

THESE ARE THE MINUTES OF A **REGULAR COMMON COUNCIL MEETING OF THE 26<sup>TH</sup> COMMON COUNCIL**, HELD AT 7:45 P.M., TUESDAY, **MAY 3, 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, Gary Mahkorn, Steve Ponto, Dan Sutton, Rick Owen, Ron Balzer, Christopher Blackburn (teleconference call), Jim Heinrich, Cindy Kilkenny, Richard Brunner, Mike Franz, Mark Nelson, Jim Garvens

**ALDERMEN ABSENT & EXCUSED:** None

**ALSO PRESENT:** City Attorney Vince Moschella, Director of Administration Dean Marquardt, City Clerk Kris Schmidt, Director of Public Works Tom Grisa, Director of Finance Robert Scott, Economic Development Coordinator Pat Drinan, Director of Human Resources Jim Zwerlein, Director of Community Development Dan Ertl, Police Chief Dan Tushaus

Mayor Jeff Speaker called the Common Council to order at approximately 7:45 p.m.

The next Common Council meeting will be May 17, 2005.

Economic Development Coordinator Patrick Drinan presented the 1<sup>st</sup> Quarter 2005 Featured Business Award to Dennis Buehler, Executive Director of Sharon Lynne Wilson Center for the Arts. Also present to accept the award were Joe Becker and Jack Koehler.

One person spoke from the audience during the 15 minute segment set aside for citizens to address the Council regarding an election concern at the April 5<sup>th</sup> election.

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**ACTIONS OF THE COMMON COUNCIL**

2) Boy Scout Troop 45 from Wauwatosa led the Common Council in the Pledge of Allegiance to the American Flag.

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**CONSENT AGENDA**

Aldermen Heinrich moved approval of the items on the Consent Agenda, except for items 6a, 6b, 12, 14 and 15. The motion was seconded by Alderman Franz and carried unanimously. Recorded as a roll call.

3) Minutes from the Regular Common Council meeting of April 19, 2005

Actions and recommendations as represented in the Plan Commission minutes on April 25, 2005

- 4) • P.C. Item #1: The Shoppes at Brookfield Commons, 15445 W. Bluemound Rd., revised plan and method of operation permitting the substitution of fabric awnings.
- 5) a. • P.C. Item #2: John W. Dickerson, 16480 Burleigh Place, special exception for an expired nonconforming use.  
b. ♦ Ordinance granting a special exception permitting residential rental occupancy of a second dwelling unit at 16480 Burleigh Place (John Dickerson). **Ordinance No. 2009-05\***
- 6a) *Removed from the Consent Agenda.*
- 6b) *Removed from the Consent Agenda.*

As recommended from the Finance Committee

- 7) There were no vouchers exceeding \$50,000 requiring immediate action.
- 8) Resolution approving public depositories for the City of Brookfield. **Resolution No. 7410-05\***
- 9) Resolution approving authorizing broker/dealers for City of Brookfield investments. **Resolution No. 7411-05\***
- 10) Request of the Police Department to purchase five replacement squad vehicles from Ewald Automotive Group for \$111,780.
- 11) Request of the Fleet Division to purchase truck equipment from Olson Trailer and Body for \$114,792 to complete the outfitting of 2 patrol trucks.
- 12) *Removed from the Consent Agenda.*

As recommended by the Legislative & Licensing Committee

- 13) Approval of 14 Original Bartender Licenses and denial of one license (see Legislative & Licensing agenda for names).

As recommended by the Personnel Committee

- 14) *Removed from the Consent Agenda.*

Council As A Whole

- 15) *Removed from the Consent Agenda.*
- 16) Council President's Re-appointment: Bonnie Moyer Topczewski to the Brookfield Convention and Visitor's Bureau – Two year term expiring May 15, 2007.

17) Items removed from the Consent Agenda:

**Plan Commission**

6a) • P.C. Item #3: Request of Thomas Finger et al for annexation of 73.2908 acres of territory from the Town of Brookfield, located south of Lisbon Road, east of Lannon Road and directly west of the western City limits.

The Plan Commission recommended to approve the annexation petition and establish a temporary zoning of "R-2" (not "R-3" as stated in the staff report) single-family residential.

Alderman Kilkenny raised a point of order stating the discussion of fire stations strayed from the agenda item. City Attorney Moschella requested that Alderman Berg, "Wrap it up" relative to his comments on the fire stations.

Alderman Mahkorn moved to adopt the recommendation of the Plan Commission. The motion was seconded by Alderman Owen and carried Ayes 13, Nays 0 with Aldermen Kilkenny abstaining.

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6b) Alderman Mahkorn moved adoption of the Ordinance annexing 73.2908 acres of land from the Town of Brookfield to the City of Brookfield, located south of Lisbon Road, east of Lannon Road and directly west of the western city limits (Finger/Haasch et al). The motion was seconded by Alderman Owen. A roll call vote was taken and carried Ayes 13, Nays 0 with Aldermen Kilkenny abstaining.  
***Ordinance No. 2010-05\****

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**Finance Committee**

12) Alderman Garvens moved authorization to the Wisconsin Local Government Telecommunications Coalition to commence litigation against SBC. The motion was seconded by Alderman Owen and carried Ayes 10, Nays 4 with Aldermen Kilkenny, Berg, Schellinger, and Blackburn voting nay.

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**Personnel Committee**

14) Alderman Ponto moved approval of the Resolution approving a Memorandum of Understanding between the City of Brookfield and the Brookfield Professional Police Association (W.P.P.A.) regarding sick leave utilization by a Police Department employee who was injured by enemy fire while serving in Operation Iraqi Freedom. The motion was seconded by Alderman Sutton and carried unanimously. ***Resolution No. 7412-05\****

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**Council As A Whole**

15) Alderman Berg moved approval of the Preliminary Resolution declaring intent to exercise special assessment powers under Section 66.0703, Wis. Stats. – Calhoun Road (Gebhardt Road to Winston Park Court) and Winston Park Court Water Main Project #W-04-02. The motion was seconded by Alderman Brunner and carried Ayes 12, Nays 2 with Aldermen Blackburn and Kilkenny voting nay. ***Preliminary Resolution No. 7413-05\****

*(End of Consent Agenda)*

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**COUNCIL AS A WHOLE**

18) Legislative Referrals:

- a. Alderman Berg requested the Personnel Committee to investigate a policy relative to the decisions to fill or not fill vacant positions.
- b. Alderman Kilkenny requested that the Legislative and Licensing Committee review Section 5.36.050 of the Municipal Code, Regulation of Direct Sellers and Solicitors.
- c. Alderman Kilkenny requested that the Calhoun Road and Capitol Drive Node Plan be reevaluated to lessen the number of multi-family housing.

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Alderman Heinrich moved to adjourn the meeting. The motion was seconded by Alderman Sutton and carried unanimously. 8:40 p.m.

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Kristine A. Schmidt, City Clerk

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