

THESE ARE THE MINUTES OF A **COMMON COUNCIL**  
MEETING OF THE 27<sup>TH</sup> COMMON COUNCIL, HELD AT 7:45 P.M.,  
TUESDAY, **DECEMBER 18, 2007**, IN THE COUNCIL CHAMBERS  
OF BROOKFIELD CITY HALL, 2000 N. CALHOUN ROAD,  
BROOKFIELD, WISCONSIN

MAYOR JEFF SPEAKER PRESIDING

**ALDERMEN PRESENT:** Scott Berg, Gary Mahkorn, Steve Ponto,  
Rick Owen, Christopher Blackburn, Bill Carnell, Lisa Mellone, Ron  
Balzer, Mark Nelson, Jim Garvens, Dan Sutton, Jerry Mellone, Mike  
Franz, Bob Reddin

**ALDERMEN ABSENT & EXCUSED:** None

**ALSO PRESENT:** City Attorney Karen Flaherty, City Clerk Kris  
Schmidt, Director of Finance Robert Scott, Director of Human  
Resources Jim Zwerlein, Director of Administration Dean Marquardt,  
Director of Public Works Tom Grisa, Director of Community  
Development Dan Ertl, Director of Library Services Edell Schaefer

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

Two people spoke during the 15 minute segment set aside for citizens to address the Council regarding Item #3 (Certified Survey Map at 16555 & 16575 Patricia Lane) and Item #4 (Deer Creek Plaza new plan and method of operation, 17100 W. Greenfield Ave.).

The next Common Council meeting will be January 15<sup>th</sup>. (January 1<sup>st</sup> meeting was cancelled.)

Alderman Scott Berg led the Council in the Pledge of Allegiance.

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**ACTIONS OF THE COMMON COUNCIL**

**CONSENT AGENDA**

Alderman Ponto moved approval of the items on the Consent Agenda, except for Items #2b, 3, 4, 5, 6, 9, and 17. The motion was seconded by Alderman Garvens and carried unanimously. Recorded as a roll call.

- 1) Minutes from the Regular Common Council meeting of December 4, 2007.

*Actions and recommendations of the Plan Commission minutes of December 10, 2007, including the Plan Review Board minutes of November 29, 2007*

- 2) • P.C. #1: Plan Review Board recommendations of November 29, 2007 –
  - a. PRB #1: Lattos Land, LLC, 225 S. Executive Dr., for approval to schedule a Modified Suburban Overlay (MSO) rezoning public hearing to establish dimensional zoning standards in association with a revised plan and method of operation that would permit a 26 stall parking lot

addition and dumpster enclosure.

b. PRB #3: *Removed from the Consent Agenda.*

c. PRB #4: Ridgewood Baptist Church, 2700 N. Lilly Rd., for a replacement monument sign.

3) *Removed from the Consent Agenda.*

4) *Removed from the Consent Agenda.*

5) *Removed from the Consent Agenda.*

6) *Removed from the Consent Agenda.*

7) • P.C. #6: Stewart Enterprises Inc., d/b/a Wisconsin Memorial Park, for approval to schedule a conditional use public hearing permitting construction of twelve new mausoleum buildings at two sites near the eastern side of Wisconsin Memorial Park located at 13235 W. Capitol Drive.

*As recommended by the Finance Committee*

8) Vouchers exceeding \$50,000 requiring immediate action.

9) *Removed from the Consent Agenda.*

10) Resolution approving the City Prosecutor Contract with Attorney E. Joseph Kershek for 2008.  
**Resolution No. 7819-07\***

11) Resolution approving 2008 service agreement between the City of Brookfield and the Elmbrook Humane Society, Inc. **Resolution No. 7820-07\***

12) Request of the Water Utility to purchase water meters from Badger Meter for up to \$220,00 (2008 budget).

13) Request of the Water Utility to purchase aqua mag solution (corrosion inhibitor) from Martelle Water Treatment for up to \$60,000 (2008 budget).

*As recommended by the Legislative & Licensing Committee*  
(All licenses granted subject to further administrative approval)

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

15) Original Class B Combination Beer & Liquor license: Fujiyama Brookfield, LLC; d/b/a Fujiyama Brookfield; 17395-D W. Bluemound Rd.; Yun Gao Ni – Agent.

16) Original Reserve Class B Combination Beer & Liquor license: RHG Kingfish, LLC; d/b/a Mitchell's Fish Market; 275 N. Moorland Rd.; Sean P. Garrett – Agent (new owner).

