

THESE ARE THE MINUTES OF A **REGULAR COMMON COUNCIL MEETING HELD AT 7:45 P.M., TUESDAY, DECEMBER 18, 2001**, IN THE COUNCIL CHAMBERS OF BROOKFIELD CITY HALL, 2000 N. CALHOUN ROAD, BROOKFIELD, WISCONSIN

MAYOR KATHRYN BLOOMBERG IN THE CHAIR

ALDERMEN PRESENT: Daniel Waffenschmidt, Thomas Schellinger, Steven Ponto, Richard Brunner, Jim Garvens, Karl Schulz, Scott Berg, Kari Clappier, Brad Steinke, Michael Jakus, Gary Mahkorn, Jim Heinrich, Don Bauer, Howard Washechek

ALDERMEN ABSENT & EXCUSED: None

ALSO PRESENT: Assistant City Attorney Karen Flaherty, City Attorney Sue Schalig, City Clerk Kris Schmidt, Director of Finance Robert Scott, Director of Public Works Tom Grisa, Director of Community Development Dan Ertl, Police Chief Dan Tushaus, Director of Human Resources Jim Zwerlein, Fire Chief John Dahms

Mayor Bloomberg called the meeting of the Common Council to order at approximately 7:45 p.m. No citizen wished to speak during the 15 minute public speaking segment.

The next Common Council meeting will be January 8, 2002.

Alderman Michael Jakus led the Council in the Pledge of Allegiance to the American Flag.

Alderman Waffenschmidt moved approval of the Regular Common Council minutes of December 4, 2001. The motion was seconded by Alderman Schulz and carried unanimously.

ACTIONS OF THE COMMON COUNCIL

PLAN COMMISSION

The next item was the Plan Commission's actions and recommendations as represented in the December 10, 2001, Plan Commission minutes, including the Plan Review Board minutes of November 15, 2001.

The first item was the request of Pinnacle III Bishop's Drive Office Park, LLC, c/o Peter Schwabe Inc., W232 S7530 Big Bend Drive, Big Bend, WI 53103, Jay A. Heinrichs, Vice President, for approval of a special exception associated with the construction of an approved 84,862 square foot office building at 13755 Bishop's Drive, permitting the creation of a parking field with a zero foot offset to the common property line of Parcel 1, Certified Survey Map No. 8237, and Parcel 2, Certified Survey Map No. 8094; where a 10' sideyard paving offset is required. (NW ¼ of Sec. 36)

The Plan Commission recommended approval of the special exception permitting a 10 foot reduction to the 10 foot parking offset to the east property line of Parcel 2 of C.S.M. No. 8094, subject to staff's recommendation.

Alderman Schulz moved adoption of the Plan Commission recommendation. The motion was seconded by Alderman Jakus and carried Ayes 13, No's 1 with Alderman Heinrich voting no.

Alderman Schulz moved adoption of the Ordinance granting a special exception permitting the creation of a parking field with a zero foot offset to the office building at 13755 Bishop's Drive, i.e. the southwest corner of Bishop's Woods Drive and Bishop's Woods Court. The motion was seconded by Alderman Jakus. A roll call vote was taken and carried Ayes 13, No's 1 with Alderman Heinrich voting no. **Ordinance No. 1844***

The next item was the request of Elmer Lauer, owner, d/b/a Goddard School, c/o Eppstein Uhen Architects, 333 E. Chicago St., Milwaukee, WI 53202, Thomas S. Stacey Sr., Project Manager, for approval of a conditional use allowing a new plan and method of operation at 3375 Intertech Drive permitting construction of an 8,684 square foot daycare facility with 15,100 square foot fenced outdoor play area. (NW ¼ of Sec. 7)

The Plan Commission recommended approval of a conditional use permitting the construction of the daycare facility, subject to staff's recommendation.

Alderman Schulz moved adoption of the Plan Commission recommendation. The motion was seconded by Alderman Jakus and carried unanimously.

Alderman Schulz moved adoption of the Ordinance granting approval of a conditional use at 3355 Intertech Drive permitting construction of an 8,684 square foot daycare facility. The motion was seconded by Alderman Jakus. A roll call vote was taken and carried unanimously. **Ordinance No. 1845***

The next item was the request of the Department of Community Development, City of Brookfield, to rescind Ordinance No. 1654, approved on July 21, 1999, establishing Mary Linsmeier Daycare and Preschool as a conditional use at 3130 Intertech Drive. The approved building was never constructed and the approved plan and method of operation expired on July 21, 2000. (SW ¼ of Sec. 7)

The Plan Commission recommended rescinding Ordinance No. 1654.

Alderman Schulz moved adoption of the Plan Commission recommendation. The motion was seconded by Alderman Jakus and carried unanimously.

Alderman Schulz moved adoption of the Ordinance rescinding Ordinance No. 1654, approved on July 21, 1998, establishing Mary Linsmeier Daycare and Preschool as a conditional use at 3130 Intertech Drive. The motion was seconded by Alderman Jakus. A roll call vote was taken and carried unanimously. **Ordinance No. 1846***

The next item was the request of Cross of Life Lutheran Church, 20700 W. North Ave., Brookfield, WI 53045, Greg Hoesly, Building Committee Chairman, for approval of a conditional use authorizing a plan and method of operation revision permitting building additions and interior alterations resulting in a 9,465 square foot increase in floor area. Included is a request to approve a Certified Survey Map. (NE ¼ of Sec. 19)

The Plan Commission recommended approval of the conditional use, revised plan and method of operation, and C.S.M. subject to staff's recommendation.

Alderman Schulz moved adoption of the Plan Commission recommendation. The motion was seconded by Alderman Ponto and carried unanimously.

