

THESE ARE THE MINUTES OF A **COMMON COUNCIL**
MEETING OF THE 28TH COMMON COUNCIL, HELD AT 7:45 P.M.,
TUESDAY, **APRIL 15, 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, Renee Lowerr, Bob Reddin

ALDERMEN ABSENT & EXCUSED: None

ALSO PRESENT: City Attorney Karen Flaherty, Director of Finance Robert Scott, Director of Administration Dean Marquardt, Director of Community Development Dan Ertl, Director of Public Works Tom Grisa, City Clerk Kris Schmidt, Director of Parks & Recreation Bill Kolstad

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

City Clerk Kris Schmidt swore-in newly elected and re-elected Aldermen: Daniel Sutton, Rick Owen, Ron Balzer, Steven Ponto, Scott Berg, Christopher Blackburn, and Renee Lowerr.

Alderman Bill Carnell led the Council in the Pledge of Allegiance.

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

The next Common Council meeting will be May 6.

ACTIONS OF THE COMMON COUNCIL

A public hearing was heard regarding the request of the City of Brookfield to amend the "I" Industrial District of Chapter 17, the Zoning Code, Section 17.80.030 B.2. and B.3. – Building and Parking Locations – relation to offsets abutting "UC" Upland Conservancy zoning. (*Separate minutes were taken.*) 8:02 p.m.

1. Election of Council President – *including 2 minute statements by candidates.*
 - a. Alderman Carnell moved to nominate Dan Sutton as Council President. The motion was seconded by Alderman Balzer.
 - b. Alderman Reddin moved to nominate Mark Nelson as Council President. The motion was seconded by Alderman Scott Berg.
 - c. Alderman Ponto moved to close nominations. The motion was seconded by Alderman

Garvens and carried unanimously.

Balloting was accomplished through secret ballots as allowed by State law. The first ballot resulted in 7 votes for Alderman Sutton and 7 votes for Alderman Nelson. The second ballot resulted in 7 votes for Alderman Sutton and 7 votes for Alderman Nelson. A five minute recess was taken at this time. Alderman Sutton thanked his supporters and asked them to follow him and support Alderman Nelson for the sake of unity. The third ballot resulted in 1 vote for Alderman Sutton and 13 votes for Alderman Nelson. Alderman Nelson was elected Council President.

(Alderman Garvens was excused and left the meeting at this time due to a prior engagement .)

CONSENT AGENDA

Alderman Blackburn moved approval of the items on the Consent Agenda, except for Item #12. Alderman Owen asked to be recorded as abstaining from Items #3b and #21. The motion was seconded by Alderman L. Mellone and carried unanimously. Recorded as a roll call.

2) Minutes from the Regular Common Council meeting of April 1, 2008.

Actions and recommendations of the Plan Commission minutes of April 7, 2008, including the Plan Review Board recommendations of March 20, 2008

- 3) • P.C. #2: Actions and recommendations of the March 20, 2008, Plan Review Board meeting.
- a. PRB #2: Glass Nickel Pizza Co., 13175 W. Bluemound Rd., for plan and method of operation to occupy 2,271 sq. ft. for a pickup and delivery business.
 - b. PRB #3: Capitol Restaurant LLC, 18380 W. Capitol Dr., for a monument sign.
- Alderman Owen abstained.*
- 4) • P.C. #3: Lattos Land LLC for approval to rezone 225 S. Executive Drive to “MSO” Modified Suburban Overlay District-Context Suburban (CTS) and 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.
- 5) Ordinance approving a rezoning at 225 S. Executive Drive to “MSO” Modified Suburban Overlay District-Context Suburban (CTS) and establish dimensional zoning standards in association with a revised plan and method operation that would permit a 26 stall parking lot addition and dumpster enclosure (Lattos Land LLC). **Ordinance No. 2133-08***
- 6) • P.C. #4: Amending Chapter 17 to permit outdoor dining facilities at restaurants located within the Office and Limited Business “O&LB” and Limited Industry Zoning Districts and to establish a completion schedule for the construction of a development project.
- 7) Ordinance amending portions of Chapter 17, the Zoning Code, relating to Outdoor Seating/Dining and establishing a site and building construction completion schedule. **Ordinance No. 2134-08***
- 8) • P.C. #7: R.A. Smith National for approval of a revised plan and method of operation

permitting parking lot alterations at V. Richards Plaza, 17115 W. Bluemound Road.

- 9) • P.C. #8: Champps Americana, 1240 S. Moorland Rd., for approval of a revised plan and method of operation permitting outdoor seating for 30-40 patrons.

As recommended by the Parks & Recreation Commission

10) Resolution approving a form resolution and the filing of applications to the State of Wisconsin Department of Natural Resources for Outdoor Recreation Aid grants for two Greenway Trail System projects scheduled to be completed in 2008/2009. **Resolution No. 7878-08***

11) Resolution approving the 2008/2009 Agreement between the City of Brookfield and Carl's Popcorn to provide concessionaire services at the Wirth Aquatic Center. **Resolution No. 7879-08***

As recommended by the Board of Public Works

12) *Removed from the Consent Agenda.*

As recommended by the Water & Sewer Board

13) Resolution awarding the bid for the Brookdale/Lothmoor & Santa Maria Court Water Main Project #W-08-02 and #W-08-03 to Wanasek Corporation for \$486,286.75. **Resolution No. 7881-08***

14) Final Resolution authorizing the installation of water main and levying of special assessments against: Brookdale/Lothmoor Water Main Project #W-08-02 and Santa Maria Court Water Main Project #W-08-03. **Final Resolution No. 7882-08***

15) Resolution approving the Sanitary Sewer and Water Main Easement with BPN Properties, 2540 N. Calhoun Road, TKN 1067-994. **Resolution No. 7883-08***

16) Preliminary Resolution declaring intent to exercise special assessment powers under Section 66.0703, Wis. Stats.: Calhoun Road South Water Main Project #W-08-05. **Preliminary Resolution No. 7884-08***

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

17) Resolution approving the Dedication of Public Facilities for Hidden Creek Subdivision: sanitary sewer system, water distribution system, storm sewer system, roadways, and a surface water drainage system. **Resolution No. 7885-08***

Council As A Whole

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

19) Original Bartender Licenses: Renee D. Franz-Piotrowski, David F. Lance, Dolunee Martin, Andrea A. Peaks, Brian J. Wysocki.

