



OFFICIAL MINUTES OF A COMMON COUNCIL MEETING

MINUTES OF A REGULAR COMMON COUNCIL MEETING OF THE 35TH COMMON COUNCIL HELD ON **SEPTEMBER 20, 2022** 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 7:47 pm.

Public Comment: none.

Announcements: The next regularly scheduled meeting of the Common Council is Tuesday, October 4, 2022, 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:

12 members present and 1 participated by telephone: Dave Christianson, Bill Carnell, Rick Owen, Jenna Meza, Jason Anderson (participated by telephone), 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 excused: Bob Reddin

Staff Present: City Attorney Jenna Merten, Director of Public Works Tom Grisa, Director of Community Development Dan Ertl, City Clerk Michelle Luedtke, Associate Planner Richard VanDerWal, Deputy City Clerk Renee Tadych

Pledge: Alderman Seals led the Council in the Pledge of Allegiance.

Public Hearing: 7:49 pm. Mayor Ponto called the public hearing to order regarding the request of Kegel Real Estate LLC, d/b/a Wheel & Sprocket, 187 E. Becher St., Milwaukee, WI 53207, amending the zoning of 3950 Lilly Road and 13925 W. Capitol Dr., property tax keys BRC 1054038 and BRC 1054035 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 and apartment units above along Capitol Drive, and a series of two-story townhomes along the southern end of the site. The *Lilly Road and Capitol Drive Neighborhood Plan* would also be amended for consistency with the City's *2050 Comprehensive Plan* regarding the development proposal.

The following people spoke **against** or submitted a Public Comment sheet against the proposed development:

- 1) Dominic Cucinello, 3420 Lilly Rd. (declined to speak)
- 2) Craig Setzer, 3440 Lilly Rd. (declined to speak)
- 3) Dawn Seefeldt, 3460 Lilly Rd. (declined to speak)
- 4) Virginia Schultz, 13820 Keefe Ave. (declined to speak)
- 5) Ingrid Marquardt, 13760 Keefe Ave. (declined to speak)

- 6) Barbara Kass, 14055 Hyland Dr.
- 7) Susan Hay, 14205 Lindsay Dr. (declined to speak)
- 8) Jack Ryback, 3640 Lilly Rd.
- 9) David Golab, 14055 Newell Dr.
- 10) Richard Voigt, 13720 Keefe Ave.
- 11) Patricia Haukohl, 13650 Waynescott Rd.
- 12) Lawrence Kass, 14055 Hyland Dr. (declined to speak)
- 13) Richard Jensen, 4220 N. 133rd St. (declined to speak)
- 14) Anna Michele Miller, 14265 Newell Dr.
- 15) Robert and Karen Johnson, 14225 Newell Dr. (declined to speak)
- 16) Vicki Filbrandt, 3840 Lilly Rd. (declined to speak)
- 17) Katie Hofstede Gipp, 3740 Lilly Rd. (declined to speak)
- 18) David Gipp, 3740 Lilly Rd. (declined to speak)
- 19) Sharon Kinney, 4060 N. 138th St. (declined to speak)
- 20) William Rusch, 4060 N. 124th St. (declined to speak)
- 21) Jean Horner, 3585 Chesterwood Dr.
- 22) Lindamila Rusch, 4060 N. 14th St. (declined to speak)
- 23) Melissa LaJoice, 3760 Lilly Rd. (declined to speak)
- 24) Dylan Gordon, 3760 Lilly Rd.
- 25) Emry Luscelle, 3760 Lilly Rd. (declined to speak)
- 26) Chris Sniedze, 3505 Westwood Dr.
- 27) Barb Feest, 3875 Westwood Ct. (declined to speak)
- 28) John Obradovich, 14360 Hyland Dr.
- 29) David Feest, 3875 Westwood Ct. (declined to speak)
- 30) Deborah Cavaliero-Keller, 4070 N. 145th St. (declined to speak)
- 31) Kim Cavaliero-Keller, 4070 N. 145th St.
- 32) Bill Meyer, 4155 Clare Bridge Ln. (declined to speak)
- 33) Kathleen Meyer, 4155 Clare Bridge Ln. (declined to speak)
- 34) Thomas Isaacs, 3935 Lilly Rd.
- 35) Colleen Murphy Klein, 3375 Fiebrantz Dr. (declined to speak)
- 36) Imants Sniedze, 3505 Westwood Dr. (declined to speak)
- 37) Jill Arps, 13395 Burlawn Pkwy. (declined to speak)
- 38) Lisa Jurgens, 14365 Newell Dr.
- 39) Nancy Obradovich, 14360 Hyland Dr. (declined to speak)
- 40) Kim Martin, 4720 N. 161st St.
- 41) Suzanne Kallinger, 4705 N. 159th St. (declined to speak)
- 42) Mary Cobb, 3860 Fiebrantz Dr. (declined to speak)
- 43) Peter Cobb, 3860 Fiebrantz Dr. (declined to speak)
- 44) Rick Schoos, 3160 Old Lantern Ct.
- 45) Steve Johnson, 3945 Fiebrantz Dr.
- 46) Jean Bennett, 3360 Fiebrantz Dr. (declined to speak)
- 47) Margaret Ely, 3360 Fiebrantz Dr. (declined to speak)
- 48) Richard Sawall, 3925 Fiebrantz Dr. (declined to speak)
- 49) Richard Bowen, 14645 Woodland Pl. (declined to speak)
- 50) Eryn Paton, 4050 N. 145th St. (declined to speak)
- 51) Ericka King, 3660 Lilly Rd. (declined to speak)
- 52) David Paton, 4050 N. 145th St. (declined to speak)
- 53) Bryan Gast, 14050 Newell Dr.
- 54) Dan Neary, 4065 N. 143rd St.
- 55) Mary Qualler, 1185 High Meadow Cir. (declined to speak)

