

THESE ARE THE MINUTES OF A **REGULAR COMMON COUNCIL** MEETING HELD AT 7:45 P.M., TUESDAY, **MAY 21, 2002**, IN THE COUNCIL CHAMBERS OF BROOKFIELD CITY HALL, 2000 N. CALHOUN ROAD, BROOKFIELD, WISCONSIN

MAYOR JEFF SPEAKER Presiding

ALDERMEN PRESENT: Thomas Schellinger, Steven Ponto, Jim Garvens, Kari Clappier, Gary Mahkorn, Jim Heinrich, Brad Steinke, Daniel Waffenschmidt, Jerry Wolff, Jack Shaw (via telephone), Mike Franz, Karl Schulz, Scott Berg, Richard Brunner

ALDERMEN ABSENT & EXCUSED: None

ALSO PRESENT: City Attorney Sue Schalig, Deputy City Clerk Renee Tadych, Director of Finance Robert Scott, Director of Parks & Recreation Bill Kolstad, Director of Public Works Tom Grisa, Director of Information Services Fred Miller, Director of Community Development Dan Ertl, Fire Chief John Dahms, Police Chief Dan Tushaus, Director of Human Resources Jim Zwerlein

Mayor Jeff Speaker called the meeting of the Common Council to order at approximately 8:00 p.m. During the segment set aside for the public to address the Council, fifteen people spoke against the proposed roundabout, including County Supervisor District 11, Keith Harenda. In addition, eight people spoke in favor of the proposed roundabout. (The list of names and addresses may be viewed in the City Clerk's Office.) This segment lasted for approximately 80 minutes.

No Aldermen objected to the fact that Alderman Jack Shaw participated in the meeting via telephone speaker.

The next Common Council meeting will be June 4th.

Alderman Richard Brunner led the Common Council in the Pledge of Allegiance to the American Flag.

Alderman Waffenschmidt moved approval of the Regular Common Council minutes of May 7, 2002. The motion was seconded by Alderman Brunner and carried unanimously.

ACTIONS OF THE COMMON COUNCIL

PLAN COMMISSION

The City Clerk referred to the Plan Commission's actions and recommendations as represented in the May 13, 2002, Regular Plan Commission meeting minutes.

The first item was the request of Corum Real Estate Group, 11649 N. Port Washington Rd., Mequon, WI, c/o William C. Radle, Senior Project Manager, for approval of a rezoning of 13.79 acres of land located east of Calhoun Road and north of Wisconsin Avenue from "M-2" Multiple family Residential to "PDD" Planned Development District-Residential for Phase Two of "Clearwater Lakes" a 45-unit residential condominium development to be located on said lands. The purpose of the "PDD" designation would be to permit larger unit sizes and the placement of buildings closer to one another within the project to achieve certain design aesthetics

and continuity with Phase One. The “PDD” would not approve any increase in the number of dwelling units currently permitted under existing “M-2” zoning.

The Plan Commission recommended approval of the “PDD” Residential as recommended by the Planning staff, with language in the public hearing notice referring to signage directing users to the Wisconsin Avenue access to the nature preserve, along with the need for continuity in maintenance of the entire property even under a separate condominium owner’s association.

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

Alderman Schulz moved adoption of the Ordinance rezoning 13.79 acres of land located east of Calhoun Road and north of Wisconsin Avenue from “M-2” Multiple-family Residential to “PDD” Planned Development District-Residential for Phase Two of “Clearwater Lakes”, a 45-unit residential condominium development to be located on said lands. The motion was seconded by Alderman Shaw. A roll call vote was taken and carried unanimously. **Ordinance No. 1862***

Alderman Schulz moved approval of the remaining Plan Commission’s actions and recommendations as represented in the May 13, 2002, Regular Plan Commission meeting minutes. The motion was seconded by Alderman Schellinger and carried unanimously.

BOARD OF PUBLIC WORKS – Alderman Schulz, Chairman

Alderman Ponto moved Item #19 out of order, the Resolution awarding the bid for the Barker Road and North Avenue Intersection Improvements (Roundabout) Project #2002-R-1B to Musson Brothers, Inc. for \$216,047.10. The motion was seconded by Alderman Berg and carried unanimously.

