



## OFFICIAL MINUTES OF A COMMON COUNCIL MEETING

MINUTES OF A REGULAR COMMON COUNCIL MEETING OF THE 34<sup>TH</sup> COMMON COUNCIL HELD ON **AUGUST 18, 2020** 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 7:54 p.m.
- Public Comment: Kajal Malkan, 20555 Bartlett Dr, Brookfield WI 53045 introduced a new medical practice in Brookfield
- Announcements: The next regularly scheduled meeting of the Common Council is Tuesday, September 1, 2020, at 7:45 pm (subject to change).
- 1<sup>st</sup> District Alderman Dan Sutton announced his resignation at the end of September 2020 as an opportunity has come up for him and his family.*
- Mayor Ponto announced that the Wisconsin Dept. of Revenue finalized its statistics for municipalities' net new construction for 2019. "Net new construction" is the value of new construction less any demolition or destruction of buildings. In 2019, the City of Brookfield had \$180,000,000 of net new construction. That is an unprecedented amount. In the last 20 years, Brookfield's net new construction has varied from a low of \$26,000,000 in 2010 to a previous high of \$125,000,000 in 2015. In 2019, it was \$55,000,000 higher than that. He would like to thank everyone for making that happen including Community Development, Engineering, and all of the Aldermen. Brookfield's equalized value is \$7.7 billion which is the 3<sup>rd</sup> highest in the State of Wisconsin after Madison and Milwaukee, while Brookfield is 17<sup>th</sup> in population. The amount of net new construction in 2019 doesn't solve all of our problems, but it is very good news and comes at a good time.*
- Roll Call: City Clerk Kelly Michaels called the roll and noted the following members in attendance:
- 13 Members present and 1 appearing by telephone: Daniel Sutton, Bill Carnell, Rick Owen, Bob Reddin (telephone), 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)*
- Members excused: None*
- Staff Present: City Attorney Jenna Merten, Director of Community Development Dan Ertl, Director of Finance and Administration Robert Scott, City Clerk Kelly Michaels, Economic Development Coordinator Todd Willis, City Engineer Jeff Chase*
- Pledge: Alderman Dan Sutton led the Council in the Pledge of Allegiance.
- Public Hearing #1: (8:01 pm – 8:03 pm) Mayor Ponto read the request of Linda Budnick, 125 S. Columbia Blvd., to discontinue that portion of the Golf Parkway Public Way immediately north of and abutting 125 S. Columbia Blvd., in Section 36, T7N R20E pursuant to Wis. Stats. Sec. 66.1003.

Motion by Alderman Nelson, seconded by Alderman Owen to adjourn the public hearing. Motion carried unanimously.

Public Hearing #2: (8:03 pm – 8:09 pm) Mayor Ponto read the request of Mishkaat Investment LLC, c/o JAKnetter Architects, N16 W23217 Stone Ridge Dr., Suite 300, Waukesha, WI 53188, to discontinue a 30' wide unpaved highway/public way in Sunny Crest Subdivision bounded by 17045, 17065, 17135, and 17165 W. Capitol Drive, 3920 N. Calhoun Road, 17130 Sunny Crest Drive, 17060 Grant Court, and 3945 N. 169<sup>th</sup> Street pursuant to Wis. Stats. Section 66.1003. In addition, amending the land use and access management recommendation of the *Neighborhood Plan for the Calhoun Road & Capitol Drive Node – 2000* (Node Plan) and the corresponding land use recommendations of the *City of Brookfield 2050 Comprehensive Plan*, as well as rezoning of 17065, 17135, and 17165 W. Capitol Drive and 3920 Sunnycrest Drive and the 30' wide unpaved/public way in Sunny Crest Subdivision bounded by 17045, 17065, 17135 and 17165 W. Capitol Drive, 3920 N. Calhoun Road, 17130 Sunny Crest Drive, 17060 Grant Court, and 3945 N. 169<sup>th</sup> Street to Planned Development District – Commercial General Plan in association with remodeling/reoccupancy of 17065 W. Capitol Drive, development of 17135 and 17165 W. Capitol Drive, and redevelopment of 3920 Sunnycrest Drive. Lastly, rezoning the right-of-way portion of the portion of the discontinued 30' wide unpaved Highway/Public Way in Sunny Crest Subdivision bounded by 17045, 17065, 17135 and 17165 W. Capitol Drive, 3920 N. Calhoun Road, 17130 Sunny Crest Drive, 17060 Grant Court, and 3945 N. 169<sup>th</sup> Street that will be joined to the abutting residential lots at 17130 Sunny Crest Drive and 17060 Grant Court from B-1 to B-3.

