

THESE ARE THE MINUTES OF A **REGULAR COMMON COUNCIL** MEETING HELD AT 7:45 P.M., TUESDAY, **DECEMBER 2, 2003**, IN THE COUNCIL CHAMBERS OF BROOKFIELD CITY HALL, 2000 N. CALHOUN ROAD, BROOKFIELD, WISCONSIN

MAYOR JEFF SPEAKER Presiding

ALDERMEN PRESENT: Steven Ponto, Gary Mahkorn, Scott Berg, Cindy Kilkenny, Jerome Wolff, Jack Shaw, Karl Schulz, Kari Clappier, James Garvens, Richard Brunner, Brad Steinke, Mike Franz

ALDERMEN ABSENT & EXCUSED: Thomas Schellinger, Jim Heinrich

ALSO PRESENT: City Attorney Sue Schalig, Director of Public Works Tom Grisa, Director of Community Development Dan Ertl, Director of Facilities & Inspection Services Dean Marquardt, Director of Finance Robert Scott, Assistant City Attorney Karen Flaherty, Director of Human Resources Jim Zwerlein, Director of Information Technology Fred Miller, Fire Chief John Dahms

Mayor Jeff Speaker called the meeting of the Common Council to order at approximately 7:45 p.m. Four people spoke from the audience during the 15 minute segment set aside for the citizens to address the Council regarding the Loth Pit (superfund-Waste Management) site or the proposed Shire Subdivision and the proposed Leaf Burning Ordinance (on the agenda).

The next Common Council meeting is scheduled for December 16, 2003.

Boy Scout Troop 55 from Wisconsin Hills Middle School led the Common Council in the Pledge of Allegiance to the American Flag.

Alderman Schulz moved approval of the Regular Common Council minutes of November 18, 2003. The motion was seconded by Alderman Mahkorn and carried unanimously.

ACTIONS OF THE COMMON COUNCIL

FINANCE COMMITTEE

No action was taken on the Vouchers exceeding \$50,000 requiring immediate action.

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Alderman Garvens moved approval of the Request of the Water Utility to purchase water

meters from Badger Meter for \$180,000 (2004 budget item). The motion was seconded by Alderman Schulz and carried Ayes 11, Alderman Kilkenny abstaining.

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Alderman Garvens moved approval of the Request of the Information Technology Department to purchase IBM iSeries AS/400 Model 9406-810 computer (replacement for existing AS/400) from International Business Machines Corporation for \$98,120 (2004 budget item). The motion was seconded by Alderman Brunner and carried unanimously.

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Alderman Garvens moved approval of the Resolution approving the 2004 Agreement for Legal Services with Attorney E. Joseph Kershek for legal services in prosecuting the City's ordinance violations. The motion was seconded by Alderman Schulz and carried unanimously. **Resolution No. 7158-03***

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Alderman Garvens moved approval of the Resolution approving the Service Agreement between Elmbrook Humane Society and the City of Brookfield for 2004. The motion was seconded by Alderman Wolff and carried unanimously. **Resolution No. 7159-03***

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Alderman Garvens moved approval of **Item #9**, the Resolution approving 2003 Special Revenue Fund budget amendments requested by the Director of Finance: (a) reduce transfers from the Public Site Fund by \$180,000; and (b) to establish a Special Assessments Fund for collection and distribution of special assessments on non-utility projects; **Item #10**, the Resolution approving 2003 Debt Service Fund budget amendment, requested by the Director of Finance: reduce Special Assessment Revenue, account #103-000-436-000 by \$62,000 and increase transfer from Special Revenue Fund, account #103-000-475-500, by \$51,050; and **Item #11**, the Resolution approving 2003 Capital Improvement Fund budget amendment requested by the Director of Finance: reduce park development expenditures by \$30,000; reduce transfers from Public Site Fund by \$180,000; and increase State grants (park development) revenue by \$150,000. The motion was seconded by Alderman Berg and carried unanimously.

- Item #9 - **Resolution No. 7160-03***
- Item #10 - **Resolution No. 7161-03***
- Item #11 - **Resolution No. 7162-03***

LEGISLATIVE & LICENSING COMMITTEE

Alderman Clappier moved approval of eight original Bartender Licenses (see Legislative and Licensing Agenda for names). The motion was seconded by Alderman Shaw and carried unanimously.