Alderman Schulz moved adoption of the Ordinance granting an expansion of a conditional use permitting a 9,465 square foot building addition at Cross of Life Church, 20700 W. North Avenue. The motion was seconded by Alderman Ponto. A roll call vote was taken and carried unanimously.
Ordinance No. 1847*

Alderman Schulz moved approval of the remaining actions and recommendations as represented in the Regular Plan Commission minutes of December 10, 2001, including the Plan Review Board minutes of November 15, 2001. The motion was seconded by Alderman Jakus and carried unanimously.

ECONOMIC DEVELOPMENT/FINANCE COMMITTEE – Alderman Garvens, Chairman

Alderman Garvens moved to remove from the table, the Resolution supporting the funding for the City of Brookfield Economic Development Committee and the Brookfield Convention and Visitor's Bureau, Inc. for year 2002. The motion was seconded by Alderman Schulz and carried unanimously.

Alderman Garvens moved approval of the Resolution supporting the funding for the City of Brookfield Economic Development Committee and the Brookfield Convention and Visitor's Bureau, Inc. for year 2002. The motion was seconded by Alderman Ponto.

Alderman Jakus moved to amend the paragraph (2) to read, "The CVB is required to measure the effectiveness of its advertising and public relations efforts by annually tracking positive *or negative* trends in the following criteria in its Annual Report to the Finance Committee and Common Council." The motion was seconded by Alderman Washechek and carried unanimously.

The motion as amended carried unanimously. **Resolution No. 6840***

FINANCE COMMITTEE - Alderman Garvens, Chairman

Alderman Garvens moved approval of the Vouchers exceeding \$50,000 requiring immediate action. The motion was seconded by Alderman Brunner and carried unanimously.

Alderman Garvens moved approval of the Resolution amending the 2001 Capital Improvement Budget requested by the Director of Finance, to recognize Dept. of Transportation grant proceeds and transfer debt proceeds to the Greenfield Avenue project (\$239,000). The motion was seconded by Alderman Brunner and carried unanimously. **Resolution No. 6841***

Alderman Garvens moved approval of the Resolution amending the 2001 Stormwater Special Revenue Fund budgets, requested by the Director of Finance: \$60,000 in additional transfers from Stormwater Fund to Capital Improvement Fund. The motion was seconded by Alderman Heinrich and carried unanimously. **Resolution No. 6842***

Alderman Garvens moved approval of the Resolution approving the budget transfer requested by the City Attorney and Director of Finance: \$20,000 from Contingency account #101-910-590 to City Attorney Outside Legal account #101-103-560-003, for purposes of funding outside legal costs. The motion was seconded by Alderman Schulz and carried unanimously. **Resolution No. 6843***

Alderman Garvens moved approval of the Request from the Highway Department to purchase a 4-wheel drive excavator from American State Equipment Company for \$149,704. The motion was seconded by Alderman Schulz and carried unanimously.

Alderman Garvens moved approval of the Request from Public Works/Administration to purchase Vehicle Lifts, Used Oil System, Fluid Distribution/Hose Reels, High Lift Wheel Dolly and Poly Tank for the Public Works Facility to U.S. Petroleum Equipment and Environmental Services for \$237,239. The motion was seconded by Alderman Brunner and carried unanimously.

LEGISLATIVE & LICENSING COMMITTEE – Alderman Jakus, Chairman

Alderman Jakus moved approval of ten Original Bartender Licenses. The motion was seconded by Alderman Waffenschmidt and carried unanimously.

Alderman Jakus moved approval of the Resolution appointing Humane Officers for the City of Brookfield for one year. The motion was seconded by Alderman Waffenschmidt and carried unanimously. **Resolution No. 6844***

Alderman Jakus moved adoption of the Ordinance repealing Section 9.08.090 of the Municipal Code relating to tattooing prohibition. The motion was seconded by Alderman Waffenschmidt. A roll call

vote was taken and carried unanimously. **Ordinance No. 1848***

PERSONNEL COMMITTEE – Alderman Ponto, Chairman

Alderman Ponto moved adoption of the Ordinance establishing salaries of non-union administrative personnel for the year 2002. The motion was seconded by Alderman Waffenschmidt. A roll call vote was taken and carried unanimously. **Ordinance No. 1849***

Alderman Ponto moved approval of the Memorandum of Understanding between the City of Brookfield Professional Fire Association regarding health insurance. The motion was seconded by Alderman Waffenschmidt and carried unanimously.

Alderman Ponto moved approval of the Resolution approving the renewal of United Health and Delta Dental insurance contracts for calendar year 2002. The motion was seconded by Alderman Washechek and carried unanimously. **Resolution No. 6845***

SEWER AND WATER BOARD – Alderman Washechek, Chairman

Alderman Washechek moved approval of the Resolution approving the Dedication of Public Facilities for Safer Estates. The motion was seconded by Alderman Waffenschmidt and carried unanimously. **Resolution No. 6846***

COUNCIL AS A WHOLE

Alderman Jakus moved approval of the Resolution approving the Joint Powers Agreements for County 911 Emergency System between the Village of Elm Grove, Waukesha County and the City of Brookfield. The motion was seconded by Alderman Schulz and carried unanimously. **Resolution No. 6847***

Alderman Jakus moved approved of the Resolutions commending the following employees for 25 years of service to the City of Brookfield: **(a)** Daniel Kluge, Survey Supervisor; **(b)** Steven Nankin, Public Works Inspector; and **(c)** Michael Wichser, Fire Department. The motion was seconded by Alderman Waffenschmidt and carried unanimously.

- (a) Resolution No. 6839***
- (b) Resolution No. 6838***
- (c) Resolution No. 6837***

Alderman Washechek moved to adjourn. The motion was seconded by Alderman Schulz and

carried unanimously. 8:50 p.m.

Kristine A. Schmidt, City Clerk

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