Motion by Alderman Nelson, seconded by Alderman Owen, to adjourn the public hearing. Motion carried unanimously.

Public Hearing #3: (8:09 pm – 8:16 pm) Mayor Ponto read the request of City of Brookfield to amend the land use recommendation of the *2050 Comprehensive Plan* from Shopping/Services Focused – Lower Density to Shopping/Services Focused – Higher Density; amend Title 17 of the Municipal Code in the creation of a new 124<sup>th</sup> Street Corridor zoning district ordinance including amendments to off-street parking requirements; and amend the City Zoning Map from “O&LI” Office and Limited Industry District to the proposed 124<sup>th</sup> Street Corridor zoning district for 3313 N. 124<sup>th</sup> Street, property tax key BRC 1056-995 (MKE Muscle), in accordance with the adopted Development Plan for Brookfield’s 124<sup>th</sup> Street Corridor.

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

### Consent Agenda:

The following were removed from the Consent Agenda: Alderman Blumer asked that Item 11 be removed from the Consent Agenda. Alderman Blackburn asked that items 6-7 be removed.

Motion by Alderman Nelson, seconded by Alderman Jurken, to approve all items on the Consent Agenda except for items #6, 7 and 11. Motion carried unanimously.

1. Minutes of the July 21, 2020, meeting of the Common Council.

## Plan Commission

2. Request of Insight Life Learning Institute, 13780 Hope St., Emad AbuTabanjah, representative, to approve a conditional use permitting occupancy by a daycare and a religious use.
3. Ordinance granting a conditional use permitting occupancy of 13780 Hope Street by a daycare and a religious use by Insight Life Learning Institute. **Ordinance No. 2609-20\***
4. Request of Thomas T. Tang, D.D.S. and Associates Brookfield Family Dentistry, owner, 17185 W. North Ave., for approval to amend the land use recommendation in the *2050 City of Brookfield Comprehensive Plan* from Mixed Use – Higher Density to Shopping/Services Focused – Lower Density upon lands purchased from the City of Brookfield, rezone said lands from B-3 Regional Business to B-1 Local Business, amend MSO Ordinance #2361-14 to establish building/pavement setbacks and offsets upon said lands, approve a conditional use permitting installation of a driveway and parking in the floodplain of a water course determined by regional study on said lands and apply MSO zoning establishing building/pavement dimensional standards upon 17185 W. North Avenue and approve a preliminary survey and final Certified Survey Map merging said lands with 17185 W. North Avenue and approve a plan and method of operation depicting site access, parking lot expansion and site landscaping.
5. Ordinance amending the land use recommendation in the *2050 City of Brookfield Comprehensive Plan* from Mixed Use-Higher Density to Shopping/Services Focused-Lower Density upon lands purchased from the City of Brookfield (part of TKN BRC 1049-989), rezone said lands from B-3 Regional Business to B-1 Local Business, amend MSO Ordinance #2361-14 to establish building/pavement setbacks and offsets upon said lands, approve a conditional use permitting installation of a driveway and parking in the floodplain of a water course determined by regional study on said lands and apply MSO zoning establishing building/pavement dimensional standards upon 17185 W. North Avenue, Thomas T. Tang, DDS and Associates Brookfield Family Dentistry). **Ordinance No. 2610-20\***
6. ~~Request of Wingspan Development Group LLC, 3880 W. Wheelhouse Rd., Suite B, Milwaukee, WI 53208, Jason Macklin, Director of Development, for approval to rezone one lot, property tax key BRC 1141-998-005, from “O&LR/C #2” Office and Limited Residential/Commercial District No. 2 to Planned Development District General Plan – Residential No. 27 in association with the demolition of a mid-box retail building and redeveloping the site with a luxury apartment complex of two buildings consisting up to 231 dwelling units. (Removed from Consent)~~
7. ~~Ordinance rezoning one lot, property tax key BRC 1141-998-005, from “O&LR/C #2” Office and Limited Residential/Commercial District No. 2 to Planned Development District General Plan – Residential No. 27 in association with the demolition of a mid-box retail building and redeveloping the site with a luxury apartment complex of two buildings consisting up to 231 dwelling units (Wingspan/Tru Development). (Removed from Consent)~~