Alderman Schulz moved approval of the Resolution awarding the bid for the Barker Road and North Avenue Intersection Improvements (Roundabout) Project #2002-R-1B to Musson Brothers, Inc. for \$216,047.10. The motion was seconded by Alderman Garvens. After considerable discussion, a roll call vote was taken and the motion failed Ayes 4, No’s 10 with Aldermen Brunner, Garvens, Schulz, and Mahkorn voting Aye.

At 9:25 p.m., the Council took a break. The meeting was reconvened at 9:30 p.m.

FINANCE COMMITTEE – Alderman Garvens, Chairman

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

Alderman Garvens moved approval of the Resolution approving the Service Agreement with Elm-Brook Humane Society, Inc. for the calendar year 2002. The motion was seconded by Alderman Heinrich and carried unanimously. **Resolution No. 6909***

Alderman Garvens moved approval of the Resolution amending the 2002 water utility capital budget, requested by the Director of Public Works: \$23,000 for purchase of equipment (meter test benches). The motion was seconded by Alderman Schulz and carried unanimously. **Resolution No. 6910***

Alderman Garvens moved approval of the Resolution amending the 2002 debt service fund budget requested by the Director of Finance: \$316,958 to recognize employer credits from the Wisconsin Retirement System and payment of a portion of the City's unfunded retirement liability to the retirement system. The motion was seconded by Alderman Heinrich and carried unanimously. **Resolution No. 6911***

Alderman Garvens moved approval of the Resolution approving broker-dealers for investment services. The motion was seconded by Alderman Heinrich and carried unanimously. **Resolution No. 6912***

Alderman Garvens moved approval of the Resolution adjusting the annual charge for recovery of administrative expenses related to Willaura and Willaura II subdivision. The motion was seconded by Alderman Schulz and carried unanimously. **Resolution No. 6913***

LEGISLATIVE AND LICENSING COMMITTEE – Alderman Clappier, Chairman

Alderman Clappier moved approval of Item #11a, sixteen Original Bartender Licenses; and Item #11b, twenty Renewal Bartender Licenses and to table one license. The motion was seconded by Alderman Schulz and carried unanimously.

Alderman Clappier moved approval of the Firework's User Permit for the Brookfield Soccer Association, May 31, 2002 (south of the indoor facility). The motion was seconded by Alderman Waffenschmidt and carried unanimously.

Alderman Clappier moved approval of the Temporary Class "B" Beer and Wine License to St. John Vianney Parish Festival, June 7-9th in the church parking lot. The motion was seconded by Alderman Ponto and carried unanimously.

Alderman Clappier moved approval of the Application for a temporary extension of a Class B Combination Alcohol License premise description for **(a)** Pistol Pete's, 16755 W. Lisbon Road, for the 3rd Anniversary and Customer Appreciation Party, August 30-31 and September 1, 2002, from 3:30 p.m. to 12:00 a.m. **and (b)** for Wednesday Classic Car Night, every Wednesday beginning May 29 – September 4, from 4:30 p.m. to 10 p.m., subject to further administrative approval and Plan Review Board approval. The motion was seconded by Alderman Waffenschmidt and carried Ayes 13, No's 1 with Alderman Brunner voting no.

Alderman Clappier moved approval of the Application for a Temporary Extension of a Class B Combination Alcohol License premise description for **(a)** Rita Rae’s, 16760 W. Greenfield Ave., for Rita Rae’s Classic & Collector’s Car Show on June 16th (raindate of June 23rd) from 8 a.m. to 3 p.m. and **(b)** Rita Rae’s Classic & Collector’s Car Show for Charity, August 11th (raindate of August 13th) from 8 a.m. to 3 p.m., subject to further administrative approval and Plan Review Board approval. The motion was seconded by Alderman Mahkorn and carried Ayes 13, No’s 1 with Alderman Brunner voting no.

Alderman Clappier moved approval of the Original Class B Combination Beer and Liquor License: Leeann Chin, Inc., d/b/a Chin’s Asia Fresh, 17550A W. Bluemound Road, Agent: Steven L. Nikolas. The motion was seconded by Alderman Waffenschmidt and carried unanimously.

