

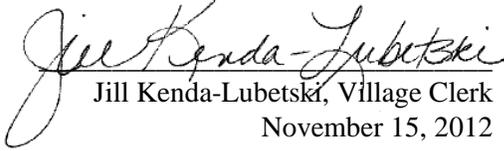
VILLAGE BOARD MEETING
Monday, November 19, 2012
Earl McGovern Board Room, 6:30 P.M.



PLEASE TAKE NOTICE that a meeting of the Brown Deer Village Board will be held at the Village Hall of the Village of Brown Deer, 4800 West Green Brook Drive, Brown Deer, Wisconsin at the above noted time and date, at which the following items of business will be discussed and possibly acted upon:

- I. Roll Call
- II. Pledge of Allegiance
- III. Persons Desiring to be Heard
- IV. Consideration of Minutes: November 5, 2012 – Regular Meeting
- V. Unfinished Business
- VI. Committee Reports (Please refer to the meeting minutes in the packet for Committee Reports)
- VII. New Business
 - A) Ordinance Amending Section 1-7 (i) & (k) of the Brown Deer Village Code Pertaining to Penalties
 - B) Review and Recommendation of a permanent development agreement for outdoor restaurant seating at Brown Deer Lanes, 4715 West Bradley Road
 - C) Resolution No. 12- “A Resolution Assessing the Electric Energy and Maintenance Costs of the Arbon Drive – West Green Brook Drive Lighting System”
 - D) Resolution No. 12- “A Resolution Assessing the Electric Energy and Maintenance Costs of the Brown Deer Business Park Subdivision Lighting System”
 - E) Resolution No. 12- “A Resolution Assessing the Electric Energy and Maintenance Costs of the Brown Deer Corporate Park Subdivision Lighting System”
 - F) Resolution No. 12- “A Resolution Assessing the Electric Energy and Maintenance Costs of the North Kildeer Court – West Brown Deer Road Lighting System”
 - G) Resolution No. 12- “A Resolution Assessing the Electric Energy and Maintenance Costs of the Opus North Subdivision Lighting System”
 - H) Resolution No. 12- “A Resolution Assessing the Electric Energy and Maintenance Costs of the Park Plaza and Addn #1 Subdivisions Lighting System”
 - I) Resolution No. 12- “A Resolution Assessing Service Charges for Recycling and Yard Waste Collection on Residential Units”
 - J) 2012 Budget amendments
 - K) Dean Road Amendment
 - L) Contract Amendment with Ayres Associates for 60th Street engineering
 - M) September 2012 Financial Reports
 - N) Consideration of Vouchers
 - O) Extended Holiday Hour Requests
- VIII. Village President’s Report
- IX. Village Manager’s Report
- X. Recess into Closed Session pursuant to §19.85 (1) (c) Wisconsin Statutes for the following reasons:
 - (c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility for the purpose of reviewing applications for the position as Village Manager.

XI. Adjournment


Jill Kenda-Lubetski, Village Clerk
November 15, 2012

PERSONS REQUIRING SPECIAL ACCOMMODATIONS FOR ATTENDANCE AT THE MEETING SHOULD CONTACT THE VILLAGE CLERK AT LEAST ONE BUSINESS DAY PRIOR TO THE MEETING.

**BROWN DEER VILLAGE BOARD
NOVEMBER 5, 2012 MEETING MINUTES
HELD AT THE BROWN DEER VILLAGE HALL
4800 WEST GREEN BROOK DRIVE**

The meeting was called to order by Village President Krueger at 6:31 P.M.

I. Roll Call

Present: Village President Krueger; Trustees: Baker, Boschert, Oates, Schilz, Springman, Weddle-Henning

Also Present: Russell Van Gompel, Village Manager; Dave Berner, Interim Village Manager; Matt Janecke, Assistant Village Manager; John Fuchs, Village Attorney; Bridget Souffrant, Treasurer/Comptroller; Nate Piotrowski, Community Development Director; Steven Rinzel, Police Chief; Chad Hoier, Park and Recreation Director; Jamie Berg, Health Officer/Director of Public Health Services; Larry Neitzel, Operations Superintendent; Mike Rau, Water Superintendent; Joseph Rice, Library Director

II. Pledge of Allegiance

III. Public Hearing – 2013 Budget

President Krueger opened the public hearing at 6:32 p.m.

Mrs. Souffrant gave a presentation summarizing the proposed 2013 Village Budget and provided a brief historical perspective of the Village's past budgets and tax levy.

Trustee Baker inquired into why water revenue has decreased. Mrs. Souffrant responded that the consumption as a whole has decreased.

Trustee Oates inquired into the reason having a reduction of 11% in valuation. Mrs. Souffrant responded that property values for real estate, personal property, manufacturing assessed value as a whole will decrease by 11% based on past trends and estimated. Final Statement of Assessments will not be received from the State until mid-November.

No public comment was received.

President Krueger closed the public hearing at 6:52 p.m.

IV. Persons Desiring to be Heard

V. Consideration of Minutes: October 15, 2012 – Regular Meeting

It was moved by Trustee Oates and seconded by Trustee Schilz to approve the minutes of the October 15, 2012 regular meeting. The motion carried unanimously.

VI. Unfinished Business

None.

VII. New Business

A) Resolution No. 12-, "In the Matter of Adopting the 2013 Annual Budget and Establishing the Property Tax Levy for the Village of Brown Deer"

Mr. Van Gompel noted that the resolution approving the budget resolution is provided in the Village Board packet and the general fund summary page was provided by email.

It was moved by President Krueger and seconded by Trustee Schilz to adopt Resolution No. 12- , "In the Matter of Adopting the 2013 Annual Budget Establishing the Property Tax Levy for the Village of Brown Deer". The motion carried unanimously.

B) Resolution No. 12-, "A Resolution Awarding the Sale of \$1,365,000 General Obligation Corporate Purpose Bonds."

