



MINUTES OF A **REGULAR COMMON COUNCIL** MEETING OF THE 33rd COMMON COUNCIL HELD AT **7:50 P.M.**, TUESDAY, **SEPTEMBER 17, 2019**, IN THE COUNCIL CHAMBERS OF BROOKFIELD CITY HALL, 2000 N. CALHOUN ROAD, BROOKFIELD, WISCONSIN

Mayor Ponto called the meeting to order at 8:25 pm.

PUBLIC COMMENT: The following individuals spoke regarding Grace Landing Project.

Sandy Pike, 16520 Hillsdale Dr., spoke against the Grace Landing Project.

Ted Mumayek, 16480 Hillsdale Dr., spoke against the Grace Landing Project.

Connie McAllister, 2490 Byron Ct., spoke in favor of the Grace Landing Project.

Ted Behncke, President of St. Coletta of Wisconsin, 4637 County Hwy Y, Jefferson spoke in favor of Grace Landing Project.

Art Josetti, 2480 Byron Ct., spoke in favor of Grace Landing Project.

Ryan McDonald, Hillsdale Dr., spoke in favor of Grace Landing Project

The following individuals registered in support:

Patti Peplinski, 1225 Crystal Dr., registered in support of Grace Landing Project.

Judy and Richard Piefer, 1000 Vista View Dr., registered in support of Grace Landing Project.

Wendy and Charles Hirsch, 20740 Vincent Ct., registered in support of Grace Landing Project.

The following individuals registered against.

Colleen and Steven Vickio, 16635 Hillsdale Dr., registered in opposition of Grace Landing Project.

Maureen Madison, 2400 Hillsdale Dr., registered in opposition of Grace Landing Project.

Julie Krier, 16900 Hidden Pond., registered in opposition of Grace Landing Project.

Tom and Colleen Twitchell, 16705 Hillsdale Dr., registered in opposition of Grace Landing Project.

Roger Scherz, 16620 W North Ave., registered in opposition of Grace Landing Project.

ANNOUNCEMENTS: The next scheduled Common Council meeting is October 1, 2019 at 7:45 pm.

COMMON COUNCIL ROLL CALL: City Clerk Kelly Michaels called the roll and noted the following members in attendance.

12 ALDERMEN PRESENT: Bill Carnell, Bob Reddin, Rick Owen, Jeff McCarthy, Mark Nelson, Edward "Buck" Jurken, Gary Mahkorn, Scott Berg, Christopher Blackburn, Jerry Mellone, Renee Lowerr, Brad Blumer

2 ALDERMAN EXCUSED: Dan Sutton, Ron Balzer

STAFF PRESENT: City Attorney Jenna Merten, City Clerk Kelly Michaels, Director of Community Development Dan Ertl, Director of Human Resources Jim Zwerlein, Director of Public Works Tom Grisa, and Director of Finance and Administration Robert Scott, Fire Chief Charlie Myers

PLEDGE: Alderman Brad Blumer led the Council in the Pledge of Allegiance.

ACTIONS OF THE COMMON COUNCIL

CONSENT AGENDA:

Items be removed from the consent agenda: Alderman McCarthy requested Items #4 & #5 be removed from Consent. Alderman Blackburn requested Item #6 be removed from Consent. Alderman Reddin requested Items #21 through #24 be removed from the Consent.

Motion by Alderman Nelson, seconded by Alderman Reddin to approve the consent agenda, except for Items #4, #5, #6, #21, #22, #23, #24. Motion carried unanimously.

- 1) Intentionally omitted.
- 2) Minutes of the Regular Common Council meeting of September 3, 2019.

