

ATTENTION CITIZENS: There will be a 15 minute segment in which the public will be allowed to address the Council, other than any public hearing listed below. In order to address the Council, please pick up a "Sign Up" form and submit it to the City Clerk prior to the meeting. Comments can be made from the floor for public hearings once recognized by the Chair.

Announcements:

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

* *Presentation of 1st Quarter 2005 Featured Business Award to Sharon Lynne Wilson Center for the Arts.*

AGENDA

1. Roll Call.
2. Pledge of Allegiance.

CONSENT AGENDA - *Prior to voting on the Consent Agenda, items on the Consent Agenda may be removed at the request of any Alderman and placed immediately following action on the Consent Agenda.*

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

Actions and recommendations as represented from 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).
6. a. • 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.
b. ♦ 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).

As recommended by the Finance Committee

7. Vouchers exceeding \$50,000 requiring immediate action.
8. Resolution approving public depositories for the City of Brookfield.
9. Resolution approving authorized broker/dealers for City of Brookfield investments.
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. Discussion and possible action regarding authorization to the Wisconsin Local Government Telecommunications Coalition to commence litigation against SBC.

As recommended by the Legislative & Licensing Committee

13. Original Bartender Licenses (see Legislative & Licensing agenda for names).

As recommended by the Personnel Committee

14. 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.

Council As A Whole

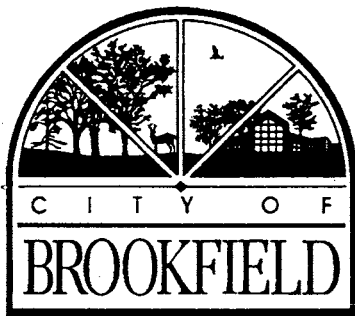
15. Preliminary Resolution declaring intent to exercise special assessment powers under Section 66.0703, Wis. Stats. – Calhoun Road (Gebhardt Road to Winston Park Court) and Winston Park Court Water Main Project #W-04-02.
16. Council President's Re-appointment: Bonnie Moyer Topczewski to the Brookfield Convention and Visitor's Bureau.
17. Items removed from the Consent Agenda (*if necessary*).

(End of consent agenda.)

18. Legislative referrals.
19. Adjourn.

It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this matter.

Any person who has a qualifying disability as defined by the Americans with Disabilities Act that requires the meetings or materials be in an accessible location or format, contact the City Clerk at (262) 782-9650 or 2000 N. Calhoun Road, for accommodations. Request for accommodations for meetings should be made at least 3 business days prior to the meeting. Every effort will be made to arrange accommodations for all meetings, so please give the City Clerk as much advance notice as possible.



ECONOMIC DEVELOPMENT COMMITTEE

• 2000 North Calhoun Road
Brookfield, Wisconsin 53005-5095
(262) 796-6694 FAX (262) 796-6702

MEMORANDUM

TO: Mayor Jeff Speaker
Common Council

FROM: Patrick Drinan
Economic Development Coordinator

DATE: April 26, 2005

RE: First Quarter 2005 Featured Business Award Presentation

On December 6, 1993, the Economic Development Committee approved the establishment of the Featured Business Program. This program honors a Brookfield company that has demonstrated a measure of some or all of the following:

- | | |
|--|---|
| <input type="checkbox"/> Commitment to employees | <input type="checkbox"/> Effective research and development |
| <input type="checkbox"/> Investment in training/retraining | <input type="checkbox"/> Export activity |
| <input type="checkbox"/> Profitable growth | <input type="checkbox"/> Environmentalism |
| <input type="checkbox"/> Innovation | <input type="checkbox"/> Commitment to Brookfield |
| <input type="checkbox"/> Dedication to total quality | <input type="checkbox"/> Member of Brookfield Chamber of Commerce |

At its meeting on April 4, 2005, the Economic Development Committee selected the **Sharon Lynne Wilson Center for the Arts** to receive the First Quarter 2005 Featured Business Award. The Wilson Center has shown profitable growth, innovation, dedication to total quality, and a commitment to Brookfield.

The Sharon Lynne Wilson Center for the Arts is located at 19805 W. Capitol Drive in Mitchell Park. Established as a unique public/private partnership between the City of Brookfield and the Sharon Lynne Wilson Center for the Arts' Board of Directors, the Wilson Center has become the focal point of celebrating the arts and arts education in eastern Waukesha County.

Dennis Buehler, Executive Director, and Kathryn Bloomberg, President of the Board of Directors, are expected to attend the Common Council meeting on May 3, 2005, to receive the award on behalf of the Sharon Lynne Wilson Center for the Arts.

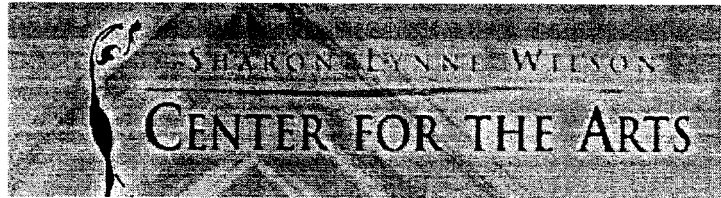
(Please see the attached description of the Wilson Center for additional information).



SHARON LYNNE WILSON CENTER FOR THE ARTS

The Sharon Lynne Wilson Center for the Arts ("Wilson Center") is a unique public/private partnership focused on the arts and arts education in eastern Waukesha County. This new fine arts facility includes a 619-seat performance hall with grand foyer, a 175-seat flexible recital studio, an expansive outdoor performance space, music classrooms and practice rooms, dance and visual art studios, support spaces and rehearsal halls.

Beyond its role as host to the School District of Elmbrook's performing arts programs, the center provides education programming in collaboration with some of the area's finest arts organizations such as First Stage Theatre Academy, Milwaukee Ballet, Milwaukee Art Museum, Wisconsin Conservatory of Music, and Milwaukee Symphony Orchestra. Collaborating with organizations from Milwaukee to Madison allows the Wilson Center to introduce new audiences to the arts while offering a community amenity for Brookfield and the suburban marketplace. Additionally, the facility is a key component to the City's quality of life for new and existing residents and businesses alike.



The Wilson Center was opened in 2002, and has grown its programming niche with comprehensive performance series, including its national touring performing arts series, a senior healthy living matinee series, cabaret and jazz club series, classical evenings with the Milwaukee Symphony Orchestra, and a free Starry Nights summer concert series. The Wilson Center's art gallery has also drawn critical acclaim for its focus on working Wisconsin artists and now serves as a model for other satellite galleries through the Wisconsin Academy of Sciences, Arts and Letters. Additionally, the Wilson Center works closely with more than 30 small and mid-sized arts and community organizations including Waukesha Symphony Orchestra, Brookfield Players, Bel Canto chorus and Brookfield Civic Band and Chorus, to name just a few, by providing a quality venue in which to perform their work.

The Wilson Center has focused its efforts on earned revenue growth, the cost-effective administration of services and efficient fundraising mechanisms with an expectation to break even in its operating revenues/expenditures within its first three years of operations. The \$10.5 million facility is located in Mitchell Park, and the construction costs were financed with the creative support and assistance of the City of Brookfield. The tax-exempt bond status of the City provided low-interest financing for the facility. Private sector fundraising and corporate sponsorships provide additional revenues to the Wilson Center. Former Mayor Kathryn Bloomberg currently serves as the President of the Wilson Center Board of Directors, and Common Council President Richard Brunner serves on the Board.

The not-for-profit Wilson Center has also become actively involved in creating collaborative partnerships with the City of Brookfield, Greater Brookfield Chamber of Commerce, Brookfield Convention & Visitors Bureau, Inc. and other local hospitality businesses in promoting cultural tourism opportunities for residents and visitors alike. The Wilson Center is currently working with the aforementioned groups and its arts partners to develop a Wisconsin Arts Festival for the community in the fall 2006, further celebrating the works of Wisconsin artists. This type of collaborative thinking and programmatic development is the driving force behind what some call a unique partnership of serenity and synergy with some of the most diverse arts and integrated education programming available today.

The Wilson Center's profitable growth, innovation, dedication to total quality, and a commitment to Brookfield make it a deserving candidate for Brookfield's featured business award.

THESE ARE THE MINUTES OF A **REGULAR COMMON COUNCIL MEETING OF THE 26TH COMMON COUNCIL**, HELD AT 7:45 P.M., TUESDAY, **APRIL 19, 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 (teleconference call), Dan Sutton, Rick Owen, Ron Balzer, Christopher Blackburn, Jim Heinrich, Cindy Kilkenny, Richard Brunner, Mike Franz, Mark Nelson (sworn-in this evening)

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

Mayor Jeff Speaker called the Common Council to order at approximately 7:55 p.m.

The next Common Council meeting will be May 3, 2005.

One person spoke from the audience during the 15 minute segment set aside for citizens to address the Council regarding the proposed water main project on Capitol Drive (169th Street to Bradee Road) and Fiebrantz Drive Water Main Project.

Newly elected 4th District Alderman Mark Nelson was introduced and the City Clerk administered the oath-of-office.

ACTIONS OF THE COMMON COUNCIL

Alderman Christopher Blackburn led the Common Council in the Pledge of Allegiance to the American Flag.

Alderman Berg moved approval of the Resolution recognizing the City of Brookfield's Police and Fire Departments for their Outstanding Response to the March 12, 2005, Tragedy. The motion was seconded by Alderman Sutton and carried unanimously. ***Resolution No. 7396-05****

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CONSENT AGENDA

Alderman Heinrich stated, as a point of information, that the resolution for item 17 was from

the Board of Public Works and not the Sewer Board. Alderman Heinrich moved approval of the Consent Agenda. The motion was seconded by Alderman Brunner and carried unanimously. Recorded as a roll call.

- 4) Minutes of the Regular Common Council meeting of April 5, 2005

Actions and recommendations as represented in the minutes from the Plan Commission on April 11, 2005, including the Plan Review Board actions of March 17, 2005 (with the exception of Item 2)

- 5) • P.C. Item #1: Plan Review Board actions and recommendations as represented in the minutes of March 17, 2005, with the exception of Item #2.
- a. • PRB Item #1: Manfred Meyer, 19450 North Hills Dr., addition to an existing detached garage.
 - b. • PRB Item #3: Brookfield Junction, 2848 N. Brookfield Rd., landscape plan.
 - c. • PRB Items A1, A2, and B: Sign Requests –
 - c1. Murf's Frozen Custard, 12505 W. Burleigh Rd.
 - c2. Murf's Frozen Custard, 12505 W. Burleigh Rd.
 - c3. The Shire Subdivision – Rivendell & Brookfield Roads
- 6) a. • P.C. Item #4: Liberty Property Trust (245 Plaza), 245 S. Executive Drive, apply M.S.O. Modified Suburban Overlay – Cluster Suburban District and revised plan and method of operation.
- b. ♦ Ordinance establishing the Modified Suburban Overlay Zoning District and matrix for the property located at 245 S. Executive Drive (Liberty Property Trust). **Ordinance No. 2005-05***
- 7) • P.C. Item #6: Trieflaff Mobil, 14035 W. Capitol Drive, to schedule a public hearing to remove a special exception and amend the Modified Suburban Overlay District matrix.
- 8) • P.C. Item #7: Thomson Corporation located approximately at 15200 W. Greenfield Avenue for re-approval of Phase I of a modified new plan and method of operation for "Century Center".
- 9) • P.C. Item #8: Extraterritorial preliminary plat denial of Ravens Wood Heights in the Town of Brookfield.