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No action was taken on the application for a Class A Combination Beer and Liquor License for Ultra Mart Foods, Inc., d/b/a Pick 'N Save, 2205 N. Calhoun Road, Agent – Jim J. Goetz, as the item was tabled at the Legislative & Licensing Committee.

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Alderman Clappier moved adoption of the Ordinance repealing the Charter Ordinance Chapter 8.36 of the Municipal Code of the City of Brookfield and creating an Ordinance Chapter 8.36 of the Municipal Code relating to Open Burning with the additional language adopted by the Legislative Committee. **(1)** in paragraph B. to delete *U.S. Weather Bureau or the Wisconsin Bell* language; **(2)** the second sentence in paragraph E.2 to read *The container must be more than twenty-five (25) feet from a building...*"; and **(3)** the second sentence in paragraph E.4. to read "The annual license fee shall be fifteen dollars (\$15.00) *and be valid for the calendar year for which it is issued*" The motion was seconded by Alderman Ponto.

Alderman Steinke moved to amend the ordinance to repeal Charter Ordinance and create language to prohibit open burning, except for the exemptions listed in paragraph F of the current ordinance. The motion was seconded by Alderman Berg. A roll call vote was taken and failed Ayes 5, Nays 7 with Aldermen Steinke, Brunner, Kilkenny, Wolff and Berg voting Aye.

The Aldermen requested a study be conducted by staff on what alternatives could be presented with the ultimate banning of open burning in the near future.

Alderman Kilkenny moved to amend the ordinance to separate the language to repeal and the language to create. The motion failed for a lack of a second.

A roll call vote was taken on the ordinance with additional language changes made by the Legislative and Licensing Committee **(1)** in paragraph B. to delete *U.S. Weather Bureau or the Wisconsin Bell* language; **(2)** the second sentence in paragraph E.2 to read with a period after (burn barrel). *The container must be more than twenty-five (25) feet from a building...*"; and **(3)** the second sentence in paragraph E.4. to read "The annual license fee shall be fifteen dollars (\$15.00) *and be valid for the calendar year for which it is issued*" and carried Ayes 11, Nays 1 with Alderman Kilkenny voting no. **Ordinance No. 1940-03***

WATER BOARD

Alderman Brunner moved approval of the Resolution approving a Consent Agreement with Wis. Department of Natural Resources for radionuclide treatment of City Water. The motion was seconded by Alderman Kilkenny and carried unanimously. **Resolution No. 7163-03***

COUNCIL AS A WHOLE

Alderman Ponto moved approval of the Resolution relative to the Mayor's Appointment of

Dean Marquardt as Interim Chief of Staff. The motion was seconded by Alderman Schulz.

Alderman Shaw moved to amend the motion to delete in the 3rd paragraph "*and continuing until the position is permanently filled*" and add the language "*During the interim period, the Council, meeting as Council as a Whole, with the President of the Council as Chair, shall study and determine the organizational structure of staff.*" The motion was seconded by Alderman Kilkenny and carried Ayes 10, Nays 2 with Alderman Brunner and Garvens voting no.

The motion as amended carried Ayes 11, Nays 1 with Alderman Brunner voting no.
Resolution No. 7164-03*

Alderman Ponto moved approval of the Mayor's Reappointment of Thomas Fotsch to the Library Board. The motion was seconded by Alderman Kilkenny and carried unanimously.

Alderman Ponto moved approval of the Mayor's Reappointment of Gordon Miller to the Library Board. The motion was seconded by Alderman Clappier and carried unanimously.

Library Board

Thomas A. Fotsch – Three year term expiring July 1, 2006.
Gordon K. Miller – Three year term expiring July 1, 2006.

Alderman Ponto moved approval of the Mayor's Reappointment of Roger Engelking to the Community Development Authority. The motion was seconded by Alderman Garvens and carried unanimously.

Community Development Authority

Roger Engelking – Four year term expiring November 20, 2007.

Alderman Ponto moved approval of the Memorandum of Understanding (MOU) between the City of Brookfield and the Wis. Department of Transportation (DOT) concerning the construction of state road improvements required as a result of the construction of the development known as the "The Shoppes". The motion was seconded by Alderman Garvens and carried unanimously.

Alderman Ponto moved to adjourn. The motion was seconded by Alderman Shaw and carried unanimously. 10:00 p.m.

Kristine A. Schmidt, City Clerk

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