Bradley Viegut, representing Robert W. Baird & Co., presented the results and outlined the details of the competitive bids received for the \$1,365,000 General Obligation Corporate Bonds and \$5,345,000 Taxable General Obligation Refunding Bonds.

Trustee Oates inquired into ways the Village can improve its bond rating. Mr. Viegut addressed Trustee Oates inquiry and provided a numbers of ways the Village can address its bond rating.

It was moved by Trustee Springman and seconded by Trustee Weddle-Henning to adopt Resolution No. 12- , "A Resolution Awarding the Sale of \$1,365,000 General Obligation Corporate Purpose Bonds". The motion carried unanimously.

C) Resolution No. 12-, "A Resolution Awarding the Sale of \$5,480,000 Taxable General Obligation Refunding Bonds."

It was moved by Trustee Springman and seconded by Trustee Weddle-Henning to adopt Resolution No. 12- , "A Resolution Awarding the Sale of \$5,480,000 Taxable General Obligation Refunding Bonds". The motion carried unanimously.

D) 2012 State Trust Fund Loan

Mrs. Souffrant informed the Village Board the application for the 2012 State Trust Fund Loan for \$301,122 is the formal application that will go before the Board of Commissioners of Public Lands for approval. The loan amount covers the cost of various projects including a new phone system for Village departments, a new general ledger accounting software system, and an endloader for the Department of Public Works.

It was moved by President Krueger and seconded by Trustee Baker to approve the Village Board submit a request to apply for a loan in the amount of \$301,122 from the Trust Funds of the State of Wisconsin for the purpose of financing a new phone system, new financial software, and an endloader. The motion carried unanimously.

E) Requests for Extended Holiday Hours by various Retailers

Mr. Janecke reviewed his memorandum and explained that all the retailers who are submitting requests were made aware of the recently passed ordinance stating that any retailers requesting additional operating hours outside the normal operating hours listed in the Village's code of ordinance will have to split the cost to provide extra public safety measures. At this time, the only day being considered is November 23rd (Black Friday).

Trustee Oates inquired into the added cost of having additional public safety measures. Mr. Janecke replied that a total cost has not been determined because it is unknown at this time if an extra patrol officer will be on duty the morning of November 23rd. A decision will be based on the number of approved requests. Trustee Schilz asked if staff has any concerns with the request. Mr. Janecke responded

that staff has no concerns with the request at this time.

It was moved by Trustee Weddle-Henning and seconded by Trustee Schilz to approve the Requests made for Extended Holiday Hours by American TV, Bath & Body, Burlington Coat Factory, h.h.gregg, Old Navy and Walgreen's. The motion passed 6-1 with Trustee Oates voting in opposition.

F) Ordinance No. 12-, “An Ordinance to Create and Establish a Joint Municipal Court Pursuant to Section 755.01(4) and Section 66.0301 Wisconsin Statutes - Joint Municipal Court.”

Mrs. Souffrant provided an overview of her analysis regarding the consolidation of both municipal court systems. After further review and based on technology infrastructure, it is not beneficial for the municipal court systems to be joined. Attorney Fuchs opined, and reiterated Mrs. Souffrants' comments, that even though it is not beneficial at this time to combine court systems, there are advantages to sharing a municipal judge. Mr. Van Gompel clarified that the ordinance before the Village Board tonight addresses the sharing of a municipal judge and establishes a framework for the long-term goal of combining municipal court systems.

President Krueger asked if the Village will realize a saving in salaries by sharing a municipal judge with Glendale. Mrs. Souffrant responded there will not be a cost saving by sharing a municipal judge, but that efficiencies in the court processes for Brown Deer are a greater possibility if there is one municipal judge serving both communities.

A brief discussion took place about the processes of the Brown Deer court system and the timing of elections for municipal court judge.

It was moved by President Krueger and seconded by Trustee Boschert to approve Ordinance No 12-, “An Ordinance to Create and Establish a Joint Municipal Court Pursuant to Section 755.01(4) and Section 66.0301 Wisconsin Statutes – Joint Municipal Court. The motion carried unanimously.

G) Appointment of Jill Kenda-Lubetski as Interim Village Clerk

Mr. Van Gompel reported Wisconsin Statutes and Village Code require certain duties to be performed by the Village Clerk. Based on the current organization structure, the Village Manager has the statutory duties of Village Clerk assigned to the Manager and in order to carry out statutory duties as defined in Wisconsin statutes, Mr. Van Gompel is recommending that Jill Kenda-Lubetski be assigned those duties until the Village Board hires a new Village Manager.

It was moved by Trustee Springman and seconded by Trustee Baker to approve the Appointment of Jill Kenda-Lubetski as Interim Village Clerk. The motion carried unanimously.

H) Resolution No. 12-, “A Resolution of Appreciation for Russell Van Gompel as Village Manager.”

President Krueger read the resolution and thanked Mr. Van Gompel for the hard work he provided the Village during his tenure as Village Manager. Mr. Van Gompel commented on his time with the Village, thanked the employees he worked with over the years.

It was moved by President Krueger and seconded by Trustee Schilz to adopt Ordinance No 12-, “A Resolution of Appreciation for Russell Van Gompel as Village Manager”. The motion carried unanimously.

VIII. Village President's Report

Village President Krueger reported on the following:

No report

IX. Village Manager's Report

Mr. Van Gompel reported on the following:

Election Day preparations and absentee ballots

Voorhees Associates, LLC application period ended for Village Manager on October 31st.

Records Management System for Bayside Communication Center

Working with Interim Village Manager Dave Berner; Meetings and Briefings with Department Heads, Orientation of Village organizations, procedures and developments. Work Schedule beginning on November 12th.

X. Recess into Closed Session pursuant to §19.85(1) (c) and (e) Wisconsin Statutes for the following reasons:

- (c) Considering employment, promotion or performance evaluation data of any public employee over which the government body has jurisdiction or exercises responsibility.