As recommended from the Finance Committee

- 10) Vouchers exceeding \$50,000 requiring immediate action.
- | | | |
|---------------------|------------------|-------------|
| - WI Dept. of Trans | Greenfield Av | \$65,449.20 |
| | Baythorn-Calhoun | |
- 11) Resolution approving Financial Advisory Agreement with RBC Dain Rauscher, Inc. with respect to 2005 general obligation corporate purpose bonds to be issued to fund the City's capital improvement program. **Resolution No. 7397-05***
- 12) Resolution approving capital project budget amendment requested by the Fire Chief: increase capital projects revenue account 201-000-445, Sundry Revenues, and capital projects expenditure account 201-113-700-076, Dispatch project, by \$7,200 each, for purposes of

recognizing donations revenue and expenditures for expenditures. **Resolution No. 7398-05***

- 13) Denial of claim for Salvatore Fricano.

As recommended by the Board of Public Works

- 14) Ordinance repealing and recreating Section 10.08.020 of the Municipal Code relating to Bicycle Lanes and Bicycle Ways. **Ordinance No. 2006-05***

- 15) Resolution accepting the Offer to Purchase from Brian and Renee King for the City-owned property at Lot 13 and the west half of the vacated alley, Block 20 in the Second Continuation of Kinsey's Garvendale (1220 Garvens Avenue) in the amount of \$1,000. **Resolution No. 7399-05***

- 16) Resolution awarding the bid for the 2005 Epoxy Pavement Marking Project No. R-05-03(A) to Brickline, Inc. for \$50,325.00. **Resolution No. 7400-05***

- 17) Resolution awarding the bid for the Brookfield Road Pathway Project No. BP-02-02 to Payne and Dolan, Inc. for \$48,360.30. **Resolution No. 7401-05***

- 18) Resolution approving the Hold Harmless Agreement for the encroachment of the screening wall in the City's Storm Sewer Easement located at the Goodyear building at Fountain Square. **Resolution No. 7402-05***

- 19) Resolution approving Perpetual Drainage Easements between the City of Brookfield and the Shariat & N. Siddiqui, 3780 Fiebrantz, and Kelly S. Quinney, 3760 Fiebrantz Drive. **Resolution No. 7403-05***

As recommended by the Water Board

- 20) Final Resolutions levying special assessments against:
a. 16260 Luella Drive, BRC 1065-076, \$3,461.30. **Final Resolution No. 7404-05***
b. 16320 Luella Drive, BRC 1065-060, \$3,362.69. **Final Resolution No. 7405-05***

Council As A Whole

- 21) Original Bartender Licenses: Christine P. Cannon, Suzanne L. Chartier, Rita A. Dolgner, Jessica L. Florczak, and Robert A. Omlie.

- 22) Temporary Class B Beer and Wine license for St. John Vianney Parish Festival, 1755 N. Calhoun Road, from June 10th, 5-11:30 p.m.; June 11th, 9 a.m.-11:30 p.m., and June 12th, 12-8:30 p.m.

- 23) Ordinance accepting detached property (1.5203 acres along Lisbon Road) from the Village of Menomonee Falls and payment of \$21,708 to the Village of Menomonee Falls for the detachment (MNFV 0127993). **Ordinance No. 2007-05***

- 24) Council President's Appointments:
a. Alderman Ron Balzer – Personnel Committee, One year term expiring April 2006.

- b. Alderman Mark Nelson – Finance Committee, One year term expiring April 2006.
- 25) Council President's Reappointments:
 - a. Alderman Gary Mahkorn – Plan Commission, One year term expiring April 2006.
 - b. Alderman Rick Owen – Plan Commission, One year term expiring April 2006.
- 26) Mayor's Appointments:
 - a. Kristin Hennessy Urban – Civil Service Commission, Five year term expiring July 1, 2009.
 - b. Kari Clappier – Park & Recreation Commission, To fulfill the unexpired term of a member who moved expiring December 31, 2007.
- 27) Mayor's Reappointments:
 - a. Kari Clappier – Board of Review, Three year term expiring January 1, 2008.
 - b. Howard Washechek – Board of Review, Three year term expiring January 1, 2008.
- 28) Proclamation proclaiming April 29, 2005, as "Arbor Day Celebration".
- 29) No items were removed from the Consent Agenda.

(End of Consent Agenda)

PLAN COMMISSION

30a) The next item was the request of CBL and Associates Properties, c/o Curt Hammontree, 2030 Hamilton Place Blvd., Chattanooga, TN, for approval of a zoning amendment that will apply the "M.S.O." Modified Suburban Overlay District to set dimensional zoning standards to properties located at 15875 W. Bluemound Road and approve a Certified Survey Map, Plan and Method of Operation, and Development Agreement for the construction of two restaurants (8,130 sq. ft. and 7,236 sq. ft.) and a 18,000 sq. ft. retail store located at the southwest corner of Bluemound Road and Moorland Road.

The Plan Commission recommended approval of the rezoning to add "M.S.O." Modified Suburban Overlay to the subject property to establish setbacks and other dimensional standards as listed in the hearing notice, the plan and method of operation, Certified Survey Map, and to direct the Mayor and City Clerk to execute the Development Agreement subject to the conditions stated. The applicant is also directed to consider adding stone around the front entrance of Organized Living.

Alderman Mahkorn moved approval of the recommendation of the Plan Commission. The motion was seconded by Alderman Owen.

Alderman Kilkenny moved return the item to the Plan Commission with a recommendation to remove the false second stories on the three buildings. The motion was seconded by Alderman Blackburn and failed Ayes 3, Nays 11 with Aldermen Kilkenny, Blackburn and Berg voting aye.

The original motion carried Ayes 12, Nays 2 with Aldermen Kilkenny and Blackburn voting nay.

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30b) Alderman Mahkorn moved adoption of the Ordinance establishing the Modified Suburban Overlay Zoning District and Matrix for the property located at 15875 W. Bluemound Road (Brookfield Square Phase II). The motion was seconded by Alderman Brunner. A roll call vote was taken and carried Ayes 12, Nays 2 with Aldermen Kilkenny and Blackburn voting nay. **Ordinance No. 2008-05***

FINANCE COMMITTEE

31) Alderman Garvens moved approval of the Resolution approving 2005 budget amendment requested by the Economic Development Committee: appropriate \$50,000 from the Economic Development Special Revenue fund balance to Economic Development contractual services account #205-943-560, for purposes of funding a Comprehensive Advertising/Marketing Campaign for Business Retention and Attraction; and approving professional services agreement with Johnson Direct, LLC in the amount of \$50,000 for such services. The motion was seconded by Alderman Berg and carried Ayes 13, Nays 1 with Alderman Kilkenny voting nay. **Resolution No. 7406-05***

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32) Alderman Garvens moved approval of the Resolution authorizing the issuance and awarding the sale of \$5,735,000 General Obligation Refunding Bonds; providing the form of the bonds; and levying a tax in connection therewith. The motion was seconded by Alderman Heinrich and carried unanimously. **Resolution No. 7407-05***

WATER BOARD

33) Alderman Berg moved approval of the Resolution awarding the bid for the Capitol Drive (169th Street to Bradee Road) and Fiebrantz Drive Water Main Project No. W-05-01 and Fiebrantz Storm Sewer Project No. SA-05-03 to Mainline Sewer & Water, Inc. for \$947,296.73. The motion was seconded by Alderman Garvens and carried Ayes 11, Nays 3 with Aldermen Kilkenny, Brunner and Sutton voting nay. **Resolution No. 7408-05***

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34) Alderman Berg moved approval of the Final Resolution authorizing the installation of water main and levying of special assessments: Capitol Drive (169th Street to Bradee Road) and Fiebrantz Drive Water Main Project #W-05-01). The motion was seconded by Alderman Heinrich.

Alderman Balzer moved to amend the resolution to remove the area from 165th Street to 169th Street on Melvina Street and attach those properties to the project to the south scheduled in 2007. The motion was seconded by Alderman Garvens. A roll call vote was taken on the amendment and lost Ayes 5, Nays 9 with Aldermen Sutton, Kilkenny, Garvens, Balzer and Blackburn voting aye.

A vote was taken on the original motion and carried Ayes 9, Nays 5 with Aldermen Sutton, Brunner, Balzer, Kilkenny and Garvens voting nay. **Final Resolution No. 7409-05***

COUNCIL AS A WHOLE

35) Legislative Referrals:

- a. Mayor Speaker requested that the Board of Public Works review and recommend for adoption Trans 305.
- b. Mayor Speaker requested the Board of Public Works review restricting Civic Center parking to parking for City Functions only during the hours of 7:00 a.m. to 5:00 p.m.
- c. Alderman Balzer requested the Water Board review their policy on notification for watermain extensions.

Alderman Heinrich moved to adjourn the meeting. The motion was seconded by Alderman Brunner and carried unanimously. 9:50 p.m.

Kristine A. Schmidt, City Clerk

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

THESE ARE THE MINUTES OF THE **PLAN COMMISSION** MEETING HELD ON **APRIL 25, 2005**, AT 7:00 P.M. IN COUNCIL CHAMBERS, BROOKFIELD CITY HALL, 2000 N. CALHOUN ROAD, BROOKFIELD, WISCONSIN

MAYOR JEFF SPEAKER IN THE CHAIR

COMMISSIONERS PRESENT: Alderman Gary Mahkorn, Alderman Rick Owen, Commissioner Michael Faber, and Commissioner Mary Roth

COMMISSIONERS ABSENT & EXCUSED: Commissioner Paul Wartman

ALSO PRESENT: Director of Community Development Daniel Ertl, Neighborhood Planner/Designer Carrie Johnson, Planning Administrator Michael Theis, Director of Administration Dean Marquardt, City Engineer Jeff Chase, Community Development Assistant Sherry Rasmussen, Alderman Chris Blackburn, and Alderman Dick Brunner

The Plan Commission meeting was called to order at approximately 7:00 p.m.

OLD BUSINESS

- Commissioner Faber moved to approve the minutes from the April 11, 2005 Plan Commission meeting. The motion was seconded by Commissioner Roth.

Alderman Owen noted that in the discussion about the approval of the March 7 Plan Commission minutes, he did not ask whether there was a raze order on the structure at the Fox Hollow condominium site. That question was asked by Commissioner Wartman.

Commissioner Faber added that in reference to the discussion about gateway architecture that took place at the April 11 Plan Commission meeting, he would like the Plan Commission to recommend to staff that they devote some time in the future to compiling a description or standards of what might constitute gateway architecture.

The motion to approve the April 11 Plan Commission minutes passed unanimously.

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1. The Shoppes at Brookfield Commons – Revised Plan and Method of Operation

The first item on the agenda was the tabled request of Integrity Development Partners, LLC, Broad Ripple Village, 930 East 66th Street, Indianapolis, IN 46220, W. Hollenbeck, Partner, for approval of a revised plan and method of operation permitting the substitution of fabric awnings at The Shoppes at Brookfield Commons, located at 15445 West Bluemound Road.

- Alderman Owen moved to remove this item from the table. The motion was seconded by Alderman Mahkorn and passed unanimously.

