635 Burleigh Place, Brookfield WI spoke in favor of fair redistricting maps.
Celinda Harvey, 15795 Heather Hill Drive, Brookfield WI registered her support of fair redistricting maps.
Katie Whitecotton, 14995 Kings Ridge Ct, Brookfield WI registered her support of fair redistricting maps.
Ian Hamilton, 18840 Glen Kerry Dr., registered his support for ending the practice of gerrymandering.
Diana Ramsey, 2740 Clearwater Dr., registered her support for the elimination of gerrymandering.

Announcements: The next regularly scheduled meeting of the Common Council is Tuesday, June 1, 2021, at 7:45 pm held in the Council Chambers of City Hall (subject to change).

Roll Call: City Clerk Kelly Michaels called the roll and noted the following members in attendance:

14 members present: David Christianson, Bill Carnell, Rick Owen, Bob Reddin, Jenna Meza, Michael Jurken, Mike Hallquist, Mark Nelson, Gary Mahkorn, Scott Berg, Christopher Blackburn, Jerry Mellone, Kathryn Wilson, Brad Blumer. (Number of members needed to meet quorum requirements: 10)

Member excused: None

Staff Present: City Clerk Kelly Michaels, City Attorney Jenna Merten, Director of Public Works Tom Grisa, Community Development Director Dan Ertl, Police Chief James Adlam, Zoning and Building Administrator Larry Goudy, and Economic Development Coordinator Todd Willis.

Pledge: Alderman Bob Reddin led the Council in the Pledge of Allegiance.

Presentation: None

Public Hearing: (8:14 pm – 8:32 pm) Mayor Ponto read the request of the City of Brookfield amending Chapter 17, the Zoning Code, regarding: allowing preschools and child care centers in the Office District Chapter 17.68 and Lawn and Garden Equipment Dealers in the Local Business (B-1) District Chapter 17.52; eliminating Floor Area Ratio Maximums for Single-family Residential Districts, and Setting Floor Area Ratios for Conditional Uses in Residential Districts, Chapters 17.28, 17.32 and 17.36; adding definitions to Floor Area Ratio regulations Chapter 17.116; increasing the Floor Area Ratio in the Office and Limited Business District, 17.68; and correcting minor errors and rearranging and updating language in the Zoning Code; Title 17.

Motion by Alderman Nelson, seconded by Alderman Mahkorn to close the public hearing. Motion carried unanimously.

Consent Agenda:

The following were removed from the Consent Agenda: Alderman Reddin requested Item #7 be removed from the Consent Agenda. Alderman Hallquist requested Item #16 be removed from the Consent Agenda.

Motion by Alderman Nelson, seconded by Alderman Reddin to approve all items on the Consent Agenda except for Items #7 and #16. Motion carried unanimously.

1. Minutes of the May 4, 2021, meeting of the Common Council.

Plan Commission

2. Approval of the actions and recommendations of the April 22, 2021, Plan Review Board meeting except for Item #3b (*now #7 on Council agenda*).
 - a) Request of James Bentz for approval of a sports court at 16860 Fairview Court.
3. Request of Winter Fields LLC, 18620 Pleasant St., Brookfield, WI, Scott Simon, owner, for approval of a PDD Specific Plan and Development Agreement with corresponding temporary limited easement for landscaping in association with the Cottage Commons PDD for a pocket neighborhood consisting of up to 16 single-family detached condominium homes and continuance of an existing two family residence located at the northeast corner of 186th Street and Pleasant Street.
4. Request of Westridge Builders Inc., c/o Carl Tomich, N8 W22520-L Johnson Dr., Waukesha, WI 53186, for approval of a preliminary plat for Northern Oaks, a 47-lot single family subdivision consisting of approximately 75 gross acres located east of Lannon Road and south of Lisbon Road.
5. Request of PCI-Brookfield Gateway LLC, 200 E. Washington St., Suite 2A, Appleton, WI 54911, c/o Jonathan Rynish, Project Architect, for approval of a revised plan and method of operation in association with a building addition at 3125 Gateway Road.
6. Request of Kohl's Inc., N56 W17000 Ridgewood Dr., Menomonee Falls, WI 53051, Cindy Karthaus, Senior Manager of Planning and Design, for approval of a minor revision to plan and method of

operation permitting application of trade dress in association with exterior building modifications at 2315 N. 124th Street.