It was moved by Trustee Springman and seconded by Trustee Weddle-Henning to recess into Closed Session at 7:52 p.m. The motion carried unanimously.

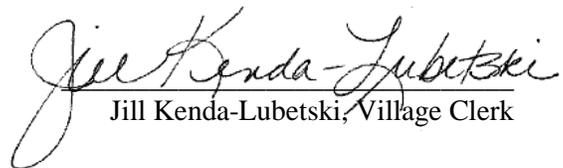
It was moved by Trustee Springman and seconded by Trustee Weddle-Henning to reconvene into Open Session at 8:39 p.m. The motion carried unanimously.

XI. Reconvene into Open Session for Possible Action on Closed Session Deliberations

No action was taken.

XII. Adjournment

It was moved by Trustee Springman and seconded by Trustee Weddle-Henning to adjourn at 8:40 p.m. The motion carried unanimously.


Jill Kenda-Lubetski, Village Clerk

**MINUTES OF THE MEETING OF THE
BROWN DEER BUILDING BOARD
HELD AT THE VILLAGE HALL –
4800 WEST GREEN BROOK DRIVE
ON MONDAY, NOVEMBER 5, 2012**



The meeting was called to order at 4:00 p.m.

I ROLL CALL

Present: Lavern Nall, Rory Palubiski, Tony Snow

Excused: Andrea Weddle-Henning, Tony Enea

Also Present: Nathaniel Piotrowski, Community Development Director; Shelley Gorman, Building Inspection Assistant; Douglas P. Brodjek, Stratford Village; Doug Stoffel, Stratford Village; Jeff Hutter, Stratford Village; Sig Strautmanis, General Capital Group

II PERSONS DESIRING TO BE HEARD

None.

III CONSIDERATION OF MINUTES

It was moved by Mr. Snow and seconded by Mr. Palubiski to approve the October 15, 2012 minutes. The motion carried unanimously.

IV OLD BUSINESS

None.

V PLANS SUBMITTED FOR CONSIDERATION

The following items were on the Agenda for review:

- A. Re-submittal of Stratford Village siding and roofing proposal, 8261-8335 N. Teutonia Avenue
- B. Re-submittal of JFS Deerwood Crossing Phase Two Addition, 4195 W. Bradley Road
- C. Bradley Crossing & VBD Community Center Signage, 4355-75 W. Bradley Road

Stratford Village siding and roofing proposal, 8261-8335 N. Teutonia Avenue

Stratford Village representatives presented a revised plan with new colors and materials. The revised submittal featured maple color siding, linen trim color, sandstone color cedar shake for the gables, and dark brown for the doors and window trims. Mr. Palubiski felt that the newly proposed cedar shake provided good visual distinction but also suggested adding some sort of vent in the middle of the large gables to add further architectural refinement to the building. Mr. Snow asked if the gutters were going to be the same linen color. Mr. Hutter from Stratford Village replied that they would be linen.

It was consensus of the board to approve the new design and coloring on condition that (8) decorative gable vents be included with material specifications and an updated rendering submitted to the inspection department.

JFS Deerwood Crossing Phase Two Addition, 4195 W. Bradley Road

Mr. Strautmanis of General Capital Group resubmitted a plan with changes as requested by the Board including the addition of cream color to the 3rd floor to match the existing building, and added brick near the ends of the new building.

Mr. Strautmanis also submitted a new rendering of the building viewed from Teutonia Avenue looking south. Chairman Nall stated that this rendering reinforced the Board's original concern that the reduced amount of brick on the addition still does not meet the Village ordinance, and the aesthetic standards of the Board. Mr. Snow added that the amount of brick should be raised to conform to standards of other nearby buildings and better match the amount of brick on the first phase of the development. A discussion ensued as to ways in which brick could be added to the project in order to effectuate the best design. Mr. Strautmanis offered that a "wainscot" of brick be added to the Teutonia side of the building but not to the parking lot side. Chairman Nall noted that the Board could not design the building for the developer and suggested that whatever is done be consistent with the quality of the existing building.

It was consensus of the Board to request that a resubmittal provided additional brick and appropriately complimented the existing building.

Bradley Crossing & BD Community Center Signage Package, 4355-75 W. Bradley Road

Mr. Strautmanis of General Capital Group submitted the renderings and specifications for (7) signs to be placed throughout the project. He described that the canopy signs would be 3D custom cast metallic aluminum with lettering attached by pins to give the illusion that they are floating. All of the canopy sign fonts are to be the same. He also said that the canopy and the color of the canopy would form the backdrop for the letters. Mr. Strautmanis said that only the ground mounted signs would be illuminated.

Board went through each sign application and reached the following consensus:

1 – Approved

2 – Approved with the lettering to be centered (error on the rendering)

3 – Approved

4 – Approved

5 – Approved - Directional Monument (double sided) with ground mounted lighting and directions to extra parking.

6 – Approved - Monument (single sided) with ground mounted lighting

7 – Approved - Awning signs are only on the Community Center Building tenant space and will have the VBD (Deer) Logo

VII ADJOURNMENT

The meeting was adjourned at 5:05 p.m. The next regularly scheduled meeting is November 19, 2012.



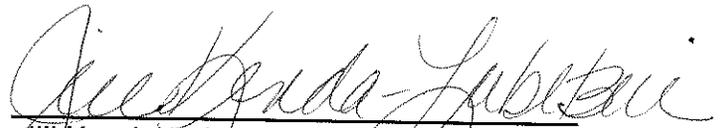
Nathaniel Piotrowski, Community Development Director
Village of Brown Deer

**BUILDING BOARD MEETING
CANCELLED
Monday, November 19th, 2012
Earl McGovern Board Room, 4:00 P.M.**



PLEASE TAKE NOTICE that the regularly scheduled meeting of the Brown Deer Building Board to be held at the Village Hall of the Village of Brown Deer, 4800 West Green Brook Drive, Brown Deer, Wisconsin at the above noted time and date has been cancelled.