Mr. Michael Theis, Planning Administrator, **reported:** 1. The applicant's request for approval of a revised plan and method of operation at 15445 West Bluemound Road, i.e. The Shoppes at Brookfield Commons, permitting the introduction bright red and white striped fabric awnings and other striped awnings to match existing tenant corporate colors in a center with black, solid color, fabric awnings was tabled at the Plan Commission meeting of April 11, 2005. The applicant was instructed to approach awning color selection in a manner consistent with the Site Development Standards for Non-Residential Uses (Standards), Building Colors as referenced on page 13, Parts A. thru E.

2. The applicant has modified the proposal. All existing black awnings along the north and northeast building elevations will be replaced with a mixture of solid color and striped awnings of various band widths. The color selection is in muted tones that are not in stark contrast to the brick and trim colors of the principle buildings. The Oberweis awning specifically has been changed from bright red and white stripes to Jockey Red and Oyster stripes in a 6" width. Mr. Theis noted that the change in color was documented in a letter dated April 20, 2005.

Mr. Theis said the revised proposal is a comprehensive approach to the center's north and northeast building elevations, placing emphasis on coordination of awning colors in the context of building colors rather than tenant occupancy. The approach is consistent with the standards articulated on page 13, parts A. through E. of the Site Development Standards for Non-Residential Uses. Staff **recommends** that the Plan Commission approve the revised plan and method of operation subject to the color elevations and fabric samples dated April 19, 2005. NOTE: This action is not an endorsement or approval of signage that appears upon the elevations.

Mr. Tom Stacey, Eppstein Uhen Architects, Mr. Tom Treder, Integrity Development, Fred & Nancy Eysenbach, Oberweis franchisees, and Mr. Joe Fahey, Oberweis Dairy, were present.

Mr. Stacey displayed the various color schemes and patterns suggested for the awnings. The colors are more muted than those previously presented and include a burgundy and cream stripe, a solid green, a green and cream stripe, and a darker red and ivory specifically for the Oberweis unit. He said the colors of the awnings are more sympathetic and compatible with the building materials. The black awnings would be completely removed.

Commissioner Faber said the issue is that the awnings match the architecture of the building. If the awnings are installed to advertise the businesses, then they become signage, which has completely different standards. He said the applicant has made the changes requested by the Plan Commission at the April 11th meeting and the awnings now measure up to the minimum standards as stated in the City of Brookfield's "*Site Development Standards for Non-Residential Uses.*" He said that although he would prefer the black awnings, those presented tonight are an improvement upon the previous proposal and he is willing to support their use.

Commissioner Roth said she didn't think the awnings would go so well with the slate material used on the buildings but, nevertheless, will support the use of the awnings as presented.

Alderman Mahkorn said he echoed Commissioner Faber's comments. He likes the new awnings and thinks it is a win-win situation for all involved.

Commissioner Faber said he wanted to make sure it was on the record that the reason the Plan Commission is approving the awnings at this point is because the applicants have made them part of the architecture of the building and they can no longer be viewed as signage. He also said that it was up to the applicant to revise their submission in order to meet City standards and they have satisfactorily done this.

Alderman Owen said Mr. Stacey had made a comment earlier that the original renderings for The Shoppes had portrayed different colors and styles of awnings. He asked if any of them were the stripes now being shown. Mr. Stacey said the awnings shown on the approved plan were somewhat less traditional than these but they had decided at some point to go with solid black awnings.

- Commissioner Faber moved to approve the revised plan and method of operation subject to the color elevations and fabric samples dated April 19 and April 20, 2005. The motion was seconded by Alderman Mahkorn and passed unanimously.

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2. Dickerson Special Exception

The next item on the agenda was the tabled request of John W. Dickerson, 16480 Burleigh Place, to approve a special exception ordinance for the purpose of rendering an expired nonconforming use at said address, i.e. a two-family dwelling, legal nonconforming.

- Commissioner Faber moved to remove this item from the table. The motion was seconded by Alderman Owen and passed unanimously.

Mr. Michael Theis, Planning Administrator, **reported:** 1. This item was tabled at the April 11, 2005 Plan Commission due to lack of representation. The applicant's property, located at 16480 Burleigh Place is zoned "'R-2'" Single-Family Residence District. The following uses are permitted per sections 17.28.010 and 17.32.010 of the municipal code:

- A. **One-family dwellings;**
- B. Crop and tree farming;
- C. Keeping of poultry and domestic livestock ...
- D. The usual household pets may be kept, but no kennels or hutches may be operated;
- E. Horticulture;
- F. The following accessory buildings and uses subject to the conditions specified:
 - 1. One attached private garage....,
 - 2. One attached and one detached private garage....,
 - 3. Private garage floor area in excess of nine hundred (900) square feet will be reviewed by the plan review board....,
 - 4. One detached private garage....,
 - 5. Guest houses; provided they comply with the applicable setback and offset requirements,
 - 6. Yard maintenance buildings
- G. Home occupations and professional offices...

2. The residential structure located on the property has a two-family (i.e. unit) floor plan consisting of upper and lower dwelling units with no common interior means of access. Section 17.04.020 Definitions offers the following regarding dwellings:

Dwelling, One-Family. One-family dwelling means a detached or semidetached building designed for and occupied exclusively by one family.

Dwelling, Multiple-Family. Multiple-family dwelling means a building containing two or more dwelling units, **including units that are located one over the other.**

Multiple-Family Dwellings are not a permitted use in the ““R-2”” zoning district. There is no ordinance or variance of record in the city permitting a multiple-family dwelling at this address. Ergo, it is a nonconforming use.

3. Section 17.08.040 addresses legal nonconforming uses as follows:

C. Discontinuance of Use. If the use of a building or premises which does not conform to the use regulations of the district in which it is located is discontinued for a period of twelve (12) consecutive months, any future use of the building or premises shall conform to the regulations for the district in which it is located, except in the case where such nonconforming use is for agricultural purposes.

The applicant acknowledges in a correspondence dated February 1, 2005 that the rental unit has been vacant for a period of three (3) years during which time the owner undertook repairs. Therefore, pursuant to Section 17.08.040 C. the legal nonconforming use of the multiple-family dwelling has expired. The rental unit can not be rented. Use of the structure must conform to the regulations of the district.

4. The applicant is requesting approval of a Special Exception to rent the second unit pursuant to Section 17.08.040 E. Special Exceptions for Certain Nonconforming Uses. “Subject to Section 17.08.060, a special exception may be granted to an existing legal nonconforming use by the council upon petition of the owner where such use is determined to be not adverse to the public health, safety and welfare; would not conflict with the spirit or intent of this title or would not be otherwise detrimental to the community and particularly the surrounding neighborhood. Such special exception status shall be granted only after recommendation of the plan commission following a public hearing....”

5. Section 17.08.060 Discretionary approvals and special exceptions states:

A. Approval Required. Where certain uses and situations are of such special nature or their effect is so dependent upon actual contemporary circumstances as to make impractical the absolute predetermination of permissibility or the listing of specific standards which could be automatically applied in each case to determine permissibility, provision has been made in this section for the determination of such cases by an appropriate body such as the plan commission, the council or the board of zoning appeals. In such cases, the uses enumerated may be permitted if the appropriate body determines that there is compliance with the standards or conditions, if any, set forth as modified or expanded by this section. A petition for a special exception shall be filed with the department of planning and zoning along with either the original or a duplicate of a receipt of the city treasurer or the city clerk showing the payment of

a fee of four hundred thirty-five dollars (\$435.00) plus the actual costs of publication as determined by the city clerk. No application fee shall be required for special exception petitions for single- or two-family residential uses that do not include a home occupation or other nonresidential use, but payment of the actual costs of publication, as determined by the city clerk, shall be required.

B. Basis of Approval. An application for a discretionary approval or a special exception may be granted by the body or bodies hereinafter designated if such grant, except insofar as elsewhere herein expressly provided, shall not:

1. Violate the spirit or general intent of this title;
2. Be contrary to the public health, safety or general welfare;
3. Be hazardous, harmful, noxious, offensive or a nuisance by reason of noise, dust, smoke, odor or other similar factor;
4. For any other reason, cause a substantial adverse effect on the property values and general desirability of the neighborhood;
5. Violate the building location, height and area regulations of the district in which the proposed use is located, except as may be elsewhere expressly provided.

The approving body may grant the application for a special exception for a nonconforming use upon express conditions, including the period of time in which all or part of the use may be permitted which it may deem necessary to assure compliance with the foregoing standards. Where this title elsewhere requires that the approving body consider the location, building, site plan and plan of operation of the proposed use, the applicant shall submit details concerning compliance with those standards so as to permit the approving body to be able to determine the compatibility of the proposed use with the area; the suitability of architectural and landscape treatment; the provision for parking, traffic circulation, drainage, sewage disposal and for such planting screen as may be reasonably necessary to protect the surrounding area and for operational control devices where necessary to eliminate noise, dust, odor or smoke.

6. The Commission may consider the following with regard to recommending to approve a special exception and the onus on the Council to determine that the special exception not be adverse to the public health, safety and welfare; nor conflict with the spirit or intent of this title or not otherwise be detrimental to the community and particularly the surrounding neighborhood.

- A. The structure has been in existence in the neighborhood since at least 1970 per the applicant's attached Offer to Purchase.
- B. There is no history of complaints on file in the City Inspection Services Department regarding this property.
- C. The nature of the nonconformity is residential, not commercial use of residential property.
- D. On October 24, 2002 the Plan Review Board held a special exception public hearing for this property regarding permitting a detached garage addition in excess of the maximum detached garage square footage allowed in a single-family zoning district for the purpose of providing enclosed parking space for a multiple-family dwelling. No written comments were submitted nor were comments received from the audience at the public hearing. The special exception was granted.

- E. At 36,808 sq. ft. in area the parcel is larger than the 25,000 sq. ft. minimum required in the ““R-2”” zoning district.
- F. In an email correspondence to the Department of Community Development dated April 6, 2005 the City Assessor wrote, “The Assessor's Office does not feel using the property at 16480 Burleigh Place as a two-family will have a negative value influence on the adjacent properties. In the City of Brookfield we find the influence on surrounding property is more a function of condition, upkeep and maintenance rather than use. The high value of the two-family housing stock in the city of Brookfield leads to many of the units being owner occupied and a pride of ownership similar to surrounding properties.”

7. Additionally Section 17.08.040 D. Restoration states, “When a building which is a nonconforming use is damaged to the extent of more than fifty (50) percent of its current fair market value, it shall not be restored except in conformity with the regulations of the district in which it is located. The total structural repairs or alterations to a building which does not conform to the use regulations of the district in which it is located shall not, during its life, exceed fifty (50) percent of the fair market value of the building at the time of its becoming a nonconforming use unless permanently changed to a conforming use.” It is understood that the intent of the special exception is to allow rental of the second unit but not to invalidate Section 17.08.040 D.

8. A public hearing was held on April 5, 2005. No written comments or comments from the audience were received.

9. In the interest of preserving the integrity of the existing structure and proposed use within a single-family zoning district, staff recommends the following restrictions as documented in the attached draft ordinance:

- One of the two dwelling units shall always be owner occupied.
- Only the owner occupied unit shall qualify for a home occupation.

Mr. Theis said the Plan Commission can use points A. through F. of part 6 of this staff report to satisfy the criteria for approval of a special exception.

Mr. John Dickerson was present to answer questions.