7. ~~Request of Dave Dayler, Saloon on Calhoun, and Resolution for approval of a temporary use permit to conduct Saloonfest 2 at 17000 W. Capitol Drive. (Removed from Consent)~~
8. Request for a public hearing to amend Section 17.108.050 of the Municipal Code to add provisions regarding the processes associated with reviewing expansions or extensions of existing conditional uses.
9. Request for a public hearing creating Section 17.**, “Mixed Use Business District #1 (MUBD #1)”; rezoning properties to MUBD #1; creating Section 17.** “Mixed Use Business District #2 (MUBD #2)” rezoning properties to the MUBD #2; rezoning properties to the “B-5” Gateway Business District along the Bluemound Road corridor; amending provisions in Sections ** of the Brookfield Municipal Code related to the creation of said sections including maximum Floor Area Ratio in the Office and Limited Business District; repealing Modified Suburban Overlay District, Conditional Use and Special Exception Ordinances previously granted to the properties that are rezoned to MUBD #1, MUBD #2 or B-5; and repealing Chapter 17.73 Office and Limited Residential/Commercial District #1.
10. Request of the Village Ltd, c/o Jeff Hansen, for approval of a minor revision of plan and method of operation permitting the placement of an accessory concession shed at municipal lot located at 18725 Hoffman Avenue.

Legislative & Licensing Committee

11. Resolution approving Original Bartender/Operator licenses for the listed applicants: Elizabeth E. Aures, Scott A. Hill. **Resolution No. 2021-051811***
12. Resolution approving an Original Bartender/Operator license for an applicant with a record: Kayla C. Burk. **Resolution No. 2021-051812***
13. Resolution approving an Original Bartender/Operator license for an applicant with a record: Victor de Jesus Hernandez. **Resolution No. 2021-051813***
14. Resolution approving an Original Bartender/Operator license for an applicant with a record: Nona C. Pryant. **Resolution No. 2021-051814***
15. Resolution approving a Fireworks User Permit: Brookfield East High School Graduation, 3305 Lilly Road, on Friday, June 11th, 8:30-9:00 pm. **Resolution No. 2021-051815***
16. ~~Ordinance amending the times for Open Burning and prohibiting burning on fire danger days. (Removed from consent)~~

Board of Public Works

17. Resolution awarding the 2021 Epoxy Pavement Marking Project #R-21-02 to Brickline Inc. in the amount of \$41,195.00. **Resolution No. 2021-051817***
18. Resolutions approving a Temporary Easement/Conveyance of Rights to Waukesha County for Moorland Road parcel 105 and 106. **Resolution No. 2021-051818***
19. Resolution authorizing the Director of Public Works to set temporary speed limit reduction on Calhoun Road between North avenue to Capitol Drive. **Resolution No. 2021-051819***
20. Resolution approving the Temporary Use Agreement with Musson Brothers Construction Co. related to use of city property at Gumina Road (BRC 1034-996-002) to fill with spoil material from the Calhoun Road Reconstruction Project. **Resolution No. 2021-051820***
21. Resolution approving the Construction and Land Use License Agreement with Spring Creek Church for city property located near Gumina Road and Capitol Drive (STH 190). **Resolution No. 2021-051821***
22. Resolution amending the Street Lighting Policy. **Resolution No. 2021-051822***

Water & Sewer Board

23. Resolution approving the Funding Agreement with MMSD for televising sanitary sewer laterals. **Resolution No. 2021-051823***
24. Resolution awarding the Televis Sanitary Sewers and Laterals Project #SA-21-02 to Visu-Sewer Inc. for \$154,035.00. **Resolution No. 2021-051824***
25. Resolution approving the Municipal Utility Easement and Release of a Sanitary Sewer Easement for Congregational Home located at 13900 W. Burleigh Road. **Resolution No. 2021-051825***
26. Resolution approving a Temporary Easement/Conveyance of Rights to Waukesha County for Moorland Road (parcel 103). **Resolution No. 2021-051826***
27. Resolution amending the Water Main Extension Policy. **Resolution No. 2021-051827***

NON-Consent Agenda:

28. Act on items removed from the consent agenda:

7) Motion by Alderman Mahkorn, seconded by Alderman Owen to approve the request of Dave Dayler, Saloon on Calhoun, and resolution for approval of a temporary use permit to conduct Saloonfest 2 at 17000 W. Capitol Drive.

