



OFFICIAL MINUTES OF A COMMON COUNCIL MEETING

MINUTES OF A REGULAR COMMON COUNCIL MEETING OF THE 34TH COMMON COUNCIL HELD ON **OCTOBER 6, 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 7:50 pm.
- Public Comment: Mark Vance, 2315 Rockway Lane West, spoke in opposition of the burn ordinance.
- Announcements: The next regularly scheduled meeting of the Common Council is Tuesday, October 20, 2020, at 7:45 pm held in the Courtroom of the Public Safety Building (subject to change).
- Roll Call: City Clerk Kelly Michaels called the roll and noted the following members in attendance:
- 13 Members present: Vacancy, 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)*
- Members excused: None*
- Staff Present: City Clerk Kelly Michaels, City Attorney Jenna Merten, Director of Community Development Dan Ertl, and Director of Finance and Administration Robert Scott*
- Pledge: Alderman Rick Owen led the Council in the Pledge of Allegiance.
- Presentation: Commending Daniel Sutton for his dedicated years of service and leadership as 1st District Alderman.
- Public Hearing: (8:07 pm – 8:20 pm) Mayor Ponto read the request of the City of Brookfield to amend Section 17.98.050 of the Mun. Code creating certain standards for the Civic Center Area Overlay including establishing additional overlay areas within the Civic Center Area. *(Separate minutes were taken.)*
- Motion by Alderman Nelson, second by Alderman Reddin to close the public hearing. Motion carried 13-0.*

Legislative & Licensing Committee

1. Motion by Alderman Mahkorn, seconded by Alderman Carnell, to approve the appointment of aldermanic candidate David Christianson to fill the vacancy in the 1st Aldermanic District. Motion carried 13-0.
 - a. Alderman Christianson took his seat and participated in the meeting after being sworn into office by Clerk Michaels. (14 members present)

Consent Agenda:

The following were removed from the Consent Agenda: Owen - #9, Blackburn – #5 & #6

Motion by Alderman Nelson, seconded by Alderman Reddin to approve all items on the Consent Agenda except for 5, 6, and 9. Motion carried unanimously with Alderman Meza abstaining from the vote on Item #13.