Alderman Clappier moved approval of the Original Class B Combination Beer and Liquor License: Red Mill LLC, d/b/a The Historic Red Mill, 1005 W. Elm Grove Road, Agent: Amy M. DuCharme (subject to further administrative approval). The motion was seconded by Alderman Garvens and carried unanimously.

Alderman Clappier moved approval of the Renewal Class A Combination Beer and Liquor Licenses: Kohl’s, 2205 N. Calhoun Road; Kohl’s Beverage Center, 2315 N. 124th St., Osco Drugs, 13980 W. Greenfield Ave.; Pick N’ Save, 17630 W. Bluemound Rd.; Pick N’ Save, 12735 W. Capitol Dr.; and Rainbow Foods #172, 17295 W. Capitol Drive (subject to further administrative approval). The motion was seconded by Alderman Heinrich and carried unanimously.

Alderman Clappier moved approval of the Renewal Class B Combination Beer and Liquor Licenses: Bluemound Bowl, 12935 W. Bluemound Rd.; Brookfield Hills Golf Course, 16075 Pinehurst Dr.; Cali’s Grille Room, 1005 S. Moorland Rd.; Chili’s Bar & Grille, 17915 W. Bluemound Rd.; Devine’s Lariat, 4165 N. 124th St.; Ellen Prestige Catering, 19805 W. Capitol Dr.; Embassy Suites, 1200 S. Moorland Rd.; For Pete’s Sake, 14640 W. Capitol Dr.; Highlander Racquet Club, 13825 W. Burleigh Rd.; Rita Rae’s, 16760 W. Greenfield Ave.; Ritter’s Inn, 12525 W. North Ave.; Sticks & Stones, 2300 Pilgrim Square Rd.; T.G.I. Fridays, 17430 W. Bluemound Road (subject to further administrative approval). The motion was seconded by Alderman Heinrich and carried unanimously.

BOARD OF PUBLIC WORKS

The “Roundabout” was acted on earlier in the minutes.

Alderman Schulz moved approval of the Resolution approving the Cost Share Project Agreement (D.O.T. grant) with Wisconsin Dept. of Transportation to reconstruct Calhoun Road from Gebhardt Road to Wisconsin Avenue in the year 2005. The motion was seconded by Alderman Heinrich and carried unanimously.
Resolution No. 6914*

Alderman Schulz moved approval of the Resolution amending the Official Traffic Control Map to place “Yield” signs on Edwards Street at Tulane Street. The motion was seconded by Alderman Heinrich.

Alderman Schellinger moved to amend the motion to replace the “Yield” signs with “4-Way Stop” signs. The motion was seconded by Alderman Franz and lost No’s 12, Ayes 2 with Alderman Schellinger and Franz voting Aye.

The original motion for “Yield” signs carried Ayes 12, No’s 2 with Alderman Schellinger and Franz voting no. **Resolution No. 6915***

SEWER AND WATER BOARDS – Alderman Brunner, Chairman

Alderman Brunner moved approval of the Final Resolution levying special assessments at 18660 W. Arden Ave., Tax Key No. 1022-994, \$6,270. The motion was seconded by Alderman Heinrich and carried unanimously. **Final Resolution No. 6916***

COUNCIL AS A WHOLE

Alderman Ponto moved approval of the first nine initiatives listed on the 2002-04 Strategic Plan, prepared by Director of Finance Robert Scott. (May be viewed in the City Clerk’s Office.) The motion was seconded by Alderman Steinke.

Alderman Berg moved to table the Strategic Plan for reconsideration as the Council As A Whole for a revised strategic planning session. The motion was seconded by Alderman Schulz.

After discussion, Alderman Shaw moved the question. The motion was seconded by Alderman Schulz and carried unanimously.

The motion by Alderman Berg failed with Ayes 11, No’s 3 with Alderman Berg, Clappier, and Schellinger voting no.

Alderman Clappier moved to amend the motion to merge initiative #18, *Establish Brookfield as a customer service leader through telecommunications technology, web access, service requests, problem resolution, and citizen involvement*, with initiative #20, *Explore the feasibility of televising Council and other meetings on cable television*. The motion was seconded by Alderman Steinke and carried Ayes 13, No’s 1 with Alderman Heinrich voting no.

