



MINUTES OF AN OFFICIAL MEETING:

Special Meeting: Plan Commission

Date and Time: Wednesday, June 1, 2022 at 6:30 pm

Location: City Hall Council Chambers, 2000 N. Calhoun Road, Brookfield WI 53005

Members Present: Mayor Steven Ponto (Chairman), Alderman Gary Mahkorn, Alderman Rick Owen, Alderman Mike Hallquist, and Citizen Commissioner Lisa Chang (via teleconference)

Members Excused: Citizen Commissioner Steve Petitt, Citizen Commissioner Austin Moore

Others Present: Director of Community Development Dan Ertl, Director of Public Works Tom Grisa, Fire Chief Dave Mason, Associate Planner Richard VanDerWal, City Attorney Jenna Merten

1. Roll Call

Mayor Steven Ponto noted a quorum present and called the Plan Commission to order at 6:32 pm

2. Announcements

The Next Regularly Scheduled meeting will be held on Monday, June 13, 2022 at 6:30 pm.

3. Unfinished Business

- a. **Report on appellate court decision on *Bridget Fassett v. City of Brookfield* and consideration of next steps to be taken to secure the street connection.**

Refer to audio recording of the motion to go into closed session for this item [here](#).

Motion by Alderman Gary Mahkorn, second by Alderman Mike Hallquist for the Plan Commission to go into closed session for item 3.a. for the purpose of deliberating and conferring with the City Attorney and City staff on how to respond to the appeal's court decision in Bridget Fassett v. City of Brookfield, 20-CV-317. A closed session for these purposes is authorized pursuant to Wis. Stat. Sec. 19.85(1)(g), 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. Sec. 19.85(1), to meet in closed session to confer 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. Upon conclusion of the closed session, the Plan Commission will reconvene in open session, pursuant to Wis. Stat. Sec. 19.85(2), for possible additional discussion and action concerning any matter discussed in closed session or further business on the agenda. Persons attending the closed session would be the Mayor, Plan Commission members, City Attorney, City Attorney Staff, Director of Public Works, Director of Community Development, and Associate Planner. Motion carried 5-0.

The Council Chambers were cleared of all individuals except those listed as persons attending the closed session.

Motion by Alderman Mike Hallquist, second by Alderman Gary Mahkorn to resume the meeting in open session. Motion carried 5-0

Refer to audio recording of the open session portion of this item [here](#) for the discussion.

Motion by Alderman Rick Owen, second by Alderman Gary Mahkorn to not appeal the Bridget Fassett v. City of Brookfield decision to the State Supreme Court. Motion carried 5-0

Topics Discussed

- Impact of the ordinance proposed in the other item as a means to further the goals for connectivity whenever possible, proper land development, including land divisions, of remaining open lands and its influence on the Plan Commission's recommendation to not appeal.
- Degree to which the appeal's court decision influenced the recommendation to not appeal further.

4. New Business

- a. **Consideration of the creation of Section 15.04.176 of the Brookfield Municipal Code regarding required street frontage for residential dwellings. **Requires Common Council Approval****

The City Attorney presented a draft ordinance and City staff provided comments regarding impacts of its potential implementation.

Refer to audio recording of this item [here](#) for the discussion.

Topics Discussed

- Clarification on the impact to development of single family subdivisions
- Example maps shown of remaining open lands
- Concerns regarding minimum frontage requirement
- Clarification on proposed variance procedures
- Preference to adjust language for measurement of lot frontage requirement to be at the setback in all cases to be identical with historic platting code
- Adding provision to the proposed ordinance, section C., which grants the ability for new homes, redevelopment of lots, and replacing of old homes on lots less than 120 feet in width which existed prior to the City's incorporation, or which were approved by the Common Council

Motion by Alderman Mike Hallquist, second by Alderman Rick Owen to approve recommendation of the draft ordinance contingent on adding section C. regarding homes, teardowns, and redevelopments, and that frontage is measured from the fifty foot setback in all cases. Motion carried 5-0.

6. Adjournment

Motion by Alderman Mike Hallquist, second by Citizen Member Lisa Chang to adjourn the meeting at 8:04 pm. Motion carried unanimously.

Respectfully Submitted:

Daniel F. Ertl

Director of Community Development