- 56) Sean McGinn, 3235 Old Lantern Dr. (declined to speak)
- 57) Betsy McGinn, 3235 Old Lantern Dr. (declined to speak)
- 58) Lorraine Zaborske, 4340 Meadow View E. (declined to speak)
- 59) Dave Marcello, 3035 N. Brookfield Rd. (declined to speak)
- 60) Adam Qualler, 18515 Anita Dr.

The following people spoke **in favor** or submitted Public Speaking forms in favor of the proposal.

- 1) Larry Ploetz, 16820 Willow Ridge Ln.
- 2) Michael Jurken, 3415 Sunnyview Ln.
- 3) Brandon Tschacher, 3720 Bradee Rd.
- 4) Jeff Jurgens, 14365 Newell Dr.
- 5) David Rosenberg, Bills Power Center, N25 W22588 Graywood Ct., Waukesha
- 6) Bill Rosenberg, 13885 W. Capitol Dr.

Motion by Alderman Mahkorn seconded by Alderman Berg, to adjourn the public hearing. Motion carried unanimously. 10:12 pm

Consent Agenda:

The following items were removed from the Consent Agenda: Alderman Hallquist requested Item #24 be removed from the Consent Agenda.

Motion by Alderman Mahkorn seconded by Alderman Hallquist, to approve all items on the Consent Agenda, except for Item #24. The motion carried unanimously.

- 1. Minutes of the September 6, 2022, meeting of the Common Council.

Plan Commission

- 2. Ordinance rezoning one property to Section 17.81 Light Industrial/Commercial Mixed use District No. 1 and Section 17.92 Wetland Preservation District – Shoreland Wetland (Northern Oaks). **Ordinance No. 2810-22***
- 3. Resolution approving Plan Commission’s recommendation for approval of Preliminary Concept Map, Certified Survey Map, Plan and Method of Operation and Development Agreement for 3030 Hidden Lake Drive (Hidden Lake Phase II and Regal Crest Village). **Resolution No. 10472-22***

Plan Commission and Legislative & Licensing Committee

- 4. Ordinance repealing and recreating Section 15.16.130 “Window Signs” and amend Section 15.16.170.C. and I. “Temporary Signs”. **Ordinance No. 2811-12***

Finance Committee

- 5. Vouchers exceeding \$50,000 requiring immediate action.
- 6. Resolution approving extension of service agreement with Elmbrook Humane Society, Inc. for animal control and shelter and human officer services for the calendar year 2023. **Resolution No. 10473-22***
- 7. Resolution approving public depositories for the City of Brookfield. **Resolution No. 10474-22***
- 8. Resolution approving 2022 Vehicle/Equipment Replacement Fund budget amendment requested by the Director of Finance and Administration: appropriate \$859,985 to Highway/Streets vehicle expenditure account 25011561-603000, for purposes of funding purchase of replacement Highway horizontal grinder. **Resolution No. 10475-22***
- 9. Resolution to declare official intent under reimbursement bond regulations. **Resolution No. 10476-22***