Alderman Clappier moved to amend the motion to merge initiative #16, *Develop a strategy to bury overhead power lines located in major road right-of-ways*, with initiative #5, *Prepare redevelopment plans, including implementation strategies and applicable funding to promote high quality redevelopment of key commercial areas to improve the City’s tax base and retain Brookfield’s competitiveness*. The motion was seconded by Alderman Berg and failed No’s 11, Ayes 3 with Alderman Berg, Clappier and Schellinger voting Aye.

The motion as amended carried unanimously.

Alderman Ponto moved approval of the Proclamation proclaiming the week of May 20-24, 2002, as "National Public Works Week". The motion was seconded by Alderman Waffenschmidt and carried Ayes 13, with Alderman Shaw abstaining.

PERSONNEL COMMITTEE – Alderman Ponto, Chairman

Alderman Ponto moved approval of the Resolution approving the contract with Milwaukee County Emergency Medical Services Community Training Center (CTC). The motion was seconded by Alderman Wolff and carried unanimously. **Resolution No. 6917***

In continuing actions of the Council, pursuant to 19.85(1) of the Wis. Stats., after first convening in open session, the Mayor will explain the nature of the business proposed to be considered in closed session, and upon a motion duly made, seconded and adopted, meeting in Closed Session for the following purpose:

a. Under 19.85(1)(c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. (*Item #26, Ordinance modifying the Positions Ordinance and the Salary Ordinance regarding the titles of Director of Facilities and Inspection Services, Chief of Staff, Administrative Coordinator, Intern and Quality Service Manager; Item #27, Ordinance addressing civil service status of the positions of Administrative Coordinator and Director of Facilities and Inspection Services; and Item #28, Resolution affirming the Mayoral appointment of the Director of Facilities and Inspection Services.*)

Alderman Ponto moved to convene into Closed Session under Section 19.85(1)(c). The motion was seconded by Alderman Shaw and carried Ayes 12, No's 1 with Alderman Schulz voting no. Alderman Waffenschmidt abstained and excused himself for the remainder of the meeting. Recorded as a roll call at 10:40 p.m.

Present during closed session were as follows: City Attorney and Director of Human Resources.

Alderman Ponto moved to reconvene into Open Session under Sec. 19.85(2) Wisconsin Statutes. The motion carried unanimously. Recorded as a roll call at 11:50 p.m.

Alderman Ponto moved to separate Part I, Sections (a), (d), (e) and Part II, Sections (a), (d) and (e) from the Ordinance modifying the Positions Ordinance and the Salary Ordinance regarding the titles of Director of Facilities and Inspection Services, Chief of Staff, Administrative Coordinator, Intern and Quality Service Manager. The motion was seconded by Alderman Garvens and carried unanimously.

Alderman Ponto moved adoption of Part I and Part II, sections a., d., and e. The motion was seconded by Alderman Heinrich. A roll call vote was taken and carried Ayes 13, No's 1 with Alderman Schellinger voting no. **Ordinance No. 1863***

Alderman Ponto moved adoption of Parts II and III of the Ordinance amending Section 2.76.020 of the Mun. Code addressing exceptions to civil service for the position of the Director of Facilities and Inspection Services. The motion was seconded by Alderman Garvens. A roll call vote was taken and carried Ayes 13, No's

1 with Alderman Schellinger voting no. **Ordinance No. 1864***

Alderman Ponto moved approval of the Resolution affirming the Mayoral appointment of the Director of Facilities and Inspection Services. The motion was seconded by Alderman Wolff and carried Ayes 13, No's 1 with Alderman Schellinger voting no. **Resolution No. 6918***

COUNCIL AS A WHOLE

Alderman Ponto moved approval of the Resolution approving the 2002 budget transfers requested by the Mayor: \$135,917 from department 104, Administrative Services, to various other department accounts with the amendments (dollar amounts) as described from the Director of Finance. The motion was seconded by Alderman Brunner and carried Ayes 13, No's 1 with Alderman Schellinger voting no. **Resolution No. 6919***

Alderman Ponto moved to adjourn. The motion was seconded by Alderman Heinrich and carried unanimously. 12:40 p.m.

Renee J. Tadych, Deputy City Clerk

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