

THESE ARE THE MINUTES OF A **REGULAR COMMON COUNCIL MEETING OF THE 26TH COMMON COUNCIL**, HELD AT 7:45 P.M., TUESDAY, **MARCH 1, 2005**, IN THE COUNCIL CHAMBERS OF BROOKFIELD CITY HALL, 2000 N. CALHOUN ROAD, BROOKFIELD, WISCONSIN

MAYOR JEFF SPEAKER PRESIDING

ALDERMEN PRESENT: Scott Berg, Thomas Schellinger, Jim Garvens, Gary Mahkorn, Steve Ponto, Dan Sutton, Rick Owen, Ron Balzer, Christopher Blackburn, Jim Heinrich, Cindy Kilkenny, Beverly Wentz, Richard Brunner

ALDERMEN ABSENT & EXCUSED: Mike Franz

ALSO PRESENT: Director of Community Development Dan Ertl, City Attorney Vince Moschella, Director of Administration Dean Marquardt, Deputy City Clerk Renee Tadych, Director of Public Works Tom Grisa, Director of Human Resources Jim Zwerlein, Fire Chief John Dahms, Director of Finance Robert Scott, Economic Development Coordinator Patrick Drinan, Police Chief Daniel Tushaus

Mayor Jeff Speaker called the Common Council to order at approximately 7:50 p.m.

No one spoke from the audience during the 15 minute segment set aside for citizens to address the Council. A memo dated February 28, 2005, from Tom & Lois Janke was distributed regarding the Zoning Code Chapter 17 Illumination Changes-Capitol Heights Impact.

The next Common Council meeting will be March 15, 2005. The next meeting includes the public hearing for CBL & Associates/P.A. Bergner (Brookfield Square), 15875 W. Bluemound Road.

Police Lieutenant Mark Millard led the Common Council in the Pledge of Allegiance to the American Flag. Mayor Speaker commended Lieutenant Mark Millard for 25 years of service to the City of Brookfield Police Department.

ACTIONS OF THE COMMON COUNCIL

CONSENT AGENDA

Alderman Blackburn requested that item #3 from the Plan Commission contained in Item #3b and Item '3d' be removed from the consent agenda. Alderman Berg requested Items '3.j.1' and '3.k.2.' be removed from the consent agenda.

Alderman Mahkorn pointed out a revision to the Plan Commission minutes of February 21, 2005, page 14 of 14, was laid on the aldermen's desks.

Alderman Ponto moved approval of the Consent Agenda, except for the Items removed above. The motion was seconded by Alderman Heinrich and carried unanimously. Recorded as a roll call.

- a) Minutes of the Regular Common Council meeting of February 15, 2005.

Actions and recommendations from the Plan Commission meeting on February 21, 2005,
including the Plan Review Board of January 20, 2005

- b) Approve the actions and recommendations of the Plan Commission as represented in the February 21, 2005, minutes except for Items #2, #3, #5 and #6 and including the Plan Review Board minutes of January 20, 2005.

As recommended from the Finance Committee

- c) Vouchers exceeding \$50,000 requiring immediate action.
- Brookfield Convention 4th Qtr 2004 Room Tax \$73,723.18
& Visitors Bureau
 - WE Energies Calhoun Rd Const. Proj. \$49,994.00
- d) *Removed from the Consent Agenda.*
- e) Resolution approving 2004 budget amendment requested by the Director of Finance: transfer \$90,000 from Contingency account #101-910-590 to Transfer to other funds account #101-910-591, for purposes of funding 2004 health insurance fund costs. **Resolution No. 7368-05***
- f) Resolution awarding the contract for banking services for the City of Brookfield to Tri City National Bank. **Resolution No. 7369-05***
- g) Resolution refunding 2004 property taxes (assets incorrectly reported) on personal property account #6246. **Resolution No. 7370-05***

As recommended by the Legislative & Licensing Committee

- h) Ordinance repealing and recreating Section 5.24.040(A) of the Municipal Code relating to License Fees for Class A Fermented Malt Beverages. **Ordinance No. 2000-05***

Council As A Whole

- i) Approve Original Bartender's Licenses: Kari A. Clark, Erin R. Olson, Melinda M. Vandemoore, and Steven L. Wolter.
- j1) *Removed from the Consent Agenda.*
- j2) Mayor's Appointments to the Economic Development Committee: David Krutz – To fulfill the unexpired term of a member who resigned expiring January 2, 2007.
- k1) Mayor's Appointment to the Board of Zoning Appeals: Rodney Carter – To fulfill the unexpired term of a member who resigned expiring May 1, 2005.
- k2) *Removed from the Consent Agenda.*
- l) Resolutions commending the following employees for 25 years of service:
1. Mark Millard – Lieutenant/Crime Prevention Officer, Police Dept. **Res. #7359-05***
 2. Thomas Caravello – Officer, Police Dept. **Res. #7360-05***
 3. Gregory Wagner – Equipment Operator, Fire Dept. **Res. #7361-05***
 4. Chuck Neubert – Senior Drafter/Designer, Engineering Dept. **Res. #7362-05***
 5. Daryl Fiene – Lead Custodian, Maintenance Dept. **Res. #7363-05***
 6. Richard Paul – Assistant Superintendent/Streets, Highway Dept. **Res. #7364-05***