Dated: November 14, 2012


Jill Kenda-Lubetski, Village Clerk

PERSONS REQUIRING SPECIAL ACCOMMODATIONS FOR ATTENDANCE AT THE MEETING SHOULD CONTACT THE VILLAGE CLERK AT LEAST ONE BUSINESS DAY PRIOR TO THE MEETING.

Meeting
4th of July Committee
Wednesday, November 21, 2012
5:00 p.m., Room 101, Village Hall

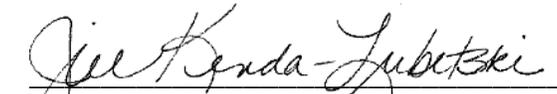


PUBLIC NOTICE
CANCELLED MEETING

PLEASE TAKE NOTICE that the Wednesday, November 21, 2012 meeting of the 4th of July Committee has been cancelled. The next meeting will be held on Wednesday, December 19, 2012.

Dated: November 13, 2012

By



Jill Kenda-Lubetski, Village Clerk

**BROWN DEER TRAFFIC AND PUBLIC SAFETY COMMITTEE
NOVEMBER 8, 2012 MEETING MINUTES
HELD AT THE BROWN DEER VILLAGE HALL
4800 WEST GREEN BROOK DRIVE
BROWN DEER, WISCONSIN**

The meeting was called to Trustee Boschert at 6:31 PM.

I. ROLL CALL

Present: Trustee Boschert, Trustee Weddle-Henning, Roger Gordon, Mike Kass, Alicia Lemke, Bob Wazniak

Not Present: Neil Wood

Also Present: Steven Rinzel, Chief of Police; Nancy Hoppe, Executive Secretary to Chief of Police

II. PERSONS DESIRING TO BE HEARD

There were no persons desiring to be heard.

III. CONSIDERATION OF MINUTES: June 7, 2012 Meeting

It was moved by Trustee Weddle-Henning, and seconded by Bob Wazniak to approve the June 7, 2012 meeting minutes. The motion carried unanimously.

IV. REPORT OF STAFF/COMMITTEE MEMBERS

Chief Rinzel reported that Dave Berner has started his assignment as the interim Village Manager on November 8th and he was not able to be in attendance at the Traffic and Public Safety Committee meeting at this time. He further stated that Mr. Berner but would be working Tuesdays, Wednesday and Thursdays through his tenure and he would be in attendance at various meetings in the future.

Chief Rinzel reported that the department had been experiencing some telephone issues but they are in the process of being resolved; he further reported that the Motorola Console system at the Bayside Communications Center is now working properly. Chief Rinzel stated that the records management system that will be utilized for all the North Shore departments has been determined to be Pro Phoenix Systems. He reported that the department will be going through an independent review of the department's contacts with Radcliffe and Zena Haughton and that when it is finished it would be a public record for review.

V. OLD BUSINESS

A. Review of North 60th Street.

Chief Rinzel reported this issue was brought back to the committee just to revisit the issue and he advised that the department did conduct directed patrols at numerous locations on North 60th

Street and that during those directed patrols approximately 60 tickets were issued. He further reported that in the spring of 2013 the curbed areas would be enhanced with some grassy areas to improve their appearance and to ensure their usefulness. Discussion on the pedestrian traffic took place; Mr. Wazniak expressed specific concern about snow removal and Ms. Weddle-Henning also stated the markers be replaced promptly if they are hit and/or knocked down.

VI. NEW BUSINESS

A. Citizen Traffic Concern – North Ivy Street and North Edge ‘O Woods Drive

Chief Rinzel advised that the department was in receipt of a traffic concern levied by a citizen that lived in the area of North Edge ‘O Woods Drive and North Ivy Street. The citizen opined that a “Yield” sign was needed in the area. Chief Rinzel reported a traffic study was done for a five day period of time at various times and that during that study no traffic offenses were noted.

Donna McIntosh Hopkins, 8215 North Edge ‘O Woods was in attendance at the meeting; she stated at times her only concern were some children in the area that ride their bikes in the middle of the roadway. Chief Rinzel advised Ms. McIntosh-Hopkins to contact the police department when they were out in the roadway and officers would discuss the matter with the children and their parents when necessary.

B. An Ordinance Amending Section 1-7 (i) & (k) of the Brown Deer Village Code Pertaining to Penalties

Chief Rinzel stated Attorney Fuchs was asking that the information relative to Amending the Village Code be forwarded to the Brown Deer Village Board for their review and discussion.

It was moved by Mr. Kass, and seconded by Mr. Gordon to forward to the Village Board the information provided by Attorney Fuchs reference amendment to Section 1-7 (i) & (k) of the Brown Deer Village Code pertaining to penalties. The motion carried unanimously.

VII. ADJOURNMENT

It was moved by Mr. Gordon, and seconded by Mr. Wazniak to adjourn at 7:07 PM. The motion carried unanimously.



Steven C. Rinzel, Chief of Police



REQUEST FOR CONSIDERATION

COMMITTEE CONSIDERATION: Village Board
ITEM DESCRIPTION: Amendment to Section 1-7 (i) & (k) of Village Ordinance
PREPARED BY: John Fuchs, Village Attorney
REPORT DATE: November 14, 2012
VILLAGE MANAGER'S REVIEW/COMMENTS: <input checked="" type="checkbox"/> No additional comments to this report. <input type="checkbox"/> See additional comments attached. 

Explanation: A summary of the Traffic and Public Safety Committee's agenda items and recommendations are listed below.

Traffic and Public Safety Committee Agenda items requiring action:

1) Ordinance Amending Section 1-7 (i) & (k) of the Brown Deer Village Code Pertaining to Penalties

At the November 8, 2012 meeting of the Traffic and Public Safety committee a motion was made and approved to forward to the Village Board the attached information reference Section 1-7 (i) & (k) of the Brown Deer Village Code pertaining to penalties for review and approval.