Plan Commission

- 3) Plan Review Board actions and recommendations from August 22, 2019:
 - a. Request of Carl Thomas for approval of a special needs fence at 15750 Hill Court (*recommended denial 3-0 at the Plan Review Board*).
 - b. Request of Homes for Independent Living for a monument sign at 1250 S. Sunnyslope Road.
 - c. Request of BP for a monument sign at 3075 N. 124th Street.
 - d. Request of Peace United Methodist Church for approval of a replacement monument sign at 12860 W. North Avenue.
- 4) ~~Request of Bright Future of America LLC, 7 Douglas Dr., Little Falls, NJ 07424, Kuldeep Gupta, owner, for approval of a conditional use, new plan and method of operation, accessory building and development agreement permitting construction of Kiddie Academy, an 11,080 sq. ft. childcare facility at 15465 W. Capitol Drive.~~ **Removed from Consent**
- 5) ~~Ordinance granting a conditional use of 15465 W. Capitol Drive permitting construction of Kiddie Academy, an 11,080 sq. ft. childcare facility.~~ **Removed from Consent**
- 6) ~~Request of North Shore Bank, 15700 W. Bluemound Rd., Brookfield, WI 53005, David Kane, V.P., for approval to rezone 15830 W. Capitol Drive from "B-1" Local Business District with Modified Suburban Overlay to "PDD Commercial Use - General Plan" for the purpose of redevelopment of 15830 W. Capitol Drive with a new commercial building and site plan.~~ **Removed from Consent**
- 7) Ordinance rezoning property located at 15830 W. Capitol Drive from "B-1" Local Business District with "MSO" Modified Suburban Overlay to "PDD" Planned Development District - General Plan No. 25 (Commercial) for the purpose of redevelopment of the site in accordance with the City of Brookfield 2035 *Comprehensive Plan* (North Shore Bank). **Ordinance No. 2568-19***
- 8) Request of North Shore Bank, 15700 W. Bluemound Rd., Brookfield, WI 53005, David Kane, V.P., for approval of a Specific Plan and Development Agreement at 15830 W. Capitol Drive for the purpose of redeveloping 15830 W. Capitol Drive with a new commercial building and site plan.
- 9) Request of Chabad Lubavitch of Waukesha Inc., 1222 E. Broadway, Waukesha, WI 53186, Levi

Brook, Rabbi, for approval to schedule a conditional use public hearing permitting occupancy of 1275 N. Barker Road by a religious conditional use with classrooms and daycare.

10) Request of 18550 W. Bluemound LLC, W5073 County Road O, Plymouth, WI 53073, Randy Goll, Development Project Manager, for approval to schedule a Planned Development District – Commercial rezoning public hearing permitting construction of a 3,000 sq. ft. commercial building at 18550 W. Bluemound Road.

11) September 3, 2019, Legislative Referral of Mayor Steven Ponto for request of a public hearing to amend Section 17.98 and related sections of the Zoning Code to provide details for the Modified Suburban Overlay (MSO) that applies to a portion of Brookfield Square Shopping Center.

As recommended by the Finance Committee

12) Vouchers exceeding \$50,000 requiring immediate action – see attached.

13) Resolution certifying proposed library funding for purposes of exemption from Waukesha County library tax levy. **Resolution No. 9693-19***

14) Resolution approving extension of service agreement with Elmbrook Humane Society Inc. for animal control and shelter and humane officer services for the calendar year 2020. **Resolution No. 9694-19***

As recommended by the Legislative & Licensing Committee

15) Resolution approving the applicants for Original Operator's (Bartender) licenses: Raven R. Borek, Hugo S. Cimbalnik, Jillian A. Dembski, Linda M. Ehlen, Keli R. Gastrow, Maddison R. Holcomb, Jaclyn Janowski, Valerie F. Lind, Claire C. Mazelin, Kurt E. Plutschack, Dejan Radisic, Jeffrey S. Sprinkmann. **Resolution No. 9695-19***

16) Resolution approving applicants for a Fireworks User Permit: **Resolution No. 9696-19***

a. Brookfield East High School, 3305 Lilly Rd., for their Homecoming Football Game, September 20th at approx. 9:30 pm at the practice field north of football field.

b. Brookfield Central High School, 16900 W. Gebhardt Rd., for their Homecoming Football Game, October 11th at approx. 9:30 pm at soccer fields northeast of the Football field.

17) Resolution approving applicant for a Class B Beer and Liquor License Transfer – Place to Place: Outback Steakhouse from 1260 S. Moorland Road to 295 S. Moorland Road, Agent – Kirsten E. Lockwood. **Resolution No. 9697-19***

Board of Public Works

18) Resolution accepting the dedication of roads, streets and surface water drainage system for The Corridor – Golf Parkway Extension located at Golf Parkway west of Discovery Drive. **Resolution No. 9698-19***

19) Resolution approving a perpetual storm sewer and drainage easement for North Hills Subdivision located at North Hills Drive. **Resolution No. 9699-19***

- 20) Resolution awarding the contract for the City Hall Roof Replacement Project SEG #14735 to Walsdorf Roofing Company Inc. for \$112,779. **Resolution No. 9700-19***
- 21) ~~Resolution approving the right of way acquisition by Waukesha County for the North Avenue Reconstruction: 124th Street to Calhoun Road, parcel 9, 17115 W. North Avenue.~~ **Removed from Consent**
- 22) ~~Resolution approving the right of way acquisition by Waukesha County for the North Avenue Reconstruction: 124th Street to Calhoun Road, parcel 10, 17055 W. North Avenue.~~ **Removed from Consent**
- 23) ~~Resolution approving the right of way acquisition by Waukesha County for the North Avenue Reconstruction: 124th Street to Calhoun Road, parcel 39, 2250 Pilgrim Pkwy.~~ **Removed from Consent**
- 24) ~~Resolution approving the right of way acquisition by Waukesha County for the North Avenue Reconstruction: 124th Street to Calhoun Road, parcel 81, immediately west of 14000 W. North Ave., vacant lot, no address.~~ **Removed from Consent**

