

THESE ARE THE MINUTES OF A **COMMON COUNCIL**
MEETING OF THE 29TH COMMON COUNCIL, HELD AT 7:45 P.M.,
TUESDAY, **APRIL 19, 2011**, IN THE COUNCIL CHAMBERS OF
BROOKFIELD CITY HALL, 2000 N. CALHOUN ROAD,
BROOKFIELD, WISCONSIN

MAYOR STEVEN PONTO PRESIDING

ALDERMEN PRESENT: Gary Mahkorn, Rick Owen, Christopher Blackburn, Bill Carnell, Lisa Mellone, Ron Balzer, Jim Garvens, Edward “Buck” Jurken, Scott Berg, Jerry Mellone, Mark Nelson, Dan Sutton, Renee Lowerr

ALDERMEN ABSENT & EXCUSED: Bob Reddin

ALSO PRESENT: City Clerk Kristine Schmidt, Director of Public Works Tom Grisa, Director of Finance Robert Scott, Director of Human Resources Jim Zwerlein, Director of Community Development Dan Ertl, Fire Chief Charlie Myers, City Attorney Karen Flaherty, Police Chief Dan Tushaus, Attorney Stan Riffle

Mayor Ponto called the Common Council to order at approximately 7:50 p.m.

City Clerk Kris Schmidt swore-in elected Alderman Edward “Buck” Jurken as 4th District Alderman.

The next Common Council meeting will be May 3, 2011.

Alderman Renee Lowerr led the Council in the Pledge of Allegiance.

ACTIONS OF THE COMMON COUNCIL

A public hearing was heard previously amending several sections of the commercial zoning districts of the Zoning Code to facilitate outdoor dining/seating at taverns and restaurants. 8:10 p.m. (*Separate minutes were taken.*)

CONSENT AGENDA

Alderman Nelson moved approval of the items on the Consent Agenda, except for item #12. The motion was seconded by Alderman Jurken and carried unanimously. Recorded as a roll call.

- 1) Minutes of the Regular Common Council meeting of April 5, 2011.

Actions and recommendations of the Plan Commission minutes of April 11, 2011, including the Plan Review Board of March 17, 2011

- 2) • **P.C. #1:** Plan Review Board recommendations of March 17, 2011 (*items #3 and #5 were approved at a previous Common Council meeting*):

- a. • PRB #2: Mary Marciniak for a cedar fence installed along the west property line at 1985 N. 166th Street.
 - b. • PRB #4: Brownstones Shopping Center, 17440 W. Bluemound Rd., for an amendment to the Master Sign Program. *Plan Commission recommended denial of the request.*
- 3) • P.C. #2: Lori Gensch, 16000 Sky Cliff Dr., to extinguish a 60' wide highway easement on Parcel 2 of CSM No. 1101. *Plan Commission recommended denial of the request.*
 - 4) • P.C. #3: Ryan Companies US, Inc. and Bluemound Land Holdings LLC for approval of a PDD General Plan, Preliminary Plat and a request for a public hearing to rezone property located at 12821 W. Bluemound Road (former Quebecor building site) and 12935 W. Bluemound Road (Bluemound Bowl) from "O&LR/C #3" to "PDD" Planned Development District-Commercial to permit the construction of an approximate 175,000 sq. ft. retail center at the former Quebecor site and a parking lot expansion for Bluemound Bowl. Also, a PDD Specific Plan and Final Plat have been filed for the subject properties.
 - 5) • P.C. #4: Draft plan for *The Development Plan for Brookfield's 124th Street Corridor* and request to schedule a public hearing for review of the plan and its proposed amendments to Brookfield's *2035 Comprehensive Plan*.

As recommended by the Finance Committee

- 6) Vouchers exceeding \$50,000 requiring immediate action – *None*.
- 7) Resolution approving amendments to the 2011 capital improvement budgets requested by the Director of Finance. ***Resolution No. 8303-11****
- 8) Initial Resolution authorizing General Obligation Bonds in an amount not to exceed \$655,000: street improvements. ***Initial Resolution No. 8304-11****
- 9) Initial Resolution authorizing General Obligation Bonds in an amount not to exceed \$380,000: park improvements. ***Initial Resolution No. 8305-11****
- 10) Initial Resolution authorizing General Obligation Bonds in an amount not to exceed \$1,385,000: storm sewer improvements. ***Initial Resolution No. 8306-11****
- 11) Initial Resolution authorizing General Obligation Bonds in an amount not to exceed \$1,805,000: water utility improvements. ***Initial Resolution No. 8307-11****
- 12) *Removed from the Consent Agenda.*
- 13) Resolution approving lease certification and landlord's agreement between the City of Brookfield, Sharon Lynne Wilson Center for the Arts Inc, and PNC Bank. ***Resolution No. 8309-11****

As recommended by the Legislative & Licensing Committee

- 14) Approval of Original Bartender Licenses (see agenda for applicants).
- 15) Original Class B Beer and Liquor license: Tusa Restaurant, 17495 W. Capitol Dr., Suites F & G; Therese Gaudesi – Agent.