MEMORANDUM

TO: Village of Brown Deer Board
FROM: John F. Fuchs
RE: Amendment to Section 1 -7 (i) & (k)
DATE: October 30, 2012

I am proposing two amendments to our penalty section. Occasionally the Municipal Court employs a concept known as "terms." There are some citations which are dismissed by agreement of the prosecutor and the defendant. The reasons for dismissal can vary from difficulty in proving the case, to a dismissal in exchange for compliance with housing or building code issues, to conditions of dismissal in exchange for other items such as community service. Terms are an effective tool in any of the foregoing scenarios, and unlike a typical fine on a citation, are retained entirely by the Village.

My first issue with the current terms provisions is that it is too low. We limit it to \$250.00 as to adults and \$100.00 as to juveniles. As to adults, particularly if there has been a long drawn out battle over property code enforcement, the parties might wish to agree to a dismissal, but only upon \$500.00 or \$1,000.00 or whatever number seems appropriate. I see no need to recommend either a floor, or a ceiling, as to terms for adults. That is because terms are set by agreement of the parties. So whatever number is employed is agreed to by my office as prosecutor and the defendant. It is submitted to the judge for implementation only after such an agreement is reached.

As to juveniles, some of the more violent offenses, if for some reason there is to be a dismissal, might warrant more than \$100.00. Thus I am proposing an increase to \$150.00. In addition, I am proposing that we specify that for offenses that relate only to persons under age

18, that we reduce the terms to \$50.00. That is because State Statute imposes such a limitation for only those type offenses. Truancy applies only to persons under 18. Shoplifting applies to persons both over and under 18. Thus for truancy the cap would be \$50.00, but for shoplifting \$150.00.

Thank you for your anticipated consideration.

ORDINANCE NO. _____

An Ordinance Amending Section 1-7 (i) & (k) of the Brown Deer Village Code Pertaining to Penalties.

The Village President and the Board of the Village of Brown Deer, Milwaukee County, Wisconsin, do herewith ordain as follows, to-wit:

SECTION I

A. Section 1-7 (i) & (k) of the Brown Deer Village Code Pertaining to Penalties, is hereby amended to provide as follows:

Amending Section 1-7 (i) & (k) of the Brown Deer Village Code Pertaining to Penalties.

- (i) Upon stipulation of the parties, and subject to the approval of the court upon a finding that such stipulation is in the public interest and serves the interests of justice, the court may impose terms ~~not to exceed \$250.00~~ against a defendant upon dismissal of the action. The clerk of municipal court shall, within seven days of receipt thereof, transfer such sum to the village treasury for deposit in the general fund.

- (k) If the court finds that a child 12 through 16 years of age has committed a violation of this Code, other than an ordinance enacted under Wis. Stats. § 118.163, it shall enter an order making any one or more of the dispositional orders permitted under Wis. Stats. § 938.343 (1), (2), (4), (5), (6), (7) or (8). Upon stipulation of the parties and subject to the approval of the court upon a finding that such stipulation is in the public interest and serves the interests of justice, the court may impose terms not to exceed \$50 if the violation is only applicable to a person under 18 years of age, and otherwise not to exceed \$150.00 ~~exceed \$100.00~~ against the defendant upon dismissal of the action. The clerk of municipal court shall, within seven days of receipt thereof, transfer such sum to the village treasury for deposit in the general fund.

SECTION II

All ordinances or parts of ordinances contravening the terms and provisions of this ordinance are hereby to that extent repealed.

SECTION III

This Ordinance shall take effect upon passage and publication as provided by law, and the Village Clerk shall so amend the Brown Deer Code, and shall indicate the date and number of this amending ordinance therein.

PASSED AND ADOPTED by the Village Board of the Village of Brown Deer, this _____ day of _____, A.D. 2012.

Countersigned:

Carl Krueger, Village President

Russell Van Gompel, Village Manager/Clerk

ORDINANCE NO. _____

An Ordinance Amending Section 1-7 (i) & (k) of the Brown Deer Village Code Pertaining to Penalties.

The Village President and the Board of the Village of Brown Deer, Milwaukee County, Wisconsin, do herewith ordain as follows, to-wit:

SECTION I

A. Section 1-7 (i) & (k) of the Brown Deer Village Code Pertaining to Penalties, is hereby amended to provide as follows:

Amending Section 1-7 (i) & (k) of the Brown Deer Village Code Pertaining to Penalties.

- (i) Upon stipulation of the parties, and subject to the approval of the court upon a finding that such stipulation is in the public interest and serves the interests of justice, the court may impose terms against a defendant upon dismissal of the action. The clerk of municipal court shall, within seven days of receipt thereof, transfer such sum to the village treasury for deposit in the general fund.

- (k) If the court finds that a child 12 through 16 years of age has committed a violation of this Code, other than an ordinance enacted under Wis. Stats. § 118.163, it shall enter an order making any one or more of the dispositional orders permitted under Wis. Stats. § 938.343 (1), (2), (4), (5), (6), (7) or (8). Upon stipulation of the parties and subject to the approval of the court upon a finding that such stipulation is in the public interest and serves the interests of justice, the court may impose terms not to exceed \$50 if the violation is only applicable to a person under 18 years of age, and otherwise not to exceed \$150.00 against the defendant upon dismissal of the action. The clerk of municipal court shall, within seven days of receipt thereof, transfer such sum to the village treasury for deposit in the general fund.

SECTION II

All ordinances or parts of ordinances contravening the terms and provisions of this ordinance are hereby to that extent repealed.

SECTION III

This Ordinance shall take effect upon passage and publication as provided by law, and the Village Clerk shall so amend the Brown Deer Code, and shall indicate the date and number of this amending ordinance therein.

PASSED AND ADOPTED by the Village Board of the Village of Brown Deer, this _____ day of _____, A.D. 2012.