Amendment: Motion by Alderman Reddin, seconded by Alderman Carnell to amend the Temporary Use Permit to restrict the Saloonfest 2 to a four day event, June 24-27th. Motion FAILED 6-8, with Alderman Carnell, Alderman Reddin, Alderman Hallquist, Alderman Berg, Alderman Blackburn, and Alderman Wilson casting the affirmative votes. (Roll Call Vote #1)

Amendment: Motion by Alderman Reddin, seconded by Alderman Carnell to amend the Temporary Use Permit to restrict the Saloonfest 2 event so that on the dates of June 28-29-30 there be no music outdoors for three days of the 10 day event. Motion FAILED 5-9, with Alderman Reddin, Alderman Hallquist, Alderman Berg, Alderman Blackburn, and Alderman Christianson casting the affirmative votes. (Roll Call Vote #2)

On the Main Motion: Motion carried 8-6 with Alderman Hallquist, Alderman Berg, Alderman Blackburn, Alderman Wilson, Alderman Carnell, and Alderman Reddin casting the dissenting votes. (Roll Call Vote #3) **Resolution No. 2021-051807***

16) Motion by Alderman Mahkorn, seconded by Alderman Berg to adopt an ordinance amending the times for Open Burning and prohibiting burning on fire danger days

Amendment: Motion by Alderman Hallquist, seconded by Alderman Wilson to amend the ordinance to end the burning time at 5:00 pm. Motion FAILED 2-12, with Alderman Hallquist and Alderman Wilson casting the affirmative votes. (Roll Call Vote #4)

On the Main Motion: Motion carried 12-2 with Alderman Wilson and Alderman Hallquist casting the dissenting votes. (Roll Call Vote #5) **Ordinance No. 2021-051816***

Council as a Whole

29. Motion by Alderman Nelson, seconded by Alderman Reddin to approve the resolution designating the City's Official Newspaper as "The Freeman" for the purpose of complying with Chapter 985 of the Wis. Stats. Motion carried unanimously. **Resolution No. 2021-051829***
30. Motion by Alderman Nelson, seconded by Alderman Berg to approve the vouchers exceeding \$50,000 requiring immediate action. Motion carried unanimously. **Resolution No. 2021-051830***

31. Motion by Alderman Nelson, seconded by Alderman Mahkorn to approve the resolution approving a Temporary Premise Extension for Saloon on Calhoun With Bacon, 17000 W. Calhoun Road, expiring June 30, 2021 (Covid). Motion carried unanimously. **Resolution No. 2021-051831***
32. Motion by Alderman Nelson, seconded by Alderman Mahkorn to approve the resolution approving a Temporary Use Premise Extension for Saloonfest 2 at Saloon on Calhoun with Bacon, 17000 W. Capitol Drive (Event). Motion carried unanimously. **Resolution No. 2021-051832***
33. Mayor's announcement of legislative referrals and requests for services:
 - a) Referral to the Legislative and Licensing Committee by Ald. Hallquist and Ald. Blumer regarding a proposed resolution for nonpartisan electoral map creation.
 - b) Referral to the Plan Commission by Ald. Wilson regarding a proposal to allow fences up to six feet in height in or enclosing the rear yard of homes. Suggest the fences be of wood or similar-looking material (e.g. resin or composite) with structural components facing inward.
34. Motion by Alderman Owen, seconded by Alderman Hallquist to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 10:06 pm.

RESPECTFULLY SUBMITTED

KELLY MICHAELS, MMC, WCPC

BROOKFIELD CITY CLERK

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