2. Minutes of the September 15, 2020, meeting of the Common Council.

Plan Commission

3. Request of Brookfield Lutheran Church, 18500 W. Burleigh Rd., c/o Gary Kilvinger, Chair – Strategic Planning Committee, to approve a conditional use permitting recreational use of 18290 and 18330 W. Burleigh Road in association with the church’s ministry.
4. Ordinance granting a conditional use permitting recreational use of 18290 and 18330 W. Burleigh Road in association with the church’s ministry at Brookfield Lutheran Church. **Ordinance No. 2614-20***
5. ~~Removed from the Consent Agenda - Request of Congregational Home Residence and Rehabilitation, 13900 W. Burleigh Rd., c/o Kris Sprtel, BS, NHA, President/Chief Executive Officer, to amend Map 3 of the City of Brookfield 2050 Comprehensive Plan changing the land use recommendation of 3220 and 3230 Lilly Road from Housing Focused Lower Density to Nature, Recreation and Community Facility – Community Facility and rezone 13900 W. Burleigh Road from “R-2” Residence District to “PDD-M” Planned Development District – Mixed Use General Plan in association with a 21 bed (21,044 sq. ft. CBRF (Community Based Residential Facility) addition and wellness center at 13900 W. Burleigh Road.~~
6. ~~Removed from the Consent Agenda - Ordinance amending Map 3 of the City of Brookfield 2050 Comprehensive Plan changing the land use recommendation of 3220 and 3230 Lilly Road from Housing Focused Lower Density to Nature, Recreation and Community Facility – Community Facility and rezone 13900 W. Burleigh Road from “R-2” Residence District to “PDD-M” Planned Development District – Mixed Use General Plan #28 (Mixed Use) in association with a 21 bed (21,044 sq. ft. CBRF (Community Based Residential Facility) addition and wellness center at 13900 W. Burleigh Road (Congregational Home)~~
7. Request of Capitol Midpoint, Mishkaat Investment LLC, owner, c/o JAKnetter Architects, N16 W23217 Stone Ridge Dr., Suite 300, Waukesha, WI 53188, to amend the land use and access management recommendations 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*, rezoning of 3920 Sunnycrest Drive and 17065, 17135, and 17165 W. Capitol Drive to Planned Development District – Commercial General Plan.
8. Ordinance amending the land use and access management recommendations 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 (Comp Plan) for the Capitol Midpoint project at 3920 N. Calhoun Road and 17065, 17135, and 17165 W. Capitol Drive. **Ordinance No. 2616-20***
- 8-1. Ordinance rezoning four lots, property tax keys BRC 1046-054, 1046-055, 1046-056, and 1046-059 to Planned Development District General Plan-Commercial #29 in association with the Capitol Midpoint development at 17065, 17135, and 17165 W. Capitol Drive and 3920 N. Calhoun Road. **Ordinance No. 2617-20***
9. ~~Removed from the Consent Agenda - Request of Capitol Midpoint, Mishkaat Investment LLC, owner, c/o JAKnetter Architects, N16 W23217 Stone Ridge Drive, Suite 300, Waukesha, WI 53188, for approval of a PDD Specific Plan, development agreement, preliminary survey map, and final Certified Survey Map in association with remodeling/re-occupancy of 17065 W. Capitol Drive., development of 17135 and 17165 W. Capitol Drive and redevelopment of 3920 Sunnycrest Drive and merging the four lots of record into one lot.~~
10. 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 Mun. Code in creating the 124th Street Regional Business, Office and Limited Industry District” including amendments to off-street parking requirements; and amend the City Zoning Map from “O&LI” Office and Limited Industry District to “B, O&LI” 124th Street Regional Business, Office and Limited Industry District zoning

district for 3313 N. 124th Street, Tax Key No. BRC1056-995 (MKE Muscle), in accordance with the adopted Development Plan for Brookfield's 124th Street Corridor.

- 10-1. Ordinance creating a new zoning district, the "124th Street Regional Business, Office, and Limited Industry District (B, O&LI)" – within the Zoning Code to apply to certain lands located in the Development Plan for Brookfield's 124th Street Corridor. **Ordinance No. 2618-20***
- 10-2. Ordinance amend the land use recommendations of the Development Plan for Brookfield's 124th Street Corridor (Neighborhood Plan) and City of Brookfield 2050 Comprehensive Plan (Comp Plan) for 3313 N. 124th Street. **Ordinance No. 2619-20***
11. Ordinance rezoning one lot, property tax key BRC 1056-995, to "B, O&LI" 124th Street Regional Business, Office, and Limited Industry District in accordance with the adopted Development Plan for Brookfield's 124th Street Corridor at 3313 N. 124th Street (MKE Muscle). **Ordinance No. 2620-20***
12. Request of Tracy Posnanski, owner, W296 N515 Blodwen Dr., Waukesha, WI 53188, for re-approval of a two-lot Certified Survey Map re-dividing Lots 1, 2, 3, 4, 5, & 23 Block 4 and the east and west halves of a vacated alley abutting Lot 23 Columbia Gardens, i.e. collectively, the southwest corner of Kent Avenue and Columbia Boulevard.
13. Request of David Marcello, owner, 18140 Hoffman Ave. #B, for approval of new plan and method of operation in association with the Waverly Place redevelopment of 18665 Pleasant Street; a residential construction involving two townhomes, each containing 2 three bedroom dwellings of approximately 2,000 sq. ft. for a total of four new dwelling units replacing one existing dwelling unit at said address. (Alderman Meza Abstained from the vote)