## Finance Committee

8. Vouchers exceeding \$50,000 requiring immediate action.
9. Resolution approving City financial policies regarding risk management and budget development. **Resolution No. 9915-20\***
10. Resolution approving 2020 budget amendment requested by the Director of Finance and Administration: appropriate \$61,450 to Computer Replacement Fund expenditure account 25121264-601000, for purposes of funding purchase of elections equipment. **Resolution No. 9916-20\***
11. ~~Request of City Clerk to purchase high speed ballot scanning equipment from Election Systems and Software for \$61,450. (Removed from Consent)~~

## Human Resources and Public Safety Committee

12. Resolution approving the Suburban Critical Incident Team (SCIT) Mutual Aid Agreement. **Resolution No. 9917-20\***

13. Resolution awarding the contract for dental insurance for the City of Brookfield covering the calendar year 2021 to Delta Dental Insurance Company, Inc. **Resolution No. 9918-20\***

#### Legislative & Licensing Committee

14. Resolution approving the applicants for Original Bartender/Operator Licenses: Kristin M. Homan, Camil T. Maroun, Michelle Sauer, Vickie M. Shook, Tawni M. Stone, Skylar L. Townsend. **Resolution No. 9919-20\***
15. Resolution approving the applicants for a Renewal Bartender/Operator license: Tina K. Anzivino, Jeffrey J. Clark, Tracey L. Drott, Emily J. Ender, Julia L. Pinter Sarnowski, Ashton L. Pochinski, Linda M. Wind. **Resolution No. 9920-20\***
16. Resolution approving an Original Class B Beer and Liquor license: McZars IV LLC, d/b/a Bobby's Bar, 14735 W. Lisbon Rd., Agent – Robert A. Meuler. **Resolution No. 9921-20\***
17. Resolution approving an Original Class B Beer and Liquor license: Real Hospitality Group LLC, Sheraton – Milwaukee Brookfield (new owner), 375 S. Moorland Rd.; Agent – Lisa A. Sheets. **Resolution No. 9922-20\***

#### Board of Public Works

18. Resolution awarding the contract for the 2020 Curb and Gutter and Inlet Repair Project #R-20-05 to D.C. Burbach Inc. for \$51,440.00. **Resolution No. 9923-20\***
19. Resolution accepting dedication of surface drainage system for North Hills subdivision located on North Hills Drive. **Resolution No. 9924-20\***