17) *Removed from the Consent Agenda.*

18) Ordinance creating Chapter 9.34 of the Municipal Code relating to Sex Offender Residency Restrictions and Loitering. **Resolution No. 2117-07\***

As recommended by the Parks & Recreation Commission

19) Resolution awarding the contract for the Mitchell Park Trails and Bridge Reconstruction Project #PR-04-07 to Western Contractors, Inc. for \$437,595.42. **Resolution No. 7821-07\***

As recommended by the Board of Public Works

20) Resolution approving the Memorandum of Understanding allowing Waukesha County to use the City of Brookfield salt and fuel stockpile for snow and ice control. **Resolution No. 7822-07\***

21) Resolution approving the Drainage Easement with BPN Properties, LLC (Brian P. Nelson) located at 2540 N. Calhoun Road. **Resolution No. 7823-07\***

As recommended by the Board of Public Works and Water & Sewer Board

22) Resolution vacating a portion of the well site and easement (water and pump house) and approving the Quit Claim Deed selling excess property at 21825 Gareth Lane, Lot 14, Block 6 of Camelot Forest Subdivision. **Resolution No. 7824-07\***

23) Resolution approving the Dedication of Public Facilities (water main and public sidewalks) for Roger and Carla Breunig, developers of Brookfield Market (a/k/a Corner Market, BP Station, 15565 W. Bluemound Road). **Resolution No. 7825-07\***

Council As A Whole

24) Resolution commending Fire Chief John Dahms for 30 years of dedicated fire service and 11-1/2 years of distinguished service to the City of Brookfield. **Resolution No. 7817-07\***

**\* End of the Consent Agenda \***

25) Items removed from the Consent Agenda as follows:

2b) Alderman Mahkorn moved approval of PRB #3: Brookfield Public Library, 1900 N. Calhoun Rd., for an amendment to plan and method of operation to allow for relocation of a statue. The motion was seconded by Alderman Owen.

Alderman Berg moved to table until after the Library Board meeting in January. The motion was seconded by Alderman Sutton and carried unanimously.

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3) Alderman Mahkorn moved approval of P.C. #2: Steve Gosenheimer for denial of a Preliminary Survey and Certified Survey Map at 16555 & 16575 Patricia Lane (*Plan Commission recommended denial*). The motion was seconded by Alderman Owen.

Alderman Nelson moved to table. The motion was seconded by Alderman Owen and carried Ayes 13, Nays 1 with Alderman Carnell voting nay.

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4) Alderman Mahkorn moved approval of P.C. #3: JBK Properties, Inc. for approval of new plan and method of operation for construction of two buildings with a total of 27,516 sq. ft. of retail space to be located at the NE corner of S. Calhoun Road and W. Greenfield Avenue (17100 W. Greenfield Ave.) – Deer Creek Plaza. The motion was seconded by Alderman Owen.

Alderman L. Mellone moved to amend the plan and method of operation to strongly encourage the developer – JBK Properties – to install a 3-tier split-rail fence to the south side of the landscaped berm and to extend along the adjacent residential north side property lines with exact dimension and details to be approved by staff. The motion was seconded by Alderman J. Mellone and carried unanimously.

The motion as amended carried unanimously.

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5) Alderman Mahkorn moved approval of P.C. #4: CBL and Associates Properties, Stir Crazy, for approval of a new plan and method of operation for the construction of a restaurant (8,330 sq. ft.) to be located at 15795 W. Bluemound Road, formerly approved for Abuelo's restaurant (8,130 sq. ft.). The motion was seconded by Alderman Owen and carried Ayes 12, Nays 2 with Aldermen Blackburn and J. Mellone voting nay.

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6) Alderman Mahkorn moved approval of P.C. #5: CBL and Associates Properties, Ethan Allen, for approval of a plan and method of operation for the construction of a retail store (19,805 sq. ft.) to be located on Lot 2, CSM 10225 or south of Flemings restaurant located at the southwest corner of Bluemound Road and Moorland Road, formerly approved for the Organized Living retail store (18,000 sq. ft.). The motion was seconded by Alderman Owen and carried Ayes 12, Nays 2 with Aldermen Blackburn and J. Mellone voting nay.

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9) Alderman Garvens moved approval of the Resolution approving budget transfer requested by the City Attorney and the Director of Finance: transfer \$35,000 from Contingency appropriation 101-910-590 to Attorney outside legal expenses account 101-103-560-003 for purposes of funding contracted legal costs relative to litigation. The motion was seconded by Alderman Sutton and carried unanimously.

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17) Alderman Ponto moved adoption of the Ordinance amending Section 15.04.480

of the Municipal Code regarding Compost Piles. The motion was seconded by Alderman Balzer. A roll call vote was taken and carried Ayes 13, Nays 1 with Alderman Owen voting nay. **Ordinance No. 2116-07\***

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**Council As A Whole**

26) Alderman Ponto moved approval of the Resolution authorizing acceptance of an Offer to Sell for the purchase of the Yulia Jigalina property at 1330 Adelman Avenue required for the Calhoun Road Fire Station project. The motion was seconded by Alderman Berg and carried Ayes 12, Nays 2 with Aldermen Blackburn and J. Mellone voting nay. **Resolution No. 7826-07\***

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27) Legislative Referrals and Request for Services: None.

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28) Alderman Ponto moved to adjourn. The motion was seconded by Alderman Mahkorn and carried unanimously. 9:20 p.m.

*Note: Following the meeting, the Common Council gathered at the Venice Club for their annual Christmas party. No official city business was discussed.*

\* May be viewed in the City Clerk's Office.  
Minutes respectfully submitted by Kristine A. Schmidt, City Clerk