Commissioner Roth asked Mr. Dickerson if he is trying to sell the property. Mr. Dickerson said the property has been on the market for some time but he has not had any offers because it is so obviously a two-family residence and he is not able to market it as a multi-family property.

Commissioner Faber said the property has been in existence as a multi-family property for many years and, as far as he knows, there have been no complaints. He said that the property fits all the definitions of a multi-family property. The standards for a special exception are high and he feels the applicant has satisfied all necessary requirements for a special exception. He agrees with part of the staff recommendation as stated in #9 above, that one of the two dwellings shall always be owner occupied, but he thinks neither unit should be allowed to qualify for a home occupation. He thinks

there is already additional traffic because of a multi-family use and a home occupation could create additional traffic or parking problems.

Mayor Speaker said he didn't agree. He thinks it is important to remain consistent and if other residences are allowed home occupancy, this should also be available to the owner/occupant of this property.

Alderman Mahkorn said he thinks it is fair to approve the special exception for this property. He doesn't see that a multi-family residence in this neighborhood would have any negative or detrimental effect. At this point, he is neutral on the home occupancy issue.

Commissioner Roth said she voted against this when it was a public hearing request at the Plan Review Board. She feels that "rules are rules" and as this is a non-conforming structure, the applicant should not be allowed to continue or expand upon the non-conforming status of the property. However, she is sympathetic to the applicant and, although she will support the application at this time, she also feels the standards set for a special exception in this case were too easy.

Alderman Mahkorn said he thinks it is a pragmatic move to approve the special exception. Mayor Speaker agreed, listing the reasons why it should be approved.

Alderman Owen said he agreed with Commissioner Faber and Alderman Mahkorn.

- Commissioner Faber moved to approve the special exception based on the above listed criteria, particularly Items A through F of #6 and the ordinance as drafted. The motion was seconded by Alderman Owen.

Commissioner Faber asked other Plan Commissioners what they wanted to do about disallowing home occupancy to either dwelling unit on the property. Alderman Mahkorn said he leans more towards allowing the owner occupied unit to qualify for a home occupancy. Commissioner Roth agreed with Alderman Mahkorn.

The motion to approve the special exception passed unanimously as stated above.

* * * * *

3. Finger Annexation

The last item on the agenda was the request of Thomas Finger et al, c/o Steve Bruskiwicz, Mariner Land Corporation, Brookfield, WI for approval of a unanimous consent petition (owners and electors) to annex 73.2908 acres of territory 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.

Mr. Dan Ertl, Director of Community Development, presented the following staff **report**: 1. This item is the request of Thomas Finger et al for approval of a unanimous consent petition (owners and electors) to annex 73.29083 acres of territory from the Town of Brookfield to the City of Brookfield, located south of Lisbon Road directly west of the western city limits.

2. The proposed annexation is a natural western extension of the City limits and takes advantage upon a municipal sanitary sewer and water system originally anticipating residential development of the adjacent property recently annexed to the City. Single-family residential development – about 42 lots – is envisioned to be developed for this area. Such utilities can be accessed from the City. This area is identified as an area to be served with municipal sewer under the regional 208 Area Plan.
3. City staff has received a favorable opinion from the State office that reviews annexations. The March 28, 2005 letter from the WDOA states that the annexation “has been reviewed and found to be in the public interest.” The Common Council will be asked to adopt an annexation ordinance. Also, under the new State law, the City (or subdivider under a development agreement) must pay the current Town property taxes being paid on the property for five years to the Town of Brookfield – about equal to \$9,778 total. The taxes generated by several of the new homes and lots will compensate for this cost in several years.
4. The Plan Commission must establish a temporary zoning classification for the annexed area – in this case “R-3” single family – the same as Berkshire Hills located to the east and the recently annexed “Bradon Preserve” (Don Wilson lands).
5. The City staff has suggested that an annexation feasibility study be completed that analyzes and assesses the impacts on public infrastructure and delivery of services (primarily Police, Fire and E.M.S.) that this proposed annexation would have on the community. In addition, a fiscal impact on the community was deemed to be an important aspect of this study.

The Engineering Department was directed to contract with R.A. Smith and Associates to complete this feasibility study. Attached is a full copy of their report. This report concludes:

- a. Residential development of the proposed annexation area appears to be financially feasible provided the median new home values are equal to the City’s median new home values.
- b. Development of the proposed annexation area can be served most efficiently by the City of Brookfield utilities.

6. All affected City departments were asked to review the proposed annexation and feasibility report. Attached is a memorandum from Fire Chief John Dahms, which comments on the emergency response time to this part of the community.

Mr. Ertl said that since the Feasibility Study has concluded that the annexation is feasible and fiscally positive and since the review by the Wisconsin Department of Administration has found the annexation to be in the public interest, a **recommendation** is made to approve the annexation petition and establish a temporary zoning of “R-3” single family residential.

Mr. Thomas Ludwig and Mr. Brian Turk were present from R.A. Smith, along with Mr. Steve Bruskiwicz, Mariner Land Corporation, and Mr. Matthew Haasch.

Mr. Turk and Mr. Ludwig summarized the feasibility study (available in the City Clerk’s Office). The report was a three-step review. The first step was to conduct a build-out analysis of the study area, followed by a fiscal analysis to determine if the study area, once it is completed, would financially strain the City. Secondly, if it was determined that the proposed development would not put undue financial strain on the City, the infrastructure needs were reviewed, such as existing road,

need for new roads, sanitary sewer routes, and public water. Thirdly, if the infrastructure analysis showed the development was still financially feasible, emergency response times were studied.

Mr. Turk explained the methodology used and the various alternatives for the different scenarios discussed in the study. The main conclusion is that the annexation is financially feasible for the City. Mr. Ludwig explained the different infrastructure sources studied and it was their conclusion that water and sewer were best provided for by the City of Brookfield. Mr. Turk added that in studying emergency response times from surrounding communities, the Town of Brookfield and the City of Brookfield had the best response times. (For complete information regarding the conclusions, please refer to the feasibility study, available in the City Clerk's Office.)

Commissioner Faber said there were two points of interest for him regarding the proposed annexation. The first point was that all the property owners, by signing the annexation petition, have indicated they would like the area to be part of the City of Brookfield. The second point was that even if there weren't any financial incentives to annex this portion to the City of Brookfield, just the fact that the City would be gaining environmental interesting land at no real cost makes the proposal worth pursuing.

Commissioner Faber questioned why the temporary zoning classification is "R-3". He thought it would be logical to require larger lots, since the size of the entire parcel was fairly large.

Mr. Ertl explained the three different zoning classifications for single-family residential – "R-1", "R-2", and "R-3" and that there is minimal difference between "R-2" and "R-3". He said most of the newer subdivisions are zoned "R-3" and that "R-3" subdivisions are still resulting in higher home values. "R-1" zoning is not used at all in Brookfield – that is the classification with the largest minimum lot size, which is 30,000 square feet.

Commissioner Faber said that larger lot sizes wouldn't necessarily have to mean larger houses but the City could opt for the opportunity to have larger lots in this subdivision. The applicant/s said they would abide with whatever classification the Plan Commission decided upon but would prefer to begin with "R-3" until their analysis is complete. The consultants said they based their feasibility study on an average lot size of 30,000 square feet, which is the minimum lot size for "R-1" zoning.

Alderman Owen asked what could be a basis for denying the annexation petition.

Mr. Ertl said if the financial analysis proved it wouldn't be prudent for the City to acquire the land, that could be one motive for denying the petition. Another reason to deny a petition could be if the geography of the proposed annexation wasn't logical or if the contiguous connection to the City was inconsistent or minimal.

Alderman Mahkorn said he supported the annexation. He thinks it is a natural extension of the City's western border. He said it is a logical annexation and demonstrates good public policy.

Commissioner Faber said he would prefer larger lot sizes. Mayor Speaker and Alderman Mahkorn said they tend to agree with that. The applicant said they could leave the temporary zoning at "R-3" but they will try to have all the lots around 25,000 square feet in size. Mayor Speaker said the zoning was temporary and if that zoning proves to be too constraining, the applicant could request an "R-2" zoning classification at a later time when permanent zoning is applied.

- Commissioner Faber moved 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. The motion was seconded by Alderman Mahkorn and passed unanimously.

* * * * *

- Alderman Mahkorn moved for adjournment. The motion was seconded by Commissioner Faber and passed unanimously. 8:30 p.m.

* * * * *

Minutes submitted by Sherry Rasmussen, Community Development Assistant

ORDINANCE NO. 2009-05
by the Plan Commission

**AN ORDINANCE GRANTING A SPECIAL EXCEPTION
PERMITTING RESIDENTIAL RENTAL OCCUPANCY OF A SECOND
DWELLING UNIT AT 16480 BURLEIGH PLACE**

WHEREAS, Section 17.08.060 A. Discretionary approvals and special exceptions establishes the authority to grant special exceptions to the Zoning Code ...“where certain uses and situations are of such special nature or their effect is so dependent upon actual contemporary circumstances as to make impractical the absolute predetermination of permissibility...”; and

WHEREAS, on the 5th day of April, 2005 the Common Council of the City of Brookfield held a public hearing on a requested special exception permitting residential rental occupancy of an existing second dwelling unit at 16480 Burleigh Place; and

WHEREAS, at its meeting of April 25, 2005 the Plan Commission concluded that the use is not adverse to the public health, safety and welfare; nor in conflict with the spirit or intent of this title and would not be otherwise detrimental to the community and particularly the surrounding neighborhood as documented in the minutes of said meeting and attached hereto.

NOW, THEREFORE, the Common Council of the City of Brookfield do ordain as follows:

PART I. The Common Council concurs with the conclusion of the Plan Commission and pursuant to Section 17.08.060 of the Municipal Code and the Plan Commission minutes of April 25, 2005, hereby grants approval of a special exception for the purpose of permitting residential rental occupancy of an existing second dwelling unit at 16480 Burleigh Place.

PART II. This action does not invalidate the provisions of Section 17.08.040 D. of the municipal code nor the application of said section to the subject property, which section states, “When a building which is a nonconforming use is damaged to the extent of more than fifty (50) percent of its current fair market value, it shall not be restored except in conformity with the regulations of the district in which it is located. The total structural repairs or alterations to a building which does not conform to the use regulations of the district in which it is located shall not, during its life, exceed fifty (50) percent of the fair market value of the building at the time of its becoming a nonconforming use unless permanently changed to a conforming use.”

PART III. One of the two dwelling units shall always be owner occupied.

PART IV. Only the owner occupied unit shall qualify for a home occupation.

PART V. The area upon which the special exception would apply is described as: PT SW 1/4 SEC 10 T7N R20E COMM 1044.11 FT S & 178 FT W OF NE COR TH W 141.21 FT,

ORDINANCE NO. 2010-05
by the Plan Commission

ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF BROOKFIELD, WISCONSIN

The Common Council of the City of Brookfield do ordain as follows:

PART I. In accordance with Section 66.0217 of the Wisconsin Statutes and unanimous approval petition for annexation filed with the City Clerk on the 4th day of March, 2005, the following described territory containing eight parcels in the Town of Brookfield, Waukesha County, Wisconsin, is annexed to the City of Brookfield, Wisconsin:

Situated on east side of Lannon Road (south of Lisbon Road), in the Town of Brookfield, Waukesha County, Wisconsin.

