

THESE ARE THE MINUTES OF A **COMMON COUNCIL**
MEETING OF THE 27TH COMMON COUNCIL, HELD AT 7:45 P.M.,
TUESDAY, **FEBRUARY 19, 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 (arrived at 7:58 p.m.), Mike Franz

ALDERMEN ABSENT & EXCUSED: None

ALSO PRESENT: City Attorney Karen Flaherty, Deputy Finance Director Therese Hrica, Director of Administration Dean Marquardt, Director of Public Works Tom Grisa, Director of Community Development Dan Ertl, Administrative Coordinator Laurie O'Shea

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 March 4.

Boy Scout Troop 21 from Trinity Church led the Council in the Pledge of Allegiance.

ACTIONS OF THE COMMON COUNCIL

A public hearing was heard regarding the creation of Section 3.28.010 (LL), Schedule of Development Fees and Fiscal Securities, and amending Section 17.100.050 Application Content-Required Submittals to include updates and revisions to the Landscape Standards adopted in 2007. (*Separate minutes were taken.*) 8:10 p.m.

CONSENT AGENDA

Alderman Garvens moved approval of the items on the Consent Agenda, except for Items #4, #5, #7, #9, and #10. The motion was seconded by Alderman J. Mellone and carried unanimously. Recorded as a roll call.

- 1) Minutes from the Regular Common Council meeting of February 5, 2008.

Actions and recommendations of the Plan Commission minutes of February 11, 2008

- 2) • **P.C. #1:** Wisconsin Memorial Park for approval of a conditional use ordinance permitting a revised plan and method of operation allowing construction of 12 new mausoleum buildings at two sites near the eastern side of Wisconsin Memorial Park located at 13235 W. Capitol Drive.

- 3) Ordinance granting a conditional use for the purpose of permitting the construction of 12 mausoleum buildings with site alterations at Wisconsin Memorial Park located at 13235 W. Capitol Drive. **Ordinance No. 2127-08***
 - 4) *Removed from the Consent Agenda.*
 - 5) *Removed from the Consent Agenda.*
 - 6) • P.C. #3: Steve Gosenheimer for approval of a Preliminary Survey and Final Certified Survey Map at 16555 & 16575 Patricia Lane (*Plan Commission recommended denial*).
 - 7) *Removed from the Consent Agenda.*
 - 8) • P.C. #5: CBL and Associates Properties for approval of an amendment to a Development Agreement to Phase II of Brookfield Square for the construction of one restaurant – Stir Crazy Restaurant – (7,350 sq. ft.) and a 19,200 sq. ft. furniture store – Ethan Allen Furniture Store.
 - 9) *Removed from the Consent Agenda.*
 - 10) *Removed from the Consent Agenda.*
- As recommended by the Finance Committee*
- 11) Vouchers exceeding \$50,000 requiring immediate action.
 - 12) Request of the Library to purchase library materials from Baker & Taylor for \$80,000.
- As recommended by the Board of Public Works*
- 13) Resolution approving the WE Energies easement at Calhoun Road and I-94 for purposes of located underground electrical facilities. **Resolution No. 7844-08***
 - 14) Resolution approving the WE Energies easement within Ruby Park on Calhoun Road for purposes of located electrical facilities. **Resolution No. 7845-08***
 - 15) Resolution approving the Intergovernmental Cooperation Agreement with Milwaukee Metropolitan Sewerage District to provide water quality monitoring on the Menomonee River. **Resolution No. 7846-08***

Council As A Whole

(All licenses granted subject to further administrative approval)

- 16) Original Bartender Licenses (see memorandum for names).

*** End of the Consent Agenda ***

17) Items removed from the Consent Agenda as follows:

4) Alderman Owen moved approval of P.C. #2: WMH Leasing LLC for approval of rezoning Tax Key No's. 1147-991 and 1147-993-001 "PDD" Planned Development District-General Plan No. 15 (Commercial), commonly known as Fountain Brook Crossing located at the northeast corner of Moorland Road and Greenfield Avenue. The motion was seconded by Alderman Mahkorn and carried Ayes 8, Nays 6 with Aldermen Carnell, Reddin, Berg, J. Mellone, Blackburn, and L. Mellone voting nay (paper ballots were taken).

5) Alderman Owen moved adoption of the Ordinance rezoning certain properties located at the northeast corner of the intersection of Greenfield Avenue and Moorland Road from "B-3" Regional Business District to "PDD" Planned Development District-General Plan (Commercial) No. 15 for the purpose of constructing "Fountain Brook Crossing", an approximate 127,000 sq. ft. commercial building with partially depressed parking structure. The motion was seconded by Alderman Carnell. A roll call vote was taken and carried Ayes 10, Nays 4 with Aldermen Reddin, J. Mellone, Blackburn and L. Mellone voting nay. **Ordinance No. 2128-08***

7) Alderman Owen moved approval of P.C. #4: Metropolitan Development for approval of an amendment to the PDD General Plan and to schedule a public hearing to amend Ordinance #1956-04 to modify the Phase II building of "Brookfield Junction" located at 2848 N. Brookfield Road from a mixed retail/residential building to a residential building consisting of 34 dwelling units. The size, height, and location of the building remain the same. The original General Plan approved a first floor of 16,129 sq. ft. of retail and two floors of apartments, 22 total dwelling units. *The approval of an amended PDD General Plan does not authorize any building construction.* The motion was seconded by Alderman Mahkorn.

Alderman Berg moved to table. The motion was seconded by Alderman Sutton and carried unanimously.

9) Alderman Owen moved approval of P.C. #6: Wimmer Communities for approval of a PDD-Specific Plan and Development Agreement for purposes of constructing Georgetown Square Phase II, a 56 unit apartment project. The motion was seconded by Alderman Garvens and carried Ayes 12, Nays 2 with Aldermen J. Mellone and Blackburn voting nay.

10) Alderman Owens moved approval of P.C. #7: Thomson Corporation for approval of Phase III of Brookfield Market Place (formerly known as Century Centre) and a new plan and method of operation for Building "E", a 9,110 sq. ft. commercial building located at 14870 W. Greenfield Avenue. The motion was seconded by Alderman Garvens.

Alderman L. Mellone moved to amend the motion that windows in the break room be changed to transom windows of Building "E". The motion was seconded by Alderman Reddin and carried unanimously.

Alderman L. Mellone moved to amend the motion to add limited landscaping consistent with the site development standards along the north side of Building "E". The motion was seconded by Alderman Blackburn and carried unanimously.

Alderman L. Mellone moved to amend the motion to limit the door on the north side of Building "E" to emergency use only and include this requirement in the plan and method of operation. The motion was seconded by Alderman Mahkorn and carried unanimously.

The original motion as amended carried unanimously.

Council As A Whole

18) Legislative Referrals and Request for Services:

a. Alderman Lisa Mellone referred to the Board of Public Works to examine and evaluate our current process in picking up Christmas trees from the curb in an effort to streamline this service for better cost effectiveness.

b. Alderman Lisa Mellone requested that Dan Ertl, Director of Community Development, make a presentation to the Council, from the Plan Commission, an overview of our designated T.I.A. nodal areas, what they are currently zoned, what the Master Plan says about them, explain the PDD tool, and why it is envisioned and appropriate to use this tool in our T.I.A.

c. Mayor Speaker referred to the Plan Commission to develop a policy on the placement of public art and where it is and is not appropriate.

19) Alderman Ponto moved to adjourn. The motion was seconded by Alderman Sutton and carried unanimously. 9:45 p.m.

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