Countersigned:

Carl Krueger, Village President

Russell Van Gompel, Village Manager/Clerk

BROWN DEER LIBRARY BOARD
November 12, 2012 MEETING MINUTES
HELD AT THE BROWN DEER PUBLIC LIBRARY
5600 WEST BRADLEY ROAD
(Unapproved)

The meeting was called to order by Board President Balistreri at 5:00 P.M.

I. Roll Call

Present: Board President Balistreri and Board members: J. Baker, W. Jabas, K. Lewis-Williams, A. Lutz
Also Present: Joseph Rice, Library Director

II. Persons Desiring to be Heard

None.

III. Consideration of Minutes: October 8, 2012 – Regular Meeting

It was moved by W. Jabas and seconded by K. Lewis-Williams to approve the minutes of the October 8, 2012 regular meeting. The motion carried unanimously.

IV. Unfinished Business

There was no unfinished business.

V. Library Director's Report

In addition to the Director's written report, other items discussed included the Lego Club, the 2012 WLA Conference and a ShoutBomb update from MCFLS (text notification program now available for smartphone users).

VI. Friends of the Library Report

The 25th annual Auction sponsored by the Friends was held November 8. Proceeds are estimated at \$2500 (some expenses are still outstanding).

VII. New Business

A) Consideration of Vouchers

It was moved by A. Lutz and seconded by K. Lewis-Williams to approve the payment of the September/October 2012 vouchers. The motion carried unanimously.

B) 2013 Operating Budget

After discussion, it was moved by A. Lutz and seconded by W. Jabas to approve a reduction in the public service hours of the library from 50 to 45 hours per week effective January 1, 2013 as a means of dealing with the anticipated 2013 Library operating budget deficit. The motion carried unanimously.

VIII. Adjournment

Next meeting: December 10, 2012. *It was moved by A. Lutz and seconded by W. Jabas to adjourn at 5:40 P.M. The motion carried unanimously.*

Joseph Rice, Library Director

**BROWN DEER PLAN COMMISSION
NOVEMBER 12, 2012 MEETING MINUTES
HELD AT THE BROWN DEER VILLAGE HALL
4800 WEST GREEN BROOK DRIVE**

The meeting was called to order by President Krueger at 7:00 P.M.

I. ROLL CALL

Present: President Carl Krueger; Trustees: Tim Schilz, Jeff Baker; Commissioners: Ryan Schmitz, Bill Hoffmann, Jeff Jaroczynski, Dan Bednar, Al Walters

Also Present: Nate Piotrowski, Community Development Director; Rebecca Boyle, Village Attorney

Excused: Commissioner: Susan Bellehumeur

II. PERSONS DESIRING TO BE HEARD

None.

III. CONSIDERATION OF MINUTES: October 8, 2012 – Regular Meeting

It was moved by Commissioner Schmitz and seconded by Commissioner Jaroczynski to approve the regular meeting minutes of October 8, 2012. The motion carried unanimously.

IV. REPORT OF STAFF/COMMISSION MEMBERS

Mr. Piotrowski noted that Russell Van Gompel was no longer with the Village and that Dave Berner was installed as Interim Manager. He added that new street name signs, featuring the Village logo, were being installed along Green Bay and Brown Deer Roads. President Krueger asked about the status of the Citgo gas station at 51st and Brown Deer Road. Mr. Piotrowski indicated that there has been no new movement on the former gas station property because of the high asking price.

V. UNFINISHED BUSINESS

None.

VI. NEW BUSINESS

A) Public Hearing and review and recommendation for a conditional use permit for a day care center at 5600 W. Brown Deer Road

Mr. Piotrowski reviewed the proposal and introduced the applicant Jacqueline Williams and property manager Yolanda Gonzalez.

President Krueger opened the public hearing at 7:05 p.m.

Ann Savage, 8851 N. Green Brook Court stated that she was concerned about potential second shift hours for the day care and stated that when the building was first developed residents were advised that no use after 6 p.m. was to be allowed. She questioned if Village code had changed to allow the current proposal to request hours until 11 p.m.. Mr. Piotrowski replied that current Village Code allows for business hours as late as 11 p.m.

President Krueger closed the public hearing at 7:07 p.m.

Trustee Schilz asked the applicant to clarify the proposed business hours. Ms. Williams explained that currently her day care is operated from 6 a.m. until 6 p.m. but is requesting approval until 11 p.m. so that she may expand her business offerings to parents who might need extra hours of day care. She added that she did not expect to add the later hours immediately and felt that it would be utilized only by a minority of parents.

Commissioner Hoffmann asked if there was to be overnight parking. Mr. Piotrowski replied that the applicant was requesting to park a transportation van overnight however the conditional use permit, as drafted, prohibited on-site parking overnight.

Trustee Schilz asked where the vehicle would be parked. Ms. Williams stated that it would be parked to the rear of the building but could not provide the exact location.

Trustee Schilz asked if the Police Department conducted a crime prevention review. Mr. Piotrowski replied that they had not but that it is required prior to occupancy. Trustee Schilz felt that an earlier review might be helpful to the applicant.

Trustee Baker asked if the playground provided ample outdoor recreation space for the proposed 52 students. Ms. Williams replied that the space was adequate since recreation time would be staggered depending on the children's age. President Krueger suggested that access to the playground area be limited to no later than 6 p.m. so as not to disturb the neighbors.

Trustee Baker asked where children would be dropped off by the transportation van and their parents. Ms. Williams stated that the transportation van would use the most westerly door for drop off and parents would bring their children in through the next door to the east which would lead to a reception area. A discussion ensued as to the internal layout of the building, whether access was possible from Brown Deer Road and how many entrances the building had.

Trustee Baker stated that he was concerned that the transportation van drop off area lacked adequate protection from cars moving through the parking lot. Ms. Williams said that it was her intention to work with the property owners to put bollards or some type of protective barriers out near the door for added safety.

Commissioner Schmitz recommended tabling the review so that the applicant could refine information for the commission to review.

Commissioner Bednar asked if both rear doors on the building would be locked. Ms. Williams replied that they would be locked and could be controlled from the reception area.

