

THESE ARE THE MINUTES OF A **COMMON COUNCIL**
MEETING OF THE 27TH COMMON COUNCIL, HELD AT 7:45 P.M.,
TUESDAY, **FEBRUARY 5, 2008**, 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, Bob
Reddin, Mike Franz

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, Police Chief Dan Tushaus

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

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

The next Common Council meeting will be February 19.

Alderman Jerry Mellone led the Council in the Pledge of Allegiance.

ACTIONS OF THE COMMON COUNCIL

CONSENT AGENDA

Alderman Ponto moved approval of the items on the Consent Agenda, except for Items #20 and #24. The motion was seconded by Alderman Reddin and carried unanimously. Recorded as a roll call.

- 1) Minutes from the Regular Common Council meeting of January 15, 2008.

Actions and recommendations of the Plan Commission minutes of January 21, 2008

- 2) • **P.C. #2:** Estimated Weekday Daytime Population, City of Brookfield, WI, 2007, prepared by the Department of Community Development.
- 3) • **P.C. #4:** Request to schedule a public hearing to amend the “T” Industrial zoning district, specifically Section 17.80.030 B., excepting the “UC” Upland Conservancy zoning district from the residential base zoning districts requiring extraordinary building and parking offsets in the “T” zoning district.

As recommended by the Finance Committee

- 4) Vouchers exceeding \$50,000 requiring immediate action.
- 5) Ordinance repealing and recreating Chapter 15.04.780 of the Municipal Code, the schedule of permit fees for the Building Code. **Ordinance No. 2121-08***
- 6) Ordinance repealing and recreating Chapter 15.12.060 of the Municipal Code, the schedule of permit fees for the Plumbing Code. **Ordinance No. 2122-08***
- 7) Ordinance repealing and recreating Chapter 15.08.240 of the Municipal Code, the schedule of permit fees for the Electrical Code. **Ordinance No. 2123-08***
- 8) Ordinance repealing and recreating Chapter 8.08.190 of the Municipal Code, the schedule of permit fees relating to Fire Protection and Life Safety Code. **Ordinance No. 2124-08***
- 9) Ordinance repealing and recreating Chapter 8.16.090 of the Municipal Code, the schedule of permit fees for Fire Prevention Inspection. **Ordinance No. 2125-08***
- 10) Resolution amending the resolution designating public depository (Tri City National Bank). **Resolution No. 7835-08***
- 11) Resolution approving 2008 budget amendment requested by the Director of Finance: increase Economic Development fund expenditure account 205-943-546 by \$9,000 for purposes of economic development grant expenditures relative to Reserve Class B liquor license revenue received in 2007. **Resolution No. 7836-08***
- 12) Resolution refunding and rescinding 2007/2008 property taxes on personal property accounts 8661, 2056, and 7050, totaling \$6,601.24. **Resolution No. 7837-08***
- 13) Request of the Police Department to purchase six vehicles from Ewald Automotive Group for \$133,636.

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 Reserve Class B Combination Beer & Liquor license: Haute Taco LLC; d/b/a Haute Taco; 18905 W. Capitol Dr., Suite 110; Agent – Karen B. Replogle. *Alderman Owen abstained from voting.*
- 16) Temporary Class B Beer and Wine license: St. Luke's Congregation; 18000 W. Greenfield Ave.; on February 23 from 5 p.m. – 11:30 p.m., for their auction.
- 17) Change of Agent for a Class A Combination premise: Mega Marts LLC; d/b/a Pick 'N Save; 2205 N. Calhoun Rd.; Steven M. Kurz – Agent.

- 18) Ordinance revising the Bond Schedule for fines and penalties in the Municipal Code.
Ordinance No. 2126-08*

As recommended by the Board of Public Works

- 19) Approval of the revised Resolution of Necessity, Relocation Order, and Right-of-Way Plat on Burleigh Road and Lilly Road Right-of-Way Acquisition: Intersection of Burleigh Road and Lilly Road and a portion of Lilly Road in front of Brookfield East High School. **Resolution No. 7838-08***

- 20) *Removed from the Consent Agenda.*

- 21) Resolution permitting the burying of overhead utility lines on Calhoun Road (WE Energies), extinguishing easement within the right-of-way and leasing wooden light poles at intersections on Calhoun Road between Bluemound Road and Greenfield Avenue for an amount not to exceed \$804,000. **Resolution No. 7840-08***

Council As A Whole

- 22) Mayor's Re-Appointment: Kari Clappier to the Parks & Recreation Commission, 5 year term expiring 12/31/2012.

- 23) Resolution eliminating the Emergency Medical Services Committee. **Resolution No. 7841-08***

- 24) *Removed from the Consent Agenda.*

*** End of the Consent Agenda ***

- 25) Items removed from the Consent Agenda as follows:

- 20) Alderman Owen moved approval of the Resolution approving the Intermunicipal Agreement with the State of Wisconsin Dept. of Transportation for the widening of Calhoun Road between Greenfield Avenue to Bluemound Road. The motion was seconded by Alderman Reddin and carried Ayes 12, Nays 2 with Aldermen J. Mellone and Blackburn voting nay. **Resolution No. 7839-08***

- 24) Alderman Ponto moved approval of the Resolution establishing a Sister City relationship with Seligenstadt, Germany. The motion was seconded by Alderman Blackburn and carried unanimously. **Resolution No. 7843-08***

Council As A Whole

- 26) Alderman Ponto moved approval of the Resolution requesting the Wisconsin Dept. of Transportation to complete the widening of Greenfield Avenue from Baythorn Way to Barker Road

and for purposes of discussing negotiating perimeters relative to any additional compensation the City might pay due to said widening. The motion was seconded by Alderman Owen.

Alderman Nelson moved to amend the Resolution to remove the last two "Be It Resolved" paragraphs. The motion was seconded by Alderman Sutton.

After considerable discussion, the Council moved into closed session, pursuant to 19.85(1) of the Wisconsin Statutes, after first convening in open session, the Mayor explained the nature of the business proposed to be considered in closed session, and upon a motion duly made, seconded and adopted, meeting in Closed Session for the following purpose:

a. Under 19.85(1)(e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons required a closed session (*Resolution requesting the Wisconsin Dept. of Transportation to complete the widening of Greenfield Avenue from Baythorn Way to Barker Road and for purposes of discussing negotiating perimeters relative to any additional compensation the City might pay due to said widening.*)

Alderman Ponto moved to convene into Closed Session under Section 19.85(1)(e) Wisconsin Statutes. The motion was seconded by Alderman Mahkorn. A roll call vote was taken and a tie was determined Ayes 7, Nays 7 with Aldermen Sutton, Carnell, Balzer, Berg, J. Mellone, Blackburn and Franz voting nay. Mayor Speaker broke the tie by voting aye. 9:10 p.m.

Present during closed session were as follows: City Clerk, City Attorney, Director of Public Works, Director of Human Resources, Director of Community Development, Director of Administration, and Director of Finance.

Alderman Garvens moved to reconvene into Open Session per Section 19.85(2) Wisconsin Statutes. The motion was seconded by Alderman Ponto and carried unanimously. Recorded as a roll call. 10:10 p.m.

The amendment to the motion was voted on and carried unanimously. .

The motion as amended carried unanimously. **Resolution No. 7842-08***

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27) Legislative Referrals and Request for Services:

a. Alderman Carnell requested the Legislative & Licensing Committee review section 6.08.020 – Ownership Restrictions - regarding the number of dogs and cats allowed by a household.

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28) Alderman Ponto moved to adjourn. The motion was seconded by Alderman Garvens and carried unanimously. 10:12 p.m.

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