#### Water and Sewer Board

20. Resolution approving the 2019 Compliance Maintenance Annual Report for the City of Brookfield wastewater collection system and Fox River Water Pollution Control Center. **Resolution No. 9925-20\***
21. Resolution awarding the contract for the 2020 Sanitary Sewer Rehabilitation Project #SA-20-03 to Terra Engineering & Construction Corporation for \$336,420.75. **Resolution No. 9926-20\***
22. Resolution awarding the contract for the Calhoun Road Utility Replacements Project #W-20-03 to Mid City Corporation for \$446,190.00. **Resolution No. 9927-20\***
23. Resolution accepting the dedication of water distribution system for North Hills subdivision located on North Hills Drive. **Resolution No. 9928-20\***
24. Resolution accepting dedication of water distribution system from Village of Elm Grove for the Elm Grove Heights LLC development. **Resolution No. 9929-20\***

#### Council as a Whole

25. Mayor's Appointment to the Park & Recreation Commission: Cynthia J. Rigsby – appoint to fulfill the 5-year term of Charlene Dwyer expiring December 31, 2024.

#### **NON-Consent Agenda:**

26. Act on any items removed from the consent agenda - Items # 6, 7 and 11 as follows:
  6. Motion by Alderman Mahkorn, seconded by Alderman Owen to approve the request of Wingspan Development Group LLC, 3880 W. Wheelhouse Rd., Suite B, Milwaukee, WI 53208, Jason Macklin, Director of Development, for approval to rezone one lot, property tax key BRC 1141-998-005, from "O&LR/C #2" Office and Limited Residential/Commercial District No. 2 to Planned Development District General Plan – Residential No. 27 in association with the demolition of a mid-box retail building and redeveloping the site with a luxury apartment complex of two buildings consisting up to 231 dwelling units. Motion carried 13-1 by roll call vote with Alderman Blackburn casting the dissenting vote.

7. Motion by Alderman Mahkorn, seconded by Alderman Owen to adopt an ordinance rezoning one lot, property tax key BRC 1141-998-005, from "O&LR/C #2" Office and Limited Residential/Commercial District No. 2 to Planned Development District General Plan – Residential No. 27 in association with the demolition of a mid-box retail building and redeveloping the site with a luxury apartment complex of two buildings consisting up to 231 dwelling units (Wingspan/Tru Development). Motion carried 13-1 by roll call vote with Alderman Blackburn casting the dissenting vote. **Ordinance No. 2611-20\***
  
11. Motion by Alderman Berg, seconded by Alderman Sutton to approve the request of City Clerk to purchase high speed ballot scanning equipment from Election Systems and Software for \$61,450. Motion carried unanimously.

#### Legislative & Licensing Committee

27. Motion by Alderman Mahkorn, seconded by Alderman Carnell, to approve the resolution accepting the recommendation of the Legislative & Licensing Committee to approve an Original Bartender/Operator license for an applicant with a record: Ashley D. Christen. Motion carried unanimously. **Resolution No. 9930-20\***
28. Motion by Alderman Mahkorn, seconded by Alderman Blumer, to approving the resolution accepting the recommendation of the Legislative & Licensing Committee to **deny** an Original Bartender/Operator license for an applicant with a record: Amanda R. Kuspa. Motion carried unanimously. **Resolution No. 9931-20\***

#### Board of Public Works

29. Motion by Alderman Owen, seconded by Alderman Blackburn, to approve the resolution approving the Rubywood Drainage Easements at 335 N. 167<sup>th</sup> St., 355 N. 167<sup>th</sup> St., and 16920 Ruby Lane. (*Recommended 4-1 with Ald. Berg dissenting at the Board of Public Works*). Motion carried 13-1 by roll call vote with Alderman Berg casting the dissenting vote. **Resolution No. 9932-20\***

#### Council as a Whole

30. Mayor's assignment of legislative referrals and requests for services.
  - a. Referred to the Legislative & Licensing Committee to consider instituting an exotic animal ordinance in the City of Brookfield. (*Referred by Ald. Mark Nelson*)
31. Motion by Alderman Mahkorn, seconded by Alderman Hallquist, to adjourn the meeting. Motion carried unanimously. Meeting concluded at 9:05 pm.

RESPECTFULLY SUBMITTED  
KELLY MICHAELS, CITY CLERK

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