Trustee Schilz stated that many unclear items would need to be resolved in a very quick fashion if the Village Board was to review a favorable recommendation from the Plan Commission. He noted that tabling the request would provide more time to clarify items of concern.

Mr. Piotrowski reiterated the consensus of the Plan Commission as to the items that the applicant still needed to address, update or clarify:

- A complete floor plan showing ingress and egress for entire building
- A plan for bollards or added pedestrian safety near the van drop off door
- A detailed location of the proposed overnight van parking location
- A crime prevention review by the Police Department
- An updated operational plan that included revised details limiting playground access after 6 p.m.

It was moved by Commissioner Schmitz and seconded by Commissioner Jaroczynski to table the request for a conditional use permit for a day care center at 5600 W. Brown Deer Road until the next regularly scheduled meeting. The motion carried unanimously.

B) Review and Recommendation of a permanent development agreement for outdoor restaurant seating at Brown Deer Lanes, 4715 W. Bradley Road

Mr. Piotrowski reviewed the proposal and indicated that the land use was in operation and there had been no complaints from residents or concerns from Staff.

It was moved by Commissioner Hoffmann and seconded by Commissioner Bednar to recommend approval of the permanent development agreement for outdoor seating at Brown Deer Lanes to the Village Board. The motion carried unanimously.

VII. ADJOURNMENT

It was moved by Commissioner Schmitz and seconded by Commissioner Jaroczynski to adjourn at 7:52P.M. The motion carried unanimously.



Nate Piotrowski, Community Development Director



REQUEST FOR CONSIDERATION

COMMITTEE:	Village Board
ITEM DESCRIPTION:	November 12, 2012 Plan Commission Agenda Items
PREPARED BY:	Nathaniel Piotrowski, Community Development Director <i>Nate Piotrowski</i>
REPORT DATE:	November 15, 2012
MANAGER'S REVIEW/COMMENTS:	<input type="checkbox"/> No additional comments to this report. <input type="checkbox"/> See additional comments attached. <i>Pat Z-B...</i>
RECOMMENDATION:	See Items Below
EXPLANATION:	<p>A summary of the Plan Commission's agenda items and recommendations are listed below. There is one item that requires Village Board action. Please note that the initial staff reports, conditional use permit and agreement was in the previously distributed Plan Commission packet. Attached for your review is the draft Plan Commission meeting minutes of November 12, 2012. If you need another copy of the Plan Commission packet, please contact me.</p> <p>Plan Commission Agenda items requiring action:</p> <p>1) Review and Recommendation of a permanent development agreement for outdoor restaurant seating at Brown Deer Lanes, 4715 W. Bradley Road</p> <p>Recommendation: Recommend approval of the permanent development agreement Requested Action: A motion to permanently approve the Development Agreement for outdoor seating at Brown Deer Lanes</p> <p>Plan Commission Agenda items NOT requiring action:</p> <p>1) Public Hearing and review and recommendation for a conditional use permit for a day care center at 5600 W. Brown Deer Road</p> <p><i>This item was tabled until the next regularly scheduled meeting due to a lack of clear information regarding overnight parking, floor plans, children safety and playground hours.</i></p>

**BROWN DEER FINANCE AND PUBLIC WORKS COMMITTEE
NOVEMBER 7, 2012 REGULAR MEETING MINUTES
HELD AT THE BROWN DEER VILLAGE HALL
4800 WEST GREEN BROOK DRIVE**

The meeting was called to order by Trustee Oates at 6:29 P.M.

I. ROLL CALL

Present: Trustees: Oates, Springman & Boschert; Citizen Members: Susan Glowinska, Galyn Bennett, and Ray Erbe

Also Present: Jim Buske, Engineering and GIS Manager, Bridget Souffrant, Treasurer/Comptroller, and Nate Piotrowski, Community Development Director

Excused: Citizen Member Tom Lieven

II. PERSONS DESIRING TO BE HEARD

None.

III. CONSIDERATION OF MINUTES: September 5, 2012 – Regular Meeting

It was moved by Trustee Boschert and seconded by Trustee Springman to approve the minutes of the September 5, 2012 meeting. The motion carried unanimously, Galyn Bennett abstained.

IV. REPORT OF STAFF/COMMITTEE MEMBERS

Bridget Souffrant reported that today was Russ's last day in the office. She stated that she has received some of the tax levies and is expected to have the bills in the mail the second week of December. Mrs. Souffrant also reported that the preliminary audit will be taking place on November 26th and 27th.

Jim Buske reported that he is working on updating the Village's mapping system, bringing it up to date with the changes.

Nate Piotrowski reported that the Original Village litigation participants have dropped from 12 down to 10, and that Staff is still waiting for the trial to take place.

V. NEW BUSINESS

A) Resolution No. 12- "A Resolution Assessing the Electric Energy and Maintenance Costs of the Arbon Drive – W. Green Brook Drive Lighting System"

Mrs. Souffrant stated that the following six resolutions will authorize the special assessments to be place on the 2012 tax roll for the Village's six street lighting districts. She reported that all districts were covered during the 2013 budget process and next year the budget pages will be included with the resolutions. She referenced the exhibits to each resolution which details the prior year's electric costs, minimal equipment maintenance and minimal administrative fee.

Citizen member Ray Erbe asked how the citizens affected by this were notified. Mrs. Souffrant stated that the actual dollar amounts are not sent to them, but shown on their tax bill. Per the recommendation, Village staff will place the assessments on the Village website as a cost effective way to notify residents, once the assessments are approved.

It was moved by Trustee Oates and seconded by Trustee Boschert to recommend to the Village Board to approve Resolution No. 12- "A Resolution Assessing the Electric Energy and Maintenance Costs of the Arbon

Drive – W. Green Brook Drive Lighting System”. The motion carried unanimously.

B) Resolution No. 12- “A Resolution Assessing the Electric Energy and Maintenance Costs of the Brown Deer Business Park Subdivision Lighting System”

For discussion please see New Business A).