- 20) Original Class B Combination Beer & Liquor license: Bougey's Bar & Grill LLC; d/b/a Bougey's Bar & Grill; 16760 W. Greenfield Ave.; Gareth E. Trinko-Agent (formerly Rita Rae's).
- 21) Original Reserve Class B Combination Beer & Liquor license: Agave Grill Brookfield LLC; d/b/a Agave Southwestern Grill; 18380 W. Capitol Dr.; Jeremiah Pandl - Agent. *Alderman Owen abstained.*
- 22) Original Reserve Class B Combination Beer & Liquor license: Hanbai, Inc.; d/b/a Wasabi Sushi & Lounge; 15455 W. Bluemound Rd.; Tai K. Park – Agent.
- 22a) Temporary Use Permit for Pistol Pete's Neighborhood Grill for a "Class Car Show" at 16755 W. Lisbon Rd., to be held Wednesday nights, May-September 2008, from 3:30-10:00 p.m. (event has been held previous years).
- 23) Resolution commending Alderman Michael Franz for six years of service to the City of Brookfield. **Resolution No. 7877-08***

** End of the Consent Agenda **

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

12) Alderman Owens moved approval of the Resolution approving the purchase of right-of-way in front of 3410 Lilly Road, David and Cheri Sylla. The motion was seconded by Alderman Berg and carried unanimously. Alderman Sutton will request a review of the potential costs associated with right of way purchase. **Resolution No. 7880-08***

Plan Commission actions and recommendations from April 7, 2008

25) Alderman Mahkorn moved approval of P.C. #6: Steve Gosenheimer for approval of a Preliminary Survey and Final Certified Survey Map at 16555 and 16575 Patricia Lane, 1360 Valley Ridge Drive, and 1325 Spring Drive. The motion was seconded by Alderman Nelson and carried unanimously.

Aldermen will request a review of our ordinances pertaining to landsplits and a possible moratorium on landsplits until the review is complete.

Board of Public Works

26) Alderman Owen moved approval of the Resolution approving the purchase of land owned by the State Dept. of Transportation at the northwest corner of Calhoun Road and Greenfield Avenue for the purpose of constructing a Fire Station at this site. The motion was seconded by Alderman Berg and carried Ayes 12, Nays 2 with Aldermen J. Mellone and Blackburn voting nay. **Resolution No. 7886-08***

Council As A Whole

27) The next item was the Presentation of alternate locations for Fire Station number 2 (near

Capitol Drive on Calhoun Road), and Council discussion, direction and/or action on the selection of a site.

Director of Administration Dean Marquardt presented the project and the “Staff Report for the Information related to Proposed Fire Station Number Two Relocation Concept” (may be viewed in the Clerk’s office). Interim Fire Chief Bill Selzer was also in attendance to give answers to any questions for the Aldermen.

Alderman Berg moved to request the Park and Recreation Commission review the proposed concept for impacts to Fairview Park and provide direction and recommendations for the park functions, landscape needs, parking needs and park structures need to provide for the appropriate integration of a fire station into Fairview Park. The motion was seconded by Alderman Mahkorn.

Alderman Blackburn moved to amend the motion to include a concurrent analysis on all five sites to include operational, traffic and financial issues. The motion was seconded by Alderman L. Mellone and carried unanimously.

The motion as amended carried unanimously.

28) Alderman Nelson moved approval of the request of the Community Development Department to procure consulting services relative to the Year 2035 Comprehensive Plan from Vandewalle and Associates for a total of \$93,580. The motion was seconded by Alderman Mahkorn and carried unanimously.

29) Alderman Nelson moved approval of the request of the Fleet Division to purchase highway patrol truck equipment from Olson Trailer Body LLC for \$120,606. The motion was seconded by Alderman Berg and carried unanimously.

30) Alderman Nelson moved approval of the Resolution requesting Wis. Dept. of Administration to distribute school levy property tax credit and lottery/gaming credit proceeds directly to the City of Brookfield, as permitted by Wisconsin Act 190. The motion was seconded by Alderman Mahkorn and carried unanimously. **Resolution No. 7887-08***

31) Mayor’s Assignment of Legislative Referrals and Request for Services. The Mayor referred the requests of Alderman Berg to the following committees:

a. Finance Committee and by extension the Information Technology Committee the request for a City study to provide all aldermen with city hosted email accounts for official business. (Details for all requests available in the City Clerk’s office.)

- b. Board of Public Works for a City study revising the yard waste disposal policy.
- c. Finance Committee and by extension the Information Technology Committee for a City study expanding access to all city records in electronic form .
- d. Finance Committee for a City study expanding televising of city meetings.

* * * * *

32) Alderman Ponto moved to adjourn. The motion was seconded by Alderman Mahkorn and carried unanimously. 9:55 p.m.

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

DRAFT