- 7. Eugene Reuter – Equipment Operator/Laborer, Highway Dept. **Res. #7365-05***
- 8. Randy Demmitt – Operator, Water Dept. **Res. #7366-05***
- 9. James Isleb – Utility Specialist, Water Dept. **Res. #7367-05***

(End of Consent Agenda)

Item 4 - Items Removed from the Consent Agenda

Item 3 of the Plan Commission - Alderman Garvens moved approval of the actions and recommendations of Item #3 from the Plan Commission minutes of February 21, 2005 – Request of the Mandel Group, 111 E. Wisconsin Avenue, Milwaukee, WI, c/o Robert B. Monnat, for approval of a "PDD"-Specific Plan, Certified Survey Map, and Development Agreement for Georgetown Square, a 144-unit apartment development located south of an extension of Wisconsin Avenue east of Thomas Lane. (NW 1/4 of Sec. 7). The motion was seconded by Alderman Brunner.

Alderman Kilkenny moved to amend the recommendation for Item #3, Georgetown Square, to direct staff to insure language pertaining to lighting in the Development Agreement states that the lighting must be consistent with the illumination code in effect at the time the Development Agreement is executed. The motion was seconded by Alderman Sutton and carried unanimously.

The motion as amended carried Ayes 12, Nays 1 with Alderman Blackburn voting nay.

Item #3d – Alderman Garvens moved to table the Resolution approving professional services contract with Magic Carpet Helicopters, Inc. for helicopter rides during National Night Out on August 3, 2005. The motion was seconded by Alderman Berg and carried unanimously.

Item #j1 – Alderman Brunner moved approval of the Mayor's Appointments to the Economic Development Committee: Chad Schultz – Greater Brookfield Chamber of Commerce Representative, a three year term expiring November 12, 2008. The motion was seconded by Alderman Wentz and carried Ayes 12 with Alderman Owen abstaining.

Item #k2 – Alderman Garvens moved approval of the Mayor's Reappointment to the Board of Zoning Appeals: Kevin Bublitz – Three year term expiring May 1, 2007. The motion was seconded by Alderman Ponto and carried unanimously.

PLAN COMMISSION

Item #5 – The next item was the actions and recommendations of Item #6 from the Plan Commission as represented in the February 21, 2005, minutes: Amendment to the Zoning Code or Chapter 17, specifically 17.120.070 A., D., E., F., J., and K. of the Municipal Code, relating to

Illumination.

The Plan Commission recommended approval of the ordinance as written, but without the reference to sodium vapor lighting. (Commissioners Wentz and Faber voted no at the Plan Commission meeting.)

Alderman Mahkorn moved to adopt the recommendation of the Plan Commission. The motion was seconded by Alderman Owen and carried Ayes 11, Nays 2 with Aldermen Wentz and Garvens voting nay.

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Alderman Mahkorn moved adoption of the Ordinance amending Section 17.120.070 of the Municipal Code regarding Illumination. The motion was seconded by Alderman Heinrich.

Alderman Ponto moved to amend the Ordinance, p. 2, Part II, Section 17.120.075 Residential Illumination, to read as follows (*changes shown in italics*): "Lighting on residential properties shall be designed to illuminate specific areas (driveways, entryways, decks, *residence facades, landscaping highlights*, etc.). Lighting shall not be used to illuminate entire properties. Residential lighting shall be aimed so as to eliminate glare onto neighboring properties." The motion was seconded by Alderman Kilkenny and carried Ayes 9, Nays 4 with Aldermen Wentz, Owen, Garvens and Mahkorn voting nay.

The ordinance as amended carried Ayes 11, Nays 2 with Aldermen Wentz and Garvens voting nay. **Ordinance No. 2001-05***

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Legislative Referrals: There were two legislative referrals:

- a. Alderman Berg requested the Water Board to consider an amendment to Section 13.12.020 C. relating to Water Supply Assessments.
- b. Alderman Heinrich requested that the Plan Commission revisit the needs of senior family housing to see if there is sufficient housing for senior citizens or older residents who were now empty nesters and wanted to move out of their big homes into something more manageable and want to stay in Brookfield, i.e. additional apartments, condominiums, multiple-family housing, and senior housing which were built (or scheduled to be built) since 1996 or so.

In addition, Alderman Kilkenny asked that an updated matrix on the status of legislative referrals be provided to the Council.

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Alderman Ponto moved to adjourn the meeting. The motion was seconded by Alderman Wentz and carried unanimously. 9:15 p.m.

Kristine A. Schmidt, City Clerk

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