

THESE ARE THE MINUTES OF A **REGULAR COMMON COUNCIL MEETING OF THE 26TH COMMON COUNCIL**, HELD AT 7:45 P.M., TUESDAY, **SEPTEMBER 20, 2005**, IN THE COUNCIL CHAMBERS OF BROOKFIELD CITY HALL, 2000 N. CALHOUN ROAD, BROOKFIELD, WISCONSIN

MAYOR JEFF SPEAKER PRESIDING

ALDERMEN PRESENT: Scott Berg, Thomas Schellinger, Gary Mahkorn, Steve Ponto, Dan Sutton, Rick Owen, Mike Franz, Christopher Blackburn, Jim Heinrich, Cindy Kilkenny, Mark Nelson, James Garvens, Ron Balzer, Richard Brunner

ALDERMEN ABSENT & EXCUSED: None

ALSO PRESENT: City Attorney Vince Moschella, Director of Administration Dean Marquardt, City Clerk Kris Schmidt, Director of Community Development Dan Ertl, Director of Finance Robert Scott, Director of Public Works Tom Grisa, Fire Chief John Dahms

Mayor Jeff Speaker called the Common Council to order at approximately 8:00 p.m.

The next Common Council meeting will be October 4, 2005. The consultant will make a presentation on the City/Town study.

The scheduled public hearing for Erbarry Place (rezoning located at 18305 and 18345 Davidson Road) has been cancelled for this evening. Notice will be given when the public hearing will be rescheduled.

No one spoke from the audience during the 15 minute segment set aside for citizens to address the Council.

2) Eric Jonardi of Boy Scout Troop 246 from Hillside Elementary School, led the Common Council in the Pledge of Allegiance to the American Flag.

ACTIONS OF THE COMMON COUNCIL

CONSENT AGENDA

Aldermen Heinrich moved approval of the items on the Consent Agenda, except for items #24 and #27. The motion was seconded by Alderman Mahkorn and carried unanimously. Recorded as a roll call.

3) Minutes from the Regular Common Council meeting of September 6, 2005.

Actions and recommendations of the Plan Commission contained in the minutes of September 12, 2005, including the Plan Review Board recommendations of August 18, 2005

- 4) • P.C. Item #1: Plan Review Board recommendations of August 18, 2005:
 - a. PRB #1: Klinke Cleaners, 14335 W. Capitol Dr., for elevated landscape planters along the side of the service road.
 - b. PRB #2: All City Communications, 4055 N. 128th St., for approval of revised plan and method of operation allowing exterior building alterations and site modifications.
 - c. PRB #3: Kevin Holzem, and Glen Siebert, for re-approval of a Preliminary Certified Survey Map and Certified Survey Map at 4645 and 4665 Meadow View West creating three single family lots out of two existing single family parcels of the Unrecorded Meadow View Subdivision.
 - d. PRB #4: Eastgate LLC for approval of a preliminary and final Certified Survey Map dividing Parcel 1 of CSM No. 8871 or 12950 W. Lisbon Road. One new lot will be created.
 - e. PRB #5: Proposed text amendments to Section 15.04.345 Dumpster enclosures.
 - f. PRB #7: SWV Enterprises, Inc. (Stonewood Village), 17700 W. Capitol Dr., for renewal of two temporary use permits.
 - g. PRB #8: Pistol Pete's, 16755 W. Lisbon Rd., for a temporary use permit.
 - h. PRB Sign Request A: Dennis Mobil, 14035 W. Capitol Dr., for a monument sign.
- 5) • P.C. Item #2: Review of the Final Draft of the *Design Guidelines for the Brookfield Square/Executive Drive Redevelopment Area* as prepared by Eppstein Uhen Architects et al. Adopt as "interim guidelines" and request for a public hearing to incorporate the guidelines into the City Zoning Code.
- 6) • P.C. Item #3: Referred request of Stone Brook Hollow, 20630 Bartlett Dr., Brookfield, Robert Korslin, representative, for preliminary plat approval of Hidden Creek, a 20 lot single-family subdivision of unrecorded Meadow View and Meadow View Annex, east of Calhoun Road and south of Lisbon Road.
- 7) • P.C. Item #4: Request of Dept. of Community Development to schedule a public hearing for the purpose of establishing permanent zoning on lands annexed to the City from the Town of Brookfield via Ordinance No. 1981-04 and detached to the City from the Village of Menomonee Falls via Ordinance No. 2007-05.
- 8) • P.C. Item #6: Request for a public hearing for the proposed amendment to the Official Map to eliminate a portion of Brookfield Road north of Greenfield Avenue.
- 9) • P.C. Item #7: Request for a public hearing to shorten the allowable time that a property must be landscaped.
- 10) • P.C. Item #9: Request for a public hearing to modify the administrative practices of the Board of Zoning Appeals.

