

THESE ARE THE MINUTES OF A **COMMON COUNCIL**
MEETING OF THE 28TH COMMON COUNCIL, HELD AT 7:45 P.M.,
TUESDAY, **JANUARY 19, 2010**, IN THE COUNCIL CHAMBERS
OF BROOKFIELD CITY HALL, 2000 N. CALHOUN ROAD,
BROOKFIELD, WISCONSIN

MAYOR JEFF SPEAKER PRESIDING

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

ALDERMEN ABSENT & EXCUSED: None

ALSO PRESENT: City Clerk Kristine Schmidt, Director of Finance
Robert Scott, Director of Public Works Tom Grisa, Director of Human
Resources Jim Zwerlein, City Attorney Karen Flaherty, Director of
Administration Dean Marquardt, Director of Community Development
Dan Ertl, Police Chief Dan Tushaus

Mayor Jeff Speaker called the Common Council to order at approximately 8:00 p.m. One person spoke during the 15 minute segment set aside for citizens to address the Council regarding reimbursement of sewer capacity assessment by the Town of Brookfield.

The next Common Council meeting will be February 2, 2010.

Nick Rizzo from St. John Vianney Boy Scout Troup #71 led the Council in the Pledge of Allegiance.

ACTIONS OF THE COMMON COUNCIL

A public hearing was held regarding the Modified Suburban Overlay district zoning for Brookfield Fashion Center, 17000 W. Bluemound Road. (*Separate minutes were taken.*) 8:12 p.m.

CONSENT AGENDA

Alderman Nelson moved approval of the items on the Consent Agenda, except for Items #5, #6, #15, and #16. The motion was seconded by Alderman Berg and carried unanimously. Recorded as a roll call.

1) Minutes of the Regular Common Council meeting of December 15, 2009.

Actions and recommendations of the Plan Commission minutes of January 11, 2010, including the Plan Review Board minutes of December 17, 2009

2) • **P.C. #1:** Plan Review Board recommendations of December 17, 2009 –
a. • **PRB #1:** Deer Creek Corporate Center, 445 S. Moorland Rd., for a refaced I-94 sign, a refaced monument sign, and a wall sign.

- b. • PRB #2: Christopher and Joanne Offutt, 3265 Wetzel Ln., for a solar collector system.
 - c. • PRB #3: Herzing University, 555 S. Executive Dr., for a monument sign.
- 3) • P.C. #2: U.S. Cellular for approval of a conditional use and revised plan and method of operation permitting the installation of wireless communications antennas and equipment at 19295 W. North Avenue (Alta Vista Circle), the site of a City of Brookfield water tower.
- 4) Ordinance granting a conditional use to permit installation of wireless communications antennas and equipment for one additional provider at 19295 W. North Avenue for the site of a City water tower. **Ordinance No. 2199-10***
- 5) *Removed from the Consent Agenda.*
- 6) *Removed from the Consent Agenda.*
- 7) • P.C. #4: Willow Tree Development Co. and Rim Creek Inc. for approval to schedule a conditional use public hearing for the purpose of permitting installation of a drive-thru window at Schlotzsky's Deli located at 12460 W. Capitol Drive.

As recommended by the Finance Committee

- 8) Vouchers exceeding \$50,000 requiring immediate action.
- 9) Resolution approving the contract with Auction Associates, Inc. for disposal of surplus police vehicles. **Resolution 8132-10***
- 10) Request of the Library to purchase materials from Baker & Taylor in an amount up to \$85,000.

As recommended by the Legislative & Licensing Committee

- 11) Approval of Original Bartender Licenses (see agenda for applicants).
- 12) Original Class B Combination Beer & Liquor license: Jane Ann Enterprises Inc.; d/b/a Papa Georgio's (new owner); 17495 W. Capitol Dr.; Jane Ann Strande – Agent.
- 13) Temporary Class B Beer and Wine license for St. Luke's Congregation, 18000 W. Greenfield Ave., for the Annual Auction on January 30, from 5-11 p.m.

As recommended by the Board of Public Works

- 14) Resolution approving the Traffic Control Device (Stop Sign) Policy. **Resolution No. 8133-10***
- 15) *Removed from the Consent Agenda.*
- 16) *Removed from the Consent Agenda.*

As recommended by the Water & Sewer Board

- 17) Resolution vacating a Perpetual Sanitary Sewer Easement at 3305 N. Lilly Road at Brookfield East High School. **Resolution No. 8136-10***
- 18) Resolution approving the Lease between Brian Hansen, d/b/a Russ's Mulch and Topsoil Inc., for leasing approximately 36,000 sq. ft. of land at the Fox River Water Pollution Control Center. (*The Council did not convene into Closed Session as noted on the agenda.*) **Resolution No. 8137-10***
- 19) Resolution approving the Perpetual Sanitary Sewer and Water Main Easement for The Glen of Brookfield, Hackberry Lane, TKN 1147-993-013. **Resolution No. 8138-10***
- 20) Resolution vacating a Perpetual Sanitary Sewer and Pedestrian Easement for The Glen of Brookfield, Hackberry Lane. **Resolution No. 8139-10***

*** End of the Consent Agenda ***

- 21) Items removed from the Consent Agenda:

- 5) Alderman Mahkorn moved approval of • P.C. #3: Wimmer Communities for approval of PDD General Plan and to amend Ordinance #2110-07 which established a Planned Development District-Residential on property located at the southeast corner of Wisconsin Avenue and Ruf Road for purposes of constructing Georgetown Square Phase II, a 56 unit apartment project. The motion was seconded by Alderman Owen and carried Ayes 13, No's 1 with Alderman Blackburn voting no.

- 6) Alderman Mahkorn moved adoption of the Ordinance amending the Planned Development District established for Lot 8 of Fountain Square, or the 2.9 acre site located at the southeast corner of Wisconsin Avenue and Ruf Road or "PDD" Planned Development District-No. 14, Ordinance #2110-07, to construct one residential building instead of two residential buildings that was originally proposed, known as Georgetown Square Phase II. The motion was seconded by Alderman Owen. An electronic roll call vote was taken and carried Ayes 13, No's 1 with Alderman Blackburn voting no. **Ordinance No. 2200-10***

- 15) Alderman Owen moved approval of the Resolution of Necessity and Relocation Order for the Calhoun Road & Capitol Drive Intersection Improvement Right-of-Way Acquisition. The motion was seconded by Alderman Reddin and carried unanimously. **Resolution No. 8134-10***

- 16) Alderman Owen moved approval of the Resolution of Necessity and Relocation Order for the Capitol Drive Sidewalk Construction Right-of-Way Acquisition. The motion was seconded by Alderman Reddin and carried unanimously. **Resolution No. 8135-10***

- 22) Mayor's Assignment of Legislative Referrals and Request for Services: None.

23) Alderman Nelson moved to convene into Closed Session for the following purpose:
(Discussion and possible action on the request from property owners involved in the Gumina Road/Capitol Airport annexation for reimbursement of sewer capacity charges paid to the Town of Brookfield.)

a. 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; and

b. 19.85(1)(g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.

The motion was seconded by Alderman Balzer and carried unanimously. Recorded as a roll call. 8:46 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.

The Common Council did not reconvene into Open Session. 10:30 p.m. No action was taken.

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24) Alderman Berg moved to adjourn. The motion was seconded by Alderman Ponto and carried. 10:30 p.m.

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