All that part of the northwest 1/4 and southwest 1/4 of the northwest 1/4 of Section 5, Town 7 North, Range 20 East, in the Town of Brookfield, Waukesha County, Wisconsin, now being more particularly bounded and described as follows:

Commencing at the northwest corner of the said northwest 1/4 section, said point being the place of beginning of lands hereinafter described;

Thence south 00°07'54" west and along the west line of the said northwest 1/4 section, 600.00 feet to a point; thence south 89°52'06" east and at right angles to the said west line, 280.00 feet to a point; thence south 00°07'54" west and parallel to the said west line, 120.00 feet to a point; thence north 89°52'06" west and at right angle to the said west line, 280.00 feet to a point on the said west line of the said northwest 1/4 section; thence south 00°07'54" west and along the said west line of the said northwest 1/4 section, 1801.90 feet to a point, said point being the southwest corner of the said northwest 1/4 section; thence north 88°14'24" east and along the south line of the said northwest 1/4 section, 1274.64 feet to a point on the east line of the west 1/4 of the said northwest 1/4 section; thence north 00°35'10" east and along the said east line of the said west 1/4, 2504.31 feet to a point on the north line of the said northwest 1/4 section, thence south 89°03'04" west and along the said north line, 1294.045 feet to the point of beginning of this description. Said parcel contains 3,192,547 square feet (or 73.29080 acres) of land, more or less.

PART II. EFFECT OF ANNEXATION. From and after the date of this ordinance the territory described in Part I shall be part of the City of Brookfield for any and all purposes provided by law and all persons coming within such territory shall be subject to all ordinances, rules and regulations governing the City of Brookfield.

PART III. ZONING CLASSIFICATION. Upon recommendation of the Plan Commission, the territory annexed to the City of Brookfield by this ordinance is temporarily zoned as follows, pursuant to Section 66.0217(8) of the Wisconsin Statutes:

"R-2" Single family Residential
"Shoreland Protection" Overlay required by Section 17.92.090
of the Municipal Code

The Plan Commission is directed to prepare an amendment to the zoning ordinance setting forth permanent classifications and regulations for the zoning of the annexed area and to submit its recommendations to the council.

PART IV. ALDERMANIC DISTRICT DESIGNATION. The territory described in Part I of this ordinance is hereby made a part of the 4th Aldermanic District, 11th Ward of the City of Brookfield, subject to the ordinances, rules and regulations of the City of Brookfield governing wards. The territory contains a population of six (6).

PART V. CITY LIMITS. The City limits of the City of Brookfield, Wisconsin, are hereby changed and enlarged so as to include the real estate described in Part I of this ordinance, and shown on the attached Exhibit A* and made a part of this ordinance, and the official map is amended to include said real estate.

PART VI. FILING. As required by Section 66.0217(9)(a), Wis. Stats., "The clerk of a city or village which has annexed shall file immediately with the secretary of state a certified copy of the ordinance, certificate and plat, and shall send one copy to each company that provides any utility service in the area that is annexed. The clerk shall record the ordinance with the register of deeds and file a signed copy of the ordinance with the clerk of any affected school district."

PART VII. TAX PAYMENT. In compliance with Section 66.0217(14)(a) Wis. Stats., the City of Brookfield acknowledges that it must pay annually the Town of Brookfield, for 5 years, an amount equal to the amount of property taxes that the town levied on the annexed territory, as shown by the 2004 tax roll under Section 70.65 Wis. Stats., said amount being approximately \$9,777.95 in total for said 5 years.

PART VIII. STATE REVIEW. The Common Council has reviewed the advice of the Wisconsin Department of Administration as outlined in a letter dated March 28, 2005, regarding the proposed annexation prior to adoption of this ordinance.

PART IX. SEVERABILITY. If any provision of this ordinance is declared invalid or unconstitutional for any reason, such invalidity or unconstitutionality shall not affect the other provisions which can be given effect without the invalid or unconstitutional provision or application.

PART X. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed and shall take effect and be in force from and after its passage, publication, and upon filing with the Office of the Secretary of State.

ADOPTED AND APPROVED _____ May 3 _____, 2005

Kristine A. Schmidt, City Clerk

Jeff R. Speaker, Mayor

Published: May 12, 2005

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

Item 8
RESOLUTION DESIGNATING PUBLIC DEPOSITORIES
AND AUTHORIZING WITHDRAWAL
OF CITY MONIES for 2005-2006

By the Common Council of the City of Brookfield, Wisconsin (the "City"), be it RESOLVED that the following institutions:

Name of Financial Institution	Location
Tri-City National Bank	Brookfield, Wisconsin
Associated Bank	Brookfield, Wisconsin
Bank Mutual	Brookfield, Wisconsin
The Equitable Bank	Brookfield, Wisconsin
First Business Bank	Brookfield, Wisconsin
Great Midwest Bank	Brookfield, Wisconsin
Marshall & Ilsley Bank	Brookfield, Wisconsin
North Shore Bank	Brookfield, Wisconsin
Park Bank	Brookfield, Wisconsin
Ridgestone Bank	Brookfield, Wisconsin
St. Francis Bank	Brookfield, Wisconsin

qualified as public depositories under CH. 34, Wis. Stats., are hereby designated as depositories in which the funds of this City may from time to time be deposited; an account opened and maintained in the name of this City with these institutions are subject to the rules and regulations of the institution from time to time in effect; that the person(s) and the number thereof designated by title per account signature card are hereby authorized, for and on behalf of this City, to sign order checks as provided in §66.0607, Wis. Stats., for payment or withdrawal of money from said account(s) and to issue instructions regarding the same and to endorse for deposit, negotiation, collection or discount by said Banks any and all checks, drafts, notes bills, certificates of deposit or other instruments or orders for the payment of money owned or held by said City; that the endorsement for deposit may be in writing, by stamp, or otherwise, with or without designation of signature of the person so endorsing; and that any officer, agent or employee of this City is hereby authorized to make oral or written requests of the Bank for the transfer of funds or money between accounts maintained by this City at each Bank.

FURTHER RESOLVED, that each Bank be and is hereby authorized and directed to honor, certify, pay and charge to any of the accounts of this City, all order checks for the payment, withdrawal or transfer of funds or money deposited in the accounts or to the credit of this City for whatever purpose or to whomever payable, including requests for conversion of such instruments into cash as well as for deduction from and payment of cash out of any deposit, and whether or not payable to, endorsed or negotiated by or for the credit of any persons signing such instrument or payable to or for the credit of any other officer, agent or employee of this City, when signed, accepted, endorsed or approved as evidenced by original or facsimile signature by the person(s), and the number thereof designated by title opposite the designation of the accounts described in the foregoing resolution, and to honor any request(s) made in accordance with the foregoing resolution, whether written or oral and including but not limited to, request(s) made by telephone or other electronic means for the transfer of funds or money between accounts maintained by this City at each Bank, and each Bank shall not be required or under any duty to inquire as to the circumstances of the issuance or use of any such instrument or request of application or use of proceeds thereof.

FURTHER RESOLVED, that each Bank be and is hereby authorized to comply with any process, summons, order, injunction, execution, distraint, levy, lien, or notice, of any kind (hereafter called "Process") received by or served upon the Bank, by which, in the Bank's opinion, another person or entity claims an interest in any of these accounts and each Bank may, at its option and without liability, thereupon refuse to honor orders to pay or withdraw sums from these accounts and may hold the balance therein until Process is disposed of to Bank's satisfaction.

FURTHER RESOLVED, that any one of the persons holding the offices of this City designated above is hereby authorized(1) to receive for and on behalf of this City, securities, currency or any other property of whatever nature held by, sent to, consigned to or delivered to each Bank for the account of or for delivery to this City, and to give receipt therefor, and

each Bank is hereby authorized to make delivery of such property in accordance herewith, (2) to sell, transfer, endorse for sale or otherwise authorize the sale or transfer of securities or any other property of whatever nature held by, sent to, consigned to or delivered to the Bank for the account of or for delivery to this City, and to receive and/or apply the proceeds of any such sale to the credit of this City in any such manner as he/she/they deem(s) proper, and the Bank is hereby authorized to make a sale or transfer of any of the aforementioned property in accordance herewith, and (3) pursuant to §34.07m Wis. Stats., to accept such security and to execute such documents as said officer deems proper and necessary to secure the funds of this City and to issue instructions regarding the same.

FURTHER RESOLVED, that the withdrawal or disbursement from any one of the above named depositories shall be only by order check, as provided in Section 66.0607 of the Wisconsin Statutes: that in accordance therewith all order checks shall be signed by the following persons.

Kristine A. Schmidt , Clerk
Jeffrey R. Speaker , Mayor
Robert W. Scott , Director of Finance/Treasurer

FURTHER RESOLVED, that in lieu of their personal signature(s) a facsimile signature may be affixed.

FURTHER RESOLVED, that this City assumes full responsibility for any and all payments made or any other actions taken by each Bank in reliance upon the signatures, including facsimiles thereof, of any person or persons holding the offices of this City designated above regardless of whether or not the use of a facsimile signature was unlawful or unauthorized and regardless of by whom or by what means the purported signature or facsimile signature may have been affixed to any instrument if such signatures resemble the specimen or facsimile signatures provided to each Bank, for refusing to honor any signatures not provided to each Bank, for honoring any requests for the transfer of funds or money between accounts or for the instructions from the persons designated in the foregoing resolutions regarding security for the accounts notwithstanding any inconsistent requirements of this City not expressed in the foregoing resolutions, and that this City agrees to indemnify and hold harmless each Bank against any and all claims, demands, losses, costs, damages or expenses suffered or incurred by the Bank resulting from or arising out of any such payment or other action.

FURTHER RESOLVED, that the City be and hereby is authorized and directed to certify to each Bank the foregoing resolutions, that the provisions thereof are in conformity with law, the names, incumbencies and specimen or facsimile signatures(s) on signature cards of the officer or officers named therein, and that the foregoing resolutions and signature cards and the authority thereby conferred shall remain in full force and effect until this City notifies the Cashier of each Bank to the contrary in writing; and the Bank may conclusively presume that such resolutions and signature cards are in effect and that the persons identified therein from time to time as officers of the City have been duly elected or appointed to and continue to hold such offices.

ADOPTED AND APPROVED ON _____, 2005.

Kristine A. Schmidt, City Clerk

Jeff R. Speaker, Mayor

The undersigned member of the governing body not authorized to sign order checks certifies that the foregoing is a correct copy of a resolution passed as therein set forth.

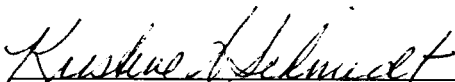
Title:

RESOLUTION NO. 7411-05
by the Finance Committee


BE IT RESOLVED that the following security broker/dealers and investment providers are hereby approved as authorized to provide investment services for the City of Brookfield.

A.G. Edwards & Sons (AIM)
Local Government Investment Pool (LGIP)
Merrill Lynch
RBS Greenwich Capital
Citigroup Global Markets, Inc.
Wells Fargo Brokerage Services
Wisconsin Investment Trust

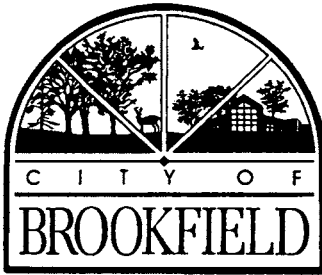
ADOPTED AND APPROVED ON _____ May 3 _____, 2005.