Finance Committee

14. Vouchers exceeding \$50,000 requiring immediate action.
15. Denial of claim of J.H. Findorff and Son, Inc.
16. Resolution approving agreement with the Wisconsin Department of Revenue for debt collection services relative to municipal court fines and forfeitures. **Resolution No. 9964-20***
17. Resolution approving amendment to professional services agreement with Brookfield Convention and Visitors Bureau, Inc. (Visit Brookfield) for tourism and hospitality promotion services. **Resolution No. 9965-20***
18. Resolution approving a window repair and replacement agreement between the City of Brookfield and the Elmbrook Historical Society. **Resolution No. 9966-20***

Legislative & Licensing Committee

19. Ordinance creating a prohibition of Human Health Hazards. **Ordinance No. 2621-20***

Council as a Whole

20. Resolution commending Daniel Sutton for his dedicated years of service and leadership as 1st District Alderman. **Resolution No. 9963-20***

NON-Consent Agenda:

21. Act on any items removed from the consent agenda -

5. Motion by Alderman Mahkorn, second by Alderman Owen to approve the request of Congregational Home Residence and Rehabilitation, 13900 W. Burleigh Rd., c/o Kris Sprtel, BS, NHA, President/Chief Executive Officer, to amend Map 3 of the City of Brookfield 2050 Comprehensive Plan changing the land use recommendation of 3220 and 3230 Lilly Road from Housing Focused-Lower Density to Nature, Recreation and Community Facility – Community Facility and rezone 13900 W. Burleigh Road from "R-2" Residence District to "PDD-M" Planned Development District – Mixed Use General Plan in association with a 21 bed (21,044 sq. ft. CBRF (Community Based Residential Facility)

addition and wellness center at 13900 W. Burleigh Road. Motion carried by roll call vote 13-1 with Alderman Blackburn casting the dissenting vote.

6. Motion by Alderman Mahkorn, second by Alderman Owen to adopt an ordinance amending Map 3 of the City of Brookfield 2050 Comprehensive Plan changing the land use recommendation of 3220 and 3230 Lilly Road from Housing Focused-Lower Density to Nature, Recreation and Community Facility-Community Facility and rezone 13900 W. Burleigh Road from "R-2" Residence District to "PDD-M" Planned Development District-Mixed Use General Plan #28 (Mixed Use) in association with a 21 bed (21,044 sq. ft. CBRF (Community Based Residential Facility) addition and wellness center at 13900 W. Burleigh Road (Congregational Home). Motion carried by roll call vote 13-1 with Alderman Blackburn casting the dissenting vote. **Ordinance No. 2615-20***

9. Motion by Alderman Mahkorn, second by Alderman Owen to approve the request of Capitol Midpoint, Mishkaat Investment LLC, owner, c/o JAKnetter Architects, N16 W23217 Stone Ridge Drive, Suite 300, Waukesha, WI 53188, for approval of a PDD Specific Plan, development agreement, preliminary survey map, and final Certified Survey Map in association with remodeling/re-occupancy of 17065 W. Capitol Drive., development of 17135 and 17165 W. Capitol Drive and redevelopment of 3920 Sunnycrest Drive and merging the four lots of record into one lot. Motion carried 14-0.

Council as a Whole

22. Mayor's assignment of legislative referrals and requests for services:

- a. Referred to the Legislative & Licensing Committee to consider modifications or additions to the Municipal Code Section 2.12.100 to provide for City meetings to be held via virtual (electronic) means, allow remote participation by aldermen in both Council and committee meetings, and adjust meeting quorum requirements for virtual meetings as necessary to ensure that City business can be conducted. (Referred by Ald. Jenna Meza)
- b. Referred to the Board of Public Works to explore options to provide lawn waste pick-up services. (Referred by Ald. Christopher Blackburn)

23. Motion by Alderman Mahkorn, seconded by Alderman Owen to adjourn the meeting. Motion carried unanimously. Meeting concluded at 8:30 pm.

RESPECTFULLY SUBMITTED
KELLY MICHAELS, CITY CLERK

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