As recommended by the Finance Committee

- 11) Vouchers exceeding \$50,000 requiring immediate action.
- 12) Resolution approving capital projects fund budget amendment requested by the Director of Finance and Fire Chief: increase FEMA grants revenue account 602-000-432-800 and Fire Department equipment expenditure account 602-113-700-175 by \$35,510 for purposes of recognizing FEMA grant revenue and related expenditures. **Resolution No. 7474-05***
- 13) Resolution certifying proposed library funding for purposes of exemption from Waukesha County library tax levy. **Resolution No. 7475-05***
- 14) Resolution designating proceeds from the sale of surplus City lands at Brookfield Road and Greenfield Avenue to be used for Brookfield Road extension project costs. **Resolution No. 7476-05***

As recommended by the Legislative & Licensing Committee

- 15) Original Bartender Licenses (see Legislative & Licensing agenda for names).
- 16) Change of Agent at Pick 'N Save #6853, 12735 W. Capitol Dr.; Brenda Kromanaker – New Agent.
- 17) Change of Agent at Saffron Indian Bistro LLC, 17395 #D-1 W. Bluemound Rd.; Laxman Kailas – New Agent.
- 18) *No action was taken* on the Original Class B Combination Beer and Alcohol License for G2W Inc., d/b/a Mad Dogs, 19035 W. Capitol Drive #100, Nisha Weyker – Agent as it was tabled in committee.

As recommended by the Board of Public Works

- 19) Resolution approving the State/Municipal Agreement between the State of Wisconsin Dept. of Transportation and the City of Brookfield for the installation of L.E.D. signal heads at the intersections of Calhoun Road and Gebhardt Road, and Calhoun Road and Civic Drive as part of the Hazard Elimination System grant fund program. **Resolution No. 7477-05***
- 20) Resolution approving a three-party contract with Kapur and Associates, Inc. and the Wisconsin Dept. of Transportation for improving the intersection of Burleigh Road and Lilly Road. **Resolution No. 7478-05***
- 21) Resolution accepting an Offer to Purchase 1.13 acres of surplus City lands at Greenfield Ave. and Brookfield Road by Brookfield Ventures II LLC for \$79,020. **Resolution No. 7479-05***
- 22) Resolution awarding the bid for the Ruby Isle Storm Sewer Project No. SW-05-06 to Musson Brothers Inc. for \$38,090. **Resolution No. 7480-05***
- 23) Resolution awarding the bid for the City of Brookfield Library, 1900 N. Calhoun Rd., Building Control System, Project #05301 to Carrier Corp. for \$51,900. **Resolution No. 7481-05***

As recommended by the Water Board

- 24) *Removed from the Consent Agenda.*
- 25) Resolution approving an Encroachment Agreement between the City of Brookfield and Trieglaff Development, Inc. for the landscaping within the City's water main easement located at 14035 W. Capitol Drive (BRC 1049-055). **Resolution No. 7482-05***

As recommended by the Sewer & Water Boards

- 26) Resolution approving the Encroachment Agreement between the City of Brookfield and Anderson Pump & Process, Inc. for the landscaping within the City's sanitary sewer, water main and pedestrian access easement located at 21365 Gateway Court (1035-024-007). **Resolution No. 7483-05***

Council As A Whole

- 27) *Removed from the Consent Agenda.*
- 28) Items removed from the Consent Agenda –**

Alderman Berg moved approval of **Item #24** – Resolution approving the Emergency Water Service Agreement between the Village of Menomonee Falls and the City of Brookfield for standby water service. The motion was seconded by Alderman Sutton and carried unanimously. **Resolution No. 7484-05***

Alderman Brunner moved approval of **Item #27** – Mayor's Appointment: Jennifer J. Donze to the Plan Commission (effective October 1, 2005). The motion was seconded by Alderman Garvens and carried Ayes 13, Nays 1 with Alderman Kilkenny voting nay.

(End of Consent Agenda)

BOARD OF PUBLIC WORKS

- 29) Alderman Heinrich moved approval to extend the closing date to October 31, 2005, for purchase of the Burleigh Road properties requested by Mary Schroeder and Fred Spytek (17280, 17320, 17350, 17390, 17440, 17480, 17540, 17580 and 17600 W. Burleigh Road). The motion was seconded by Alderman Balzer and carried unanimously.

LEGISLATIVE & LICENSING COMMITTEE

- 30) Alderman Mahkorn moved adoption of the Ordinance amending Section 15.04.345 E. of the Municipal Code regarding dumpster enclosure restrictions. The motion was seconded by Alderman Sutton. A roll call vote was taken and carried unanimously. **Ordinance No. 2019-05***

31) Alderman Mahkorn moved adoption of the Ordinance amending the Municipal Code of the City of Brookfield by changing references from the Personnel Committee to Human Resources and Public Safety Committee. The motion was seconded by Alderman Sutton. A roll call vote was taken and carried Ayes 13, Nays 1 with Alderman Berg voting nay. ***Ordinance No. 2020-05****

WATER BOARD

32) Alderman Berg moved approval of the Resolution approving the revisions to the Water Main Extension Policy. The motion was seconded by Alderman Blackburn and carried unanimously. ***Resolution No. 7485-05****

SEWER BOARD

33) Alderman Berg moved adoption of the Ordinance amending Section 13.20.110 D. adding a new mass limitation for molybdenum to the local sewer use ordinance for industrial wastes. The motion was seconded by Alderman Blackburn. A roll call vote was taken and carried unanimously. ***Ordinance No. 2021-05****

34) The next item was the report regarding Pewaukee-Brookfield Joint Fire Station Initiative. Mayor Speaker reported on behalf of the Task Force. The Mayor stated there would be no joint effort at this time. The work completed in cooperation with the City of Pewaukee provides us with a reference point to begin an in depth study on the community's fire and EMS delivery systems. Mayor Speaker is appointing a task force to pursue issues raised by the Pewaukee-Brookfield Joint Task Force made up of Aldermen and one citizen member of the joint study task force, Dan Dupar.

35) Legislative Referrals: There were none.

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

Kristine A. Schmidt, City Clerk

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