Kristine A. Schmidt, City Clerk



Jeff R. Speaker, Mayor



Memo

To: Finance Committee
From: Robert W. Scott *RWS*
Director of Finance
Date: April 25, 2005
Re: Security Broker/Dealer List

Pursuant to Section 5 of the Investment Policy revised in November 2002 the following is provided for your information, approval and recommendation to the Common Council.

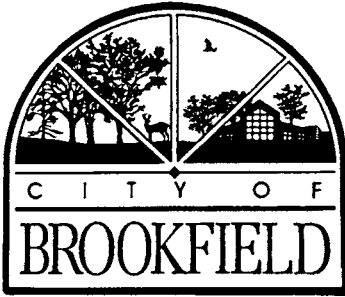
Section 5 of the Investment Policy states:

“The Director of Finance shall select and maintain a list of financial institutions authorized to be public depositories and/or provide investment services. In addition, a list of approved security brokers/dealers will be maintained..... On an annual basis, the Director of Finance shall present a list of these qualified institutions to the Finance Committee for its review and recommendation to the Common Council for approval via resolution.”

The list of broker/dealers I wish to present for this year includes the following:

- A.G. Edwards & Sons (AIM)
- Local Government Investment Pool (LGIP)
- Merrill Lynch
- RBS Greenwich Capital
- Citigroup Global Markets, Inc.
- Wells Fargo Brokerage Services
- Wisconsin Investment Trust

Attached is a resolution authorizing the City to use the above listed broker/dealers for City investments. Staff respectfully requests approval of the resolution and recommendation to the Common Council.



PROCUREMENT REQUEST
(Purchases Over \$10,000)

Date: 19-Apr-05

Item(s) Requested: Fleet - Five Replacement Vehicles
(Four Ford Crown Victorias, One Chevy Tahoe)

Bid/Quote Type: City XX Value State Other ()

Reason Needed: Fleet Replacement

Requesting Dept: Police

Requesting Person: Chief of Police, Daniel K. Tushaus

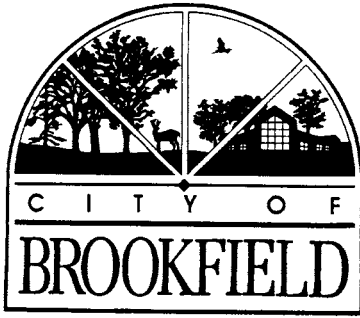
Budget Account No: 2005 Fleet Account - #205-950

Budgeted Amount: \$129,000

Actual Price: \$111,780 - Cost of Vehicles Only - Remaining funds for set-ups
and tear downs.

Requested Vendor: Ewald Automotive Group/Oconomowoc, WI

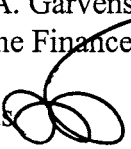
Approvals: Department Head: *Daniel Tushaus* Date: 04-19-05
Purchasing Agent: *[Signature]* Date: 4/25/05
Finance Director: *[Signature]* Date: 4/25/05
Mayor: *[Signature]* Date: 4-25-05
Finance Committee: *[Signature]* Date:



POLICE DEPARTMENT
2100 North Calhoun Road
Brookfield, Wisconsin 53005-5054
(262) 787-3566 24-Hour Fax (262) 782-8757
Administrative Fax (262) 796-6701
Daniel K. Tushaus, Chief of Police



TO: Alderman James A. Garvens, Chairman
and Members of the Finance Committee

FROM: Chief Dan Tushaus 

DATE: April 19, 2005

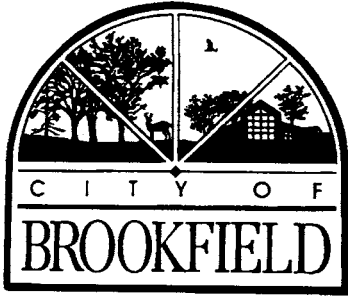
RE: Procurement Request for Fleet Replacements

As part of our fleet replacement program I have included the purchase of five vehicles in the City 2005 Fleet Replacement Budget. As part of the 2005 Budgeting Process this request to purchase has been reviewed and is recommended by the City Fleet Users Group. At this time we must state our intention to purchase so vendors can begin the process of ordering from the manufacturers. As in the past, vendors were selected through the V.A.L.U.E. Cooperative Purchasing Program (bid process). I am requesting your approval to purchase five replacement vehicles.

DKT/lc

cc: Robert Scott, Director of Finance





PROCUREMENT REQUEST
(Purchases Over \$10,000)

Date: 19 April, 2005

Item(s) Requested: Upfit 2 new dump trucks

Bid/Quote Type: X City Value State Other (

Reason Needed: Replaces 2 old trucks

Requesting Dept: Fleet Maintenance

Public Works

Requesting Person: Ben Weinke, Fleet Manager

Budget Account No: 205-950

Budgeted Amount: \$230,000 Chassis cost \$115,400

Actual Price: \$114,792

Requested Vendor: Olson Trailer and Body LLC

PO Box 2445, Green Bay, Wisconsin 54306

Approvals:

Department Head:	<u>Dean M. Mansmann</u>	Date: <u>4-28-05</u>
Purchasing Agent:	<u>Bob Smith</u>	Date: <u>4/28/05</u>
Finance Director:	<u>Robert Smith</u>	Date: <u>4-28-05</u>
Mayor:	<u>Bob Spae</u>	Date: <u>4-28-05</u>
Finance Committee:	<u> </u>	Date: <u> </u>

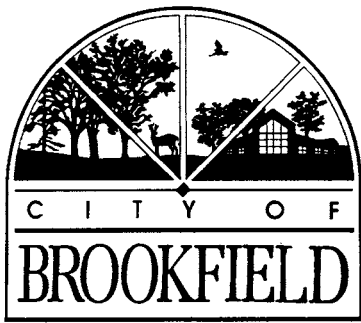
**CITY OF BROOKFIELD
BID SUMMARY**

Date: 19 April, 2005

Department: Fleet Maintenance
Public Works

Item Description: Upfit - Dump,Salter/Prewet, Hydraulics - New Trucks

Vendor/Bidder:		Olson Trailer	Casper	Burke Truck	
Description:		Total Upfit	Total Upfit	Total Upfit	
Base Price (Ea.)		57,396	57,799	No Bid	
Attachments:	2 Trucks	114,792	115,598		
Total Bid Price:		114,792	115,598	No Bid	




DIRECTOR OF ADMINISTRATION

Dean R. Marquardt

2000 North Calhoun Road
Brookfield, Wisconsin 53005-5095
(262) 782-9650 Fax (262) 796-6671

MEMORANDUM

TO: Finance Committee
Alderman Jim Garvens, Chairman
Robert Scott, Finance Director

FROM: Dean Marquardt 
Director of Administration

DATE: April 28, 2005

RE: Review and Recommendation to purchase:
1. Dump body, salt spreader, and related equipment

Item 1.

The Fleet Division solicited bids to purchase the dump body, salt spreader, and all other related equipment, including installation for two single axle patrol trucks from three vendors; two responses were received for evaluation. Staff has reviewed the bids in detail and recommends purchasing the equipment from Olson Trailer and Body LLC Green Bay, Wisconsin in the amount of \$114,792.

The items above meet specifications and are within the approved budgeted amount for the purchases. Staff respectfully requests recommendation to approve the purchase.

If you have questions please contact me, I will be attending the Finance Committee meeting to answer questions or concerns.



Memo

To: Finance Committee

From: Robert W. Scott, Director of Finance 

CC: Common Council

Date: 4/26/2005

Re: Authorization for City to participate in litigation as part of the Wisconsin Local Government Telecommunications Coalition

As you may recall, the Council approved the City becoming a member of the Wisconsin Local Government Telecommunications Coalition (WTCO) in 2004. WTCO's activities include the pursuit of potential claims against telecommunications providers on behalf of its members, including potential claims against SBC, the City's local telephone service provider.

As part of the membership agreement, the coalition will seek authorization from its members prior to commencing litigation against any party. At this time the coalition is seeking such authorization from the City. Please recall that the City's costs under the coalition member agreement are limited to certain out-of-pocket costs; legal fees incurred as part of any litigation are to be paid out of settlement proceeds according to the formula in the member agreement and are capped at a maximum of 50% of the proceeds from any litigation or settlement thereof.

In order to authorize the City's participation in the potential litigation, WTCO requests that the Council approve such action and authorize the Mayor to sign the attached authorization agreement. Your approval is requested; please contact me with any questions.

WISCONSIN LOCAL GOVERNMENT TELECOMMUNICATIONS COALITION

Authorization to Commence Litigation

The Wisconsin Local Government Telecommunications Coalition (WTCO) and the undersigned local government have retained the law firm of Whyte Hirschboeck Dudek S.C. to represent its interests in various claims against SBC related to past contract administration and billing errors, among other issues. The undersigned government has approved membership in WTCO and the retention of Whyte Hirschboeck Dudek S.C. through approval of the Member Services Agreement (MSA).

The undersigned government hereby authorizes Whyte Hirschboeck Dudek S.C. to pursue any and all necessary claims and causes of action against SBC and any of its subsidiaries or affiliates in relation to past contract administration, billing areas, and related provision of services in all appropriate jurisdictions, courts of law, and regulatory bodies, including without limitation, state courts, federal courts, the Wisconsin Public Service Commission, and or the Federal Communication Commission.

In signing this Authorization, the undersigned official states that he/she has conferred with the appropriate legal counsel for the government regarding this Authorization.

The undersigned government retains authority with respect to settlement decisions as provided in the MSA. This Authorization shall not change or limit any of the terms or conditions provided in the MSA, which continue to apply.

Local Government Entity: _____

Authorized Signature: _____

Printed Name: _____

Position: _____

Date: _____

RESOLUTION NO. 7412-05
by the Personnel Committee

**RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF BROOKFIELD AND THE BROOKFIELD
PROFESSIONAL POLICE ASSOCIATION REGARDING SICK LEAVE
UTILIZATION BY A POLICE DEPARTMENT EMPLOYEE WHO WAS INJURED
BY ENEMY FIRE WHILE SERVING IN OPERATION IRAQI FREEDOM**

WHEREAS, Ryan Shogren is employed as a City of Brookfield Police Officer, and was called to serve his country as a Marine in Operation Iraqi Freedom, and;

WHEREAS, Ryan Shogren was wounded in action and is currently undergoing treatment in a military hospital in San Diego, California, and;

WHEREAS, this set of circumstances has resulted in Ryan Shogren losing half of his military pay and as a result is suffering financial hardship, and;

WHEREAS, the attached Memorandum of Understanding* reached between the City of Brookfield and the Brookfield Professional Police Association will provide Ryan Shogren the ability to utilize up to forty (40) hours of sick leave per pay period to supplement his income until such time he returns to full City of Brookfield duty, and:


WHEREAS, Ryan Shogren's anticipated return to work date is no later than November 1, 2005, and:

WHEREAS, this Memorandum of Understanding is considered not precedent setting by either the City or the Union:

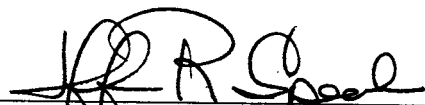
NOW, THEREFORE, BE IT RESOLVED that the Common Council hereby approves the Memorandum of Understanding to authorize sick leave utilization in this manner, and;

BE IT FURTHER RESOLVED that the proper City officials are hereby directed to administer the provisions of this Memorandum of Understanding as soon as administratively practicable.