10. Resolution authorizing pre-order of vehicles/equipment to be funded via the 2023 budget: replacement Police vehicles. **Resolution No. 10477-22***

Human Resources & Public Safety Committee

11. Resolution approving the 2023 Dental Insurance Program with Delta Dental Insurance Company. **Resolution No. 10478-22***
12. Resolution establishing a Sworn Represented Employee Benefits Policy in the 2021 City of Brookfield Compendium of City-wide Employment Policies. **Resolution No. 10479-22***

Legislative & Licensing Committee

13. Resolution approving Original Bartender/Operator licenses: Philip F. Kelly, Caleb B. Koskovich, Michael A. Pergande. **Resolution No. 10480-22***
14. Resolution approving Original Bartender/Operator license for an applicant with violations: Ricky Coney. **Resolution No. 10481-22***
15. Resolution approving Original Bartender/Operator license for an applicant with violations: Kayla S. Keshan. **Resolution No. 10482-22***
16. Resolution denying a Renewal Bartender/Operator license for an applicant with violations: Alexis A. Kress. **Resolution No. 10483-22***
17. Resolution denying an Original Bartender/Operator license for an applicant with violations: Eve A. Serio. **Resolution No. 10484-22***
18. Resolution denying an Original Bartender/Operator license for an applicant with violations: Charlotte M. Woodman. **Resolution No. 10485-22***
19. Resolution approving a Change of Agent for a Class B Beer and Liquor PEDD License premise: Whirly Brookfield LLC; d/b/a Whirlyball, 185 S. Moorland Road, Agent: Nicholas B. Kozak. **Resolution No. 10486-22***
20. Resolution approving an Original Class B Beer & Liquor license for an applicant (new owner): Bluemound Road Investments LLC; d/b/a Doubletree Milwaukee Brookfield, 18155 W. Bluemound Rd.; Agent: Brittany L. Alvarez-Avila. **Resolution No. 10487-22***
21. Resolution approving Change of License Class from a Class B Beer & Liquor license to a Class B Beer and C Wine License premise: Marty's Pizza, 16680 W. Bluemound Rd., Agent: Edward H. Bautz. **Resolution No. 10488-22***
22. Resolution approving a Fireworks User Permit: Brookfield Central High School, 16900 Gebhardt Road, Event – Homecoming, Friday, October 7th at 9:30 pm. **Resolution No. 10489-22***
23. Resolution approving a Change of License period from a Class B Beer – 6 month license to a Class B Beer – 1 year license: Primetime Events, d/b/a The Tap Yard-Brookfield, 2925 N. Barker Road; Agent: Nicholas E. Marking. **Resolution No. 10490-22***

Water & Sewer Board

24. ~~Removed from the Consent Agenda - Resolution approving Addendum #3 to the Agreement with the Village of Elm Grove for providing water to another portion of Elm Grove.~~
25. Resolution approving an amendment to the Biosolids Hauling Agreement with HPC Industrial Services LLC (formerly Clean Harbors) for hauling biosolids in 2023 and 2024 from the Fox River Water Pollution Control Center. **Resolution No. 10492-22***
26. Resolution approving the agreement with Ruekert & Mielke to provide assistance with utility permitting and inspection for TDS buildout of fiber optic network. **Resolution No. 10493-22***

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

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

- #24. Motion by Alderman Blackburn, seconded by Alderman Mellone, to approve the Resolution approving Addendum #3 to the Agreement with the Village of Elm Grove for providing water to another portion of Elm Grove. Motion carried unanimously. **Resolution No. 10491-22***
28. Motion by Alderman Mahkorn, seconded by Alderman Bloom, to approve the Resolution for Execution of a Limited Access Agreement with Brookfield Lakes Acquisition Company for Entry onto Land for Pathway Extension Investigation. Motion carried unanimously. **Resolution No. 10494-22***
29. Mayor's announcement of legislative referrals and requests for services: None.
30. Motion by Alderman Bloom, seconded by Alderman Hallquist, to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 10:18 pm.

RESPECTFULLY SUBMITTED

MICHELLE LUEDTKE, CITY CLERK

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