Water & Sewer Board

- 25) Resolution approving the release of recorded easement and approving a perpetual sanitary sewer easement for Noby Wisconsin Real Estate, 14040 W. Capitol Drive. **Resolution No. 9705-19***
- 26) Resolution accepting the dedication of a water distribution and sanitary sewer system for The Corridor – Golf Parkway Extension located at Golf Parkway west of Discovery Drive. **Resolution No. 9706-19***
- 27) Resolution approving a perpetual municipal utility easement for water main and sanitary sewer for Azura Memory Care at 16030 W. Capitol Drive. **Resolution No. 9707-19***
- 28) Resolution approving a perpetual sanitary sewer easement for sanitary sewer for Hidden Lake Estates located at Larsen Court. **Resolution No. 9708-19***
- 29) Resolution accepting dedication of water distribution system for Tom Knopp CSM located at 21730 W. North Avenue. **Resolution No. 9709-19***

~ END OF CONSENT AGENDA ~

NON-CONSENT AGENDA:

- 30) Items removed from the consent agenda:

(Alderman McCarthy indicated he requested removal of items #4 & 5 in order to abstain as he had a conflict of interest.)

- 4) Motion by Alderman Mahkorn, seconded by Alderman Owen to approve a request of Bright Future of America LLC, 7 Douglas Dr., Little Falls, NJ 07424, Kuldeep Gupta, owner, for

approval of a conditional use, new plan and method of operation, accessory building and development agreement permitting construction of Kiddie Academy, an 11,080 sq. ft. childcare facility at 15465 W. Capitol Drive. Motion carried 11-0-1 with Alderman McCarthy abstaining from the vote.

5) Motion by Alderman Mahkorn, seconded by Alderman Owen to adopt an ordinance granting a conditional use of 15465 W. Capitol Drive permitting construction of Kiddie Academy, an 11,080 sq. ft. childcare facility. Motion carried 11-0-1 with Alderman McCarthy abstaining from the vote. **Ordinance No. 2567-19***

6) Motion by Alderman Mahkorn, seconded by Alderman Owen to approve the request of North Shore Bank, 15700 W. Bluemound Rd., Brookfield, WI 53005, David Kane, V.P., for approval to rezone 15830 W. Capitol Drive from “B-1” Local Business District with Modified Suburban Overlay to “PDD Commercial Use – General Plan” for the purpose of redevelopment of 15830 W. Capitol Drive with a new commercial building and site plan. Motion carried 12-0.

Alderman Owen introduced Item #21 and indicated he would like to propose the same amendment to resolutions #21-#24:

Motion by Alderman Owen, seconded by Alderman Blackburn to amend resolutions #21 through 24 to include that the City of Brookfield will convey all interests at no cost. Motion carried 12-0.

Motion by Alderman Owen, seconded by Alderman Blackburn to resolutions #21 through #24 as amended on the council floor. Motion carried 12-0.

21) Resolution approving the right-of-way acquisition by Waukesha County for the North Avenue Reconstruction: 124th Street to Calhoun Road, parcel 9, 17115 W. North Avenue. **Resolution No. 9701-19***

22) Resolution approving the right-of-way acquisition by Waukesha County for the North Avenue Reconstruction: 124th Street to Calhoun Road, parcel 10, 17055 W. North Avenue. **Resolution No. 9702-19***

23) Resolution approving the right-of-way acquisition by Waukesha County for the North Avenue Reconstruction: 124th Street to Calhoun Road, parcel 39, 2250 Pilgrim Pkwy. **Resolution No. 9703-19***

24) Resolution approving the right-of-way acquisition by Waukesha County for the North Avenue Reconstruction: 124th Street to Calhoun Road, parcel 81, immediately west of 14000 W. North Ave., vacant lot, no address. **Resolution No. 9704-19***

31) Mayor’s Assignment of legislative referrals and requests for services:

- a. Referred to the Legislative & Licensing Committee to consider enacting an ordinance to prohibit the possession of electronic cigarettes and paraphernalia by minors, the sale of them to minors, and vending machines and self-service displays for electronic cigarettes (*referred by Mayor Ponto*).
- b. Referred to the Committee of the Whole to review the provisions under §62.05 Wis. Stats.,

which establishes classes of cities based on population as it relates to the City of Brookfield and related procedures to clarify the record (*referred by Mayor Ponto*).

ADJOURNMENT:

Motion by Alderman McCarthy, seconded by Alderman Reddin to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 8:51 pm.

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

Minutes respectfully submitted by Kelly Michaels, City Clerk