ADOPTED AND APPROVED ON May 3, 2005



Kristine A. Schmidt, City Clerk



Jeff R. Speck, Mayor

* Can be viewed in the Human Resources Department

MEMORANDUM OF UNDERSTANDING


between the
City of Brookfield

and the
Wisconsin Professional Police Association
on behalf of the
Brookfield Professional Police Association

- 1.) For payroll purposes, Ryan Shogren will be considered returned from military leave, effective January 1, 2005.
- 2.) Until his actual return to City employment, or January 1, 2006, whichever is earlier, he will be eligible to charge his eligible leave accounts for up to a maximum of forty (40) hours per pay period.
- 3.) He will be able to maintain a negative balance in the sick leave account until he returns to City employment, when at such time he will be required to commence replenishing the balance through sick leave accrual and time off in lieu of holiday pay through active City of Brookfield service.
- 4.) The parties agree this arrangement is not precedent setting.
- 5.) This agreement will be in effect after approval by the Common Council of the City of Brookfield.

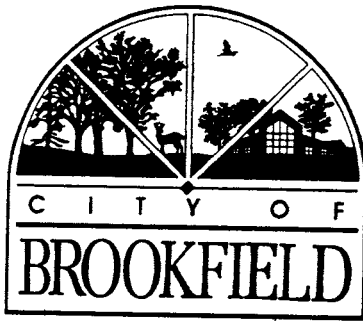
Signed, this 13th day of April, 2005.

For the City:


James Zwerlein, HR Director

For the Association:


Ron Bethia, President




HUMAN RESOURCES DEPARTMENT

James Zwerlein, Director

2000 North Calhoun Road
Brookfield, Wisconsin 53005-5095
(262) 796-6642 Fax (262) 796-6682
email: zwerlein@ci.brookfield.wi.us

MEMORANDUM

TO: Personnel Committee

FROM: James Zwerlein 
Human Resources Director

RE: Resolution authorizing Sick Leave utilization for a Police Officer injured while serving as a U.S. Marine in Iraq.

DATE: April 26, 2005

SUMMARY

On April 13, 2005, the City was placed on notice that City of Brookfield Police Officer Ryan Shogren was suffering significant financial hardship due to his required medical treatment and rehabilitation of an injury he suffered while on military leave, serving with the U.S. Marines in Iraq. The City negotiation team and the Brookfield Professional Police Association (B.P.P.A.) have reached a Memorandum of Understanding (MOU) modifying the labor agreement to allow Mr. Shogren to access his sick leave benefit prior to his return to City of Brookfield employment. This proposed Resolution, which is subject to Common Council approval, will enable Officer Shogren the flexibility to charge his sick leave account to supplement his income until he is able to return to full City of Brookfield police officer duty, which we anticipate commencing in October of this year.

BACKGROUND

Police Officer Ryan Shogren has been employed by the City of Brookfield since March 11, 2001. His annual salary rate is \$52,519. He is an outstanding Police Officer. He is also a U.S. Marine, a member of Wisconsin's Fox Company unit, specializing in urban and combat patrol. He was called up to serve in Iraq starting June 1, 2004, then participated in three (3) months of advanced infantry training, and served as a training instructor for U.S. troops serving in Operation Iraqi Freedom.

In September, he arrived in Iraq, and was sent to the "Triangle of Death" – a northern battle province just southwest of Baghdad. On October 8, 2004, his unit was hit with mortar fire. He was seriously injured, suffering broken bones in his leg and skull. He lost several teeth. Since his injuries, he has been receiving treatment at a military



hospital located in San Diego, California. He has had seven (7) separate surgeries on his knee alone. He has had additional surgeries on his face and mouth. He has a significant amount of shrapnel in his body that his physicians say cannot be removed without causing further damage. Despite these injuries, and surgeries yet to come, he anticipates being able to return to full City of Brookfield duty in October, 2005.

Due to enhanced pay while serving military duty in a hazardous area, Ryan's military pay while in Iraq was commensurate with his City of Brookfield rate of pay. Since his injuries, however, and because of the location of treatment, his pay has been cut in half. This halving of his pay, which will continue until he returns to City of Brookfield employment, has caused significant financial strain for the Shogrens. Due to his treatment he is able to travel back to the Milwaukee area only sporadically. His wife, Kimberly, and their baby daughter visit him in San Diego to the extent their finances allow.

RECOMMENDATION

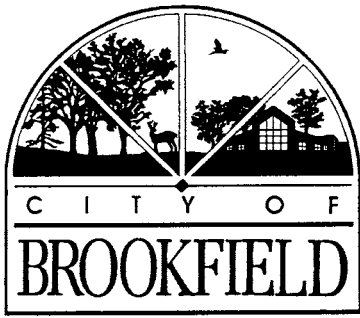
The Memorandum of Understanding will amend the labor agreement to allow Ryan to charge sick leave to supplement his income between January 1, 2005 and his return to City of Brookfield employment, or to January 1, 2006, whichever is sooner. Under its provisions, Ryan will be able to charge up to forty (40) hours per pay period (half-pay), and be able to run a negative balance until such time he is re-employed, and will commence to earn sick leave credits as an active City of Brookfield Police Officer. The Union has agreed this arrangement will not set a precedent for further action.

In March of 2004, the Common Council approved a resolution providing health insurance benefits for employees called to active duty supporting Operation Iraqi Freedom and Operation Enduring Freedom. Pursuant to that resolution, the City has covered the Shogren family under its health insurance plan. In consideration of this arrangement, we estimate the cost of approving this resolution to be limited to \$26,000 – assuming Ryan fully charges his sick leave. However, we expect him to approach the matter conservatively, as any dollars extended to him will be owed the City as a negative sick leave balance, which must be replenished as he continues active City of Brookfield service. The Finance Director reports the Department's 2005 salary budget has sufficient funds to cover this cost.

Staff would normally recommend against creating special exceptions to labor agreements, especially in cases where the Union has been resistant to City proposals that could have moderately addressed the issue. However, we see this case as an extremely rare set of circumstances the Common Council may deem worthy of making such an exception.

Should you have any questions in advance of Monday's meeting, please call me at 787-3642. Thanks.

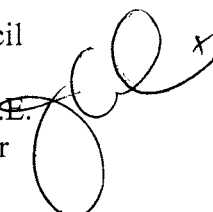
Attachment



ENGINEERING DIVISION
2000 North Calhoun Road
Brookfield, Wisconsin 53005-5095
(262) 782-9650 FAX (262) 782-1323

MEMO

TO: Common Council

FROM: John Carlson, P.E.
Project Engineer 

DATE: April 25, 2005

RE: Preliminary Resolution – Calhoun Road (Gebhardt Road to Winston Park Court) & Winston Park Court Water Main Project No. W-04-02

The Calhoun Road (Gebhardt Road to Winston Park Court) & Winston Park Court Water Main project is part of the City's 2005 water main extension program. Pursuant to Wisconsin statutes and the Municipal Code the City is authorized to levy special assessments to property owners benefited by this project. Attached is the preliminary resolution for the Calhoun Road (Gebhardt Road to Winston Park Court) & Winston Park Court Water Main assessment.

The Public Hearing for this assessment is scheduled for May 24, 2005 immediately before a Special Water Board meeting, with the Final Resolution to be considered at this Water Board meeting.



RESOLUTION NO. 7413-05
by the Water Board

**PRELIMINARY RESOLUTION DECLARING INTENT TO EXERCISE SPECIAL
ASSESSMENT POWERS UNDER SECTION 66.0703, WISCONSIN STATUTES**

**CALHOUN ROAD (GEBHARDT ROAD TO WINSTON PARK COURT) & WINSTON
PARK COURT WATER MAIN
PROJECT #W-04-02**

RESOLVED by the Common Council of the City of Brookfield, Wisconsin:

1. The Common Council hereby declares its intention to exercise its power under Section 66.0703, Wisconsin Statutes, as in force in the City of Brookfield, pursuant to Section 3.08 of the Municipal Code, to levy special assessments under the police power on a reasonable basis upon property within the described districts for the construction of water main:

**CALHOUN ROAD (GEBHARDT ROAD TO WINSTON PARK COURT) & WINSTON
PARK COURT WATER MAIN
PROJECT #W-04-02**

LEGAL DESCRIPTION

1445 N CALHOUN RD.
N 135' OF LOT 1 EXCEPT S 25.22 FT BLK 1 PILGRIM HILLS
SE 1/4 SE 1/4 SEC 21 T7N R20E
1092 049

17250 PATRICIA LANE
LOT 2 & S 25.22 FT OF LOT 1 BLK 1 PILGRIM HILLS
SE 1/4 SE 1/4 SEC 21 T7N R20E
1092 050

1365 N CALHOUN RD
LOT 1 BLK 2 PILGRIM HILLS
SE 1/4 SE 1/4 SEC 21 T7N R20E
1092 055

1345 N CALHOUN RD
LOT 2 BLK 2 PILGRIM HILLS
SE 1/4 SE 1/4 SEC 21 T7N R20E
1092 056

17220 OAK PARK ROW
LOT 3 BLK 2 PILGRIM HILLS
SE 1/4 SE 1/4 SEC 21 T7N R20E
1092 058

1245 N CALHOUN RD
PARCEL 1 OF CSM
SE 1/4 SE 1/4 SEC 21 T7N R20E
1092 068

LEGAL DESCRIPTION

17285 OAK PARK ROW
PARCEL 2 OF CSM
SE 1/4 SE 1/4 SEC 21 T7N R20E
1092 068 001

1465 N CALHOUN RD
PT SE 1/4 SEC 21 T7N R20E COMM 1185.89 FT S OF NE COR,
TH S 145 FT, TH W 290 FT, TH N 145 FT, TH E 290 FT TO BGN
1092 991

1515 N CALHOUN RD
PT SE 1/4 SEC 21 T7N R20E COMM 917.65 FT S OF NE COR,
TH S 125 FT, TH W 263 FT, TH N 125 FT, TH E 263 FT
TO BGN
1092 992

1605 N CALHOUN RD
PT SE1/4 SEC 21 T7N R20E COMM 477 FT S OF NE COR, TH W
236 FT, TH S 146.88 FT, TH E 236 FT, TH N 146.88 FT TO BGN
1092 993

1485 N CALHOUN RD
PT SE1/4 SEC 21 T7N R20E COMM 1043 FT S OF NE COR,
TH W 230 FT, TH S 142.89 FT, TH E 230 FT,
TH N 142.89 FT TO BGN
1092 994

1535 N CALHOUN RD
PT SE1/4 SEC 21 T7N R20E COMM 771 FT S OF NE COR,
TH S 146.88 FT, TH W 203 FT, TH N 146.88 FT, TH E 203 FT TO BGN
1092 995

1565 N CALHOUN RD
PT SE1/4 SEC 21 T7N R20E COMM 623.88 FT S OF NE COR,
TH S 146.88 FT, TH W 236 FT, TH N 146.88 FT, TH E 236 FT TO BGN
1092 996

1625 N CALHOUN RD
PT SE1/4 SEC 21 T7N R20E COMM 330 FT S OF NE COR,
TH S 146.88 FT, TH W 203 FT, TH N 146.88 FT, TH E 203 FT TO BGN
1092 997