As recommended by the Parks and Recreation Commission

- 16) Resolution approving a form resolution and the filing of applications to the State of Wisconsin Department of Natural Resources for a grant in outdoor recreation aids for park and greenway trail system. **Resolution No. 8310-11***

As recommended by the Board of Public Works

- 17) Resolution approving the 2010 Highway Division Statistics Report. **Resolution No. 8311-11***
- 18) Resolution approving the agreement with the State of Wisconsin Dept. of Transportation for maintenance of street name signs of local streets intersecting with Bluemound Road. **Resolution No. 8312-11***
- 19) Resolution approving a Perpetual Easement between the City of Brookfield and West Shore Pipe Line Company to place an underground cathodic protection system in Krueger Park. **Resolution No. 8313-11***

As recommended by the Water & Sewer Board

- 20) Resolution awarding the contract for the Westmoor Highlands/Kenmar Court Water Main Project #W-11-01 to M. J. Construction, Inc. for \$538,076.00. **Resolution No. 8314-11***
- 21) Final Resolution authorizing the installation of water main and levying of special assessments: Westmoor Highlands / Kenmar Court Water Main Project #W-11-01. **Final Resolution No. 8315-11***
- 22) Resolution establishing sanitary sewer rates for sanitary sewer service. **Resolution No. 8316-11***
- 23) Resolution awarding the contract for the Imperial Estates II – Birch Drive Water Main Relay Project #W-11-02 to M. J. Construction, Inc. for \$434,429.00. **Resolution No. 8317-11***

*** End of the Consent Agenda ***

- 24) Items removed from the Consent Agenda:

12) Alderman Lisa Mellone moved approval of the Resolution amending the 2011 Health Insurance Fund budget requested by the Director of Finance: increase wellness program expense account 10610621-599004 by \$12,000 for wellness program enhancements recommended by

the Human Resources and Public Safety Committee. The motion was seconded by Alderman Nelson and carried Ayes 11, No's 2 with Aldermen Blackburn and Berg voting no. **Resolution No. 8308-11***

Board of Public Works

25) Alderman Owen moved approval of the Resolution approving the State/Municipal Agreement for Bluemound Road resurfacing and extension of Executive Drive. The motion was seconded by Alderman Berg.

Alderman J. Mellone moved to amend to remove the money for the triple left turn lane at Calhoun and Bluemound Roads. The motion was seconded by Alderman Blackburn and failed Ayes 4, No's 9 with Aldermen J. Mellone, Blackburn, L. Mellone, and Lowerr voting yes.

The motion carried Ayes 11, No's 2 with Aldermen J. Mellone and Blackburn voting no. **Resolution No. 8318-11***

Council As A Whole

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

27 and 28) Alderman Nelson moved to convene into Closed Session for the following purpose: (#27 – *Consideration of strategy to be adopted regarding potential litigation regarding the Town of Brookfield's intent to incorporate; and #28 – Discussion and possible action regarding a Resolution indicating willingness by the City of Brookfield to annex the territory that is subject of the Notice of Intention to incorporate the Town of Brookfield.*)

a. 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 Mahkorn and carried unanimously. Recorded as a roll call. 8:50 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 Finance, and Attorney Stan Riffle.

Alderman Garvens moved to reconvene into Open Session per Section 19.85(2) Wisconsin Statutes. The motion was seconded by Alderman Berg and carried unanimously. Recorded as a roll call. 9:47 p.m.

27) No action was taken in Open Session – Consideration of strategy to be adopted regarding potential litigation regarding the Town of Brookfield's intent to incorporate.

28) Alderman Nelson moved approval of the Resolution indicating willingness by the City of Brookfield to annex the territory that is subject of the Notice of Intention to incorporate the lands included in the Town of Brookfield petition for incorporation as presented on the Aldermen's desks this evening. The motion was seconded by Alderman Berg and carried unanimously. **Resolution No. 8319-11***

29) Alderman Garvens moved to adjourn. Seconded by Alderman Nelson and carried. 9:48 p.m.

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