17155 OAK PARK ROW
LOT 1 BLK 1 TEMPLE HILLS PT
SW 1/4 SEC 22 T7N R20E
1095 001

17160 OAK PARK ROW
THE SOUTHERLY 240' OF LOT 1 BLOCK 2, TEMPLE HILLS,
A SUBD IN THE SW 1/4 SEC 22 T7N R20E
1095 008

1340 N CALHOUN RD
PARCEL 2 CSM 6615
SW1/4 SEC 22 T7N R20E
1095 008 001

17175 PATRICIA LN
PARCEL 1 CSM 6615 TEMPLE HILLS
SW1/4 SEC 22 T7N R20E
1095 008 002

LEGAL DESCRIPTION

1580 N CALHOUN RD

PT SW1/4 SEC 22 T7N R20E COM 499.83 FT S OF NW COR,
TH E 264 FT, TH S 100 FT, TH W 264 FT, TH N 99.93 FT TO
BGN LOT 5 BLK 1 UNREC MAYERDALE

1095 982

1620 N CALHOUN RD

PT SW1/4 SEC 22 T7N R20E COM 299.83 FT S OF NW COR,
TH E 291 FT TH S 100 FT, TH W 291 FT, TH N 100 FT TO
BGN LOT 6 BLK 1 UNREC MAYERDALE EXCEPT THE
WESTERLY 60' RECORDED REEL 1760 IMAGE 829

1095 983

1600 N CALHOUN RD

PT SW1/4 SEC 22 T7N R20E COM 399.83 FT S OF NW COR,
TH E 291 FT TH S 99.40 FT, TH W 291 FT, TH N 99.31 FT TO
BGN LOT 5A BLK 1 UNREC MAYERDALE

1095 984

1560 N CALHOUN RD

PT SW1/4 SEC 22 T7N R20E COM 599.23 FT S OF NW COR,
TH E 264 FT TH S 149.69 FT, TH W 264 FT, TH N 149.57 FT TO
BGN LOT 4 BLK 1 UNREC MAYERDALE

1095 985

1530 N CALHOUN RD

PT SW1/4 SEC 22 T7N R20E COM 748.92 FT S OF NW COR,
TH E 291 FT TH S 149.69 FT, TH W 291 FT, TH N 149.69 FT TO
BEG LOT 3 BLK 1 UNREC MAYERDALE

1095 986

1500 N CALHOUN RD

PT SW1/4 SEC 22 T7N R20E COM 898.61 FT S OF NW COR,
TH E 264 FT, TH S 149.69 FT, TH W 264 FT, TH N 149.69 FT TO
BGN LOT 2 BLK 1 UNREC MAYERDALE

1095 987

1470 N CALHOUN RD

PT SW1/4 SEC 22 T7N R20E COM 1048.3 FT S OF NW COR,
TH E 264 FT TH S 149.69 FT, TH W 264 FT, TH N 149.69 FT TO
BGN LOT 1 BLK 1 UNREC MAYERDALE

1095 988

1450 N CALHOUN RD

PT SW1/4 SEC 22 T7N R20E COMM 1197.99 FT S OF NW COR,
TH E 264 FT, TH S 151.21 FT, TH W 264 FT, TH N 151.62 FT TO
BGN LOT A BLK 1 UNREC MAYERDALE

1095 989

1420 N CALHOUN RD

PT SW1/4 SEC 22 T7N R20E COMM 1145.71 FT N OF SW COR,
TH E 237 FT, TH N 165.35 FT, TH W 237 FT, TH S 165.35 FT TO BGN

1095 990

1380 N CALHOUN RD

PT SW1/4 SEC 22 T7N R20E COM 980.71 FT N OF SW COR,
TH E 264 FT TH N 165 FT, TH W 264 FT, TH S 165 FT TO
BGN 1 AC

1095 991

LEGAL DESCRIPTION

1135 WINSTON PARK CT
LOT 1 PARK HOLLOW ESTATES
PT NE 1/4 SECTION 28 T7N R20E
1117 079

17355 WINSTON PARK CT
LOT 2 PARK HOLLOW ESTATES
PT NE 1/4 SECTION 28 T7N R20E
1117 080

17375 WINSTON PARK CT
LOT 3 PARK HOLLOW ESTATES
PT NE 1/4 SECTION 28 T7N R20E
1117 081

17350 WINSTON PARK CT
LOT 4 PARK HOLLOW ESTATES
PT NE 1/4 SECTION 28 T7N R20E
1117 082

17310 WINSTON PARK CT
LOT 5 PARK HOLLOW ESTATES
PT NE 1/4 SECTION 28 T7N R20E
1117 083

17270 WINSTON PARK CT
LOT 6 PARK HOLLOW ESTATES
PT NE 1/4 SECTION 28 T7N R20E
1117 084

1170 WINSTON PARK CT
LOT 7 PARK HOLLOW ESTATES
PT NE 1/4 SECTION 28 T7N R20E
1117 085

1150 WINSTON PARK CT
LOT 8 PARK HOLLOW ESTATES
PT NE 1/4 SECTION 28 T7N R20E
1117 086

1120 WINSTON PARK CT
LOT 9 PARK HOLLOW ESTATES
PT NE 1/4 SECTION 28 T7N R20E
1117 087

2. The total amount assessed against such districts shall not exceed 100% of the cost of the improvements and shall be a police power assessment. The assessments against any parcel may be paid in one cash sum or in such number of annual installments as the Water Board may determine at the Public Hearing.

The City Engineering Division is directed to prepare a report consisting of:

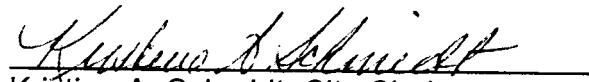
- a. Preliminary plans and specifications for said improvements.
- b. An estimate of the entire cost of the proposed installation of water main.
- c. Schedule of proposed assessments.

The Council hereby states that the property against which the assessments are proposed are benefited.

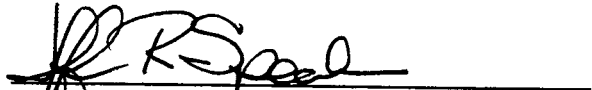
3. Upon completing such report, the City Engineering Division is directed to file a copy thereof in the office of the City Clerk for public inspection.

4. Upon receiving the report of the City Engineering Division, the City Clerk is directed to give Notice of a Public Hearing upon such report as specified in Section 77.0703 (7) (a), Wisconsin Statutes. Pursuant to Section 66.0703(5), Wisconsin Statutes the project cost and assessments are estimates subject to revision when bids are actually received. The Hearing shall be held before the Water Board at a time and place to be set by the Clerk with approval of the Board.

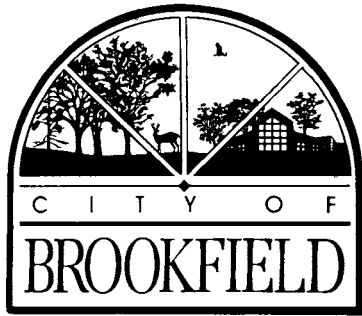
ADOPTED AND APPROVED ON May 3, 2005



Kristine A. Schmidt, City Clerk



Jeff R. Speaker, Mayor



2000 North Calhoun Road
Brookfield, Wisconsin 53005-5095
(414) 782-9650 FAX (414) 796-6671

MEMORANDUM

TO: All Aldermen
City of Brookfield

FROM: Richard J. Brunner, Council President

DATE: May 3, 2005

RE: Council President's Re-Appointment

Brookfield Convention and Visitor's Bureau

Bonnie Moyer Topczewski – Two year term expiring May 15, 2007.

Council confirmation would be appreciated.





Home Address:

**2320 Rockway Lane, East
Brookfield, Wisconsin 53005**

Mill Place

December 30, 2003

13414 Watertown
Plank Road

Elm Grove, WI
53122 U.S.A.

☎ 262.782.4637

☎ 262.782.7537

Mayor Jeff Speaker
City of Brookfield
2000 N. Calhoun Rd.
Brookfield, WI 53005

Dear Mayor Speaker:

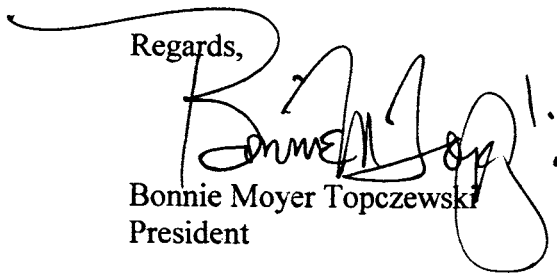
It was a pleasure meeting with you to discuss the board appointment for the Brookfield CVB. For background purposes, attached you will find a Capabilities piece which highlights some of my pertinent tourism experience.

During the past 20+ years, I have had the distinct privilege of working with some of tourism's best leaders. To name a few...

- Wisconsin Assoc. of Convention & Visitors Bureau
- Wisconsin Dells Visitor & Convention Bureau
- Department of Tourism
- Greater Milwaukee Convention & Visitor Bureau
- Racine Convention & Visitor Bureau
- Green Lake Chamber of Commerce
- Hyatt Hotel
- Antiqua Bay Resort
- Chula Vista Resort
- Houlihans

I look forward to putting my in-depth tourism experience to work for Brookfield.

Regards,


Bonnie Moyer Topczewski
President

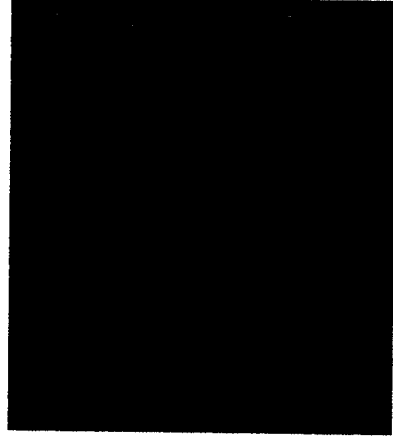
**Bonnie Moyer Topczewski
President**

Bonnie knows the advertising industry inside and out. She better; she's been doing it for more than 20 years. Clients rely on her for her vision and passion. She's a real quick study. Yet, the woman can inspire enthusiasm (even without her morning pot of coffee) and has a wealth of knowledge and experience.

Bonnie has a reputation for being committed to the agency's clients and almost intuitively understanding their needs. Here are a couple of examples. Remember when not too long ago gas prices were skyrocketing? Well Antiqua Bay Waterpark Resort in Wisconsin Dells asked for help because their advance reservations were critically low. She may be modest in acknowledging how well she knows the tourism industry and how well-connected she is in the ad/pr industry, but, as they say, the proof is in the pudding. In a one-day turnaround, she created the FREE GAS GETAWAY promotion and the media picked it up within 48 hours. The biggest coup: CNN! CNN covered the promotion and aired the feature nationally. You can't buy that kind of promotion.

Want another example? Recently, Bonnie had the opportunity to present a national marketing campaign for a new, revolutionary home product created by one of Mercury's clients (Eisenhart Wallcoverings). She presented to Home Depot - the second largest retailer in the United States. The marketing campaign was so well thought out and deeply entwined that Home Depot corporate executives actually thought Bonnie was an employee of Eisenhart Wallcoverings. Now that's dedication!

Brand Experience: Sentry Foods, Sun Warehouse Foods, Eagle Foods, Home Depot, Holiday Inn Hotels & Resorts, Hyatt Hotels, Wisconsin State Fair, Wisconsin Dells Convention & Visitors Bureau, Greater Milwaukee Convention & Visitors Bureau.



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