It was moved by Trustee Oates and seconded by Trustee Boschert to recommend to the Village Board to approve Resolution No. 12- “A Resolution Assessing the Electric Energy and Maintenance Costs of the Brown Deer Business Park Subdivision Lighting System”. The motion carried unanimously.

C) Resolution No. 12- “A Resolution Assessing the Electric Energy and Maintenance Costs of the Brown Deer Corporate Park Subdivision Lighting System”

For discussion please see New Business A).

It was moved by Trustee Oates and seconded by Galyn Bennett to recommend to the Village Board to approve Resolution No. 12- “A Resolution Assessing the Electric Energy and Maintenance Costs of the Brown Deer Corporate Park Subdivision Lighting System”. The motion carried unanimously.

D) Resolution No. 12- “A Resolution Assessing the Electric Energy and Maintenance Costs of the N. Kildeer Court – W. Brown Deer Road Lighting System”

For discussion please see New Business A).

It was moved by Trustee Oates and seconded by Trustee Boschert to recommend to the Village Board to approve Resolution No. 12- “A Resolution Assessing the Electric Energy and Maintenance Costs of the N. Kildeer Court – W. Brown Deer Road Lighting System”. The motion carried unanimously.

E) Resolution No. 12- “A Resolution Assessing the Electric Energy and Maintenance Costs of the Opus North Subdivision Lighting System”

For discussion please see New Business A).

It was moved by Trustee Oates and seconded by Galyn Bennett to recommend to the Village Board to approve Resolution No. 12- “A Resolution Assessing the Electric Energy and Maintenance Costs of the Opus North Subdivision Lighting System”. The motion carried unanimously.

F) Resolution No. 12- “A Resolution Assessing the Electric Energy and Maintenance Costs of the Park Plaza and Addn #1 Subdivisions Lighting System”

For discussion please see New Business A).

It was moved by Trustee Oates and seconded by Trustee Boschert to recommend to the Village Board to approve Resolution No. 12- “A Resolution Assessing the Electric Energy and Maintenance Costs of the Park Plaza and Addn #1 Subdivisions Lighting System”. The motion carried unanimously.

G) Resolution No. 12- “A Resolution Assessing Service Charges for Recycling and Yard Waste Collection on Residential Units”

Mrs. Souffrant stated that she completed a five year financial analysis of the recycling fund during the 2013 budget process and it was determined that the recycling charge did not need to increase, therefore it is proposed that an \$80 fee be placed on the tax bills.

Discussion ensued regarding the reasoning behind the creation of the Recycling Fund and the rate history. Trustee Oates requests a cap of \$100 to be placed on the recycling fee and would like this item to be brought back to the Committee in June of 2013.

It was moved by Trustee Boschert and seconded by Trustee Springman to recommend to the Village Board to approve Resolution No. 12- "A Resolution Assessing Service Charges for Recycling and Yard Waste Collection on Residential Units". The motion carried unanimously.

H) 2012 Budget Amendments

Mrs. Souffrant reported that there are three General Fund 2012 budget amendments being requested. The first is \$16,500 for TID #2 Street Lighting which was removed from the 2012 budget last year during the budget workshops. No special assessment was created, thus we need to amend the budget and add it back in. The second is a \$6,000 increase to the election workers line item account due to the increase in elections this year. The third is \$1,500 for the employee wellness benefit which began in 2012 after the budget was finalized. The total 2012 General Fund Adopted Budget is \$9,679,724 and the Amended 2012 Budget would be \$9,703,724, an increase of \$24,000 to be taken from reserves.

It was moved by Trustee Boschert and seconded by Galyn Bennett to recommend to the Village Board to approve Resolution No. 12- "In the Matter of Amending the Village of Brown Deer 2012 Annual Budget". The motion carried unanimously.

I) Dean Road Amendment

Mr. Piotrowski presented a contract amendment with Ayres Associates to create final plans for the Dean Road Street and Sidewalk Reconstruction. This contract includes final storm water calculations, roadway and sidewalk designs, creation of a project manual and plans for bidding, as well as participation in an anticipation public involvement meeting.

Trustee Oates asked of the contract price of \$19,100 covered all three proposed plans. Mr. Piotrowski replied that it covers whatever plan the Village chooses.

It was moved by Trustee Springman and seconded by Trustee Boschert to recommend to the Village Board to approve Ayres Contract Amendment No. 2012-03, Dean Road Reconstruction for a not to exceed amount of \$19,100". The motion carried unanimously.

J) Contract Amendment with Ayres Associates for 60th Street engineering

Mr. Piotrowski presented a \$123,200 contract amendment with Ayres Associates for the 60th Street reconstruction from Fairy Chasm to County Line Road. He reported that the project was awarded STP-Urban funding from the DOT, which allows for the Village to be reimbursed for 80% of the total construction and inspection costs however it requires stricter plan standards and must comply with the Facilities Design Manual (FDM).

Trustee Boschert stated that even with the higher engineering costs the project would still be cheaper by participating in the STP-Urban funding program due to the 80% factor. Mr. Piotrowski confirmed that it would be cheaper.

Citizen Member Ray Erbe questioned who is responsible for the deliverable to be completed to DOT standards, Ayres or the Village? Mr. Piotrowski said he would review that with the Village Attorney and report back at the Village Board meeting.

It was moved by Trustee Boschert and seconded by Ray Erbe to recommend to the Village Board to approve Ayres Contract Amendment No. 2012-07, 60th Street Reconstruction (W. Fairy Chasm Rd. to W. County Line

Rd), for a not to exceed amount of \$123,200 (pending confirmation from the Village Attorney regarding the responsible party for the deliverable)". The motion carried unanimously.

K) September 2012 Financial Report

Bridget Souffrant, Treasurer/Comptroller presented the September 2012 Financial report in the new BS&A accounting software with the new formatting. She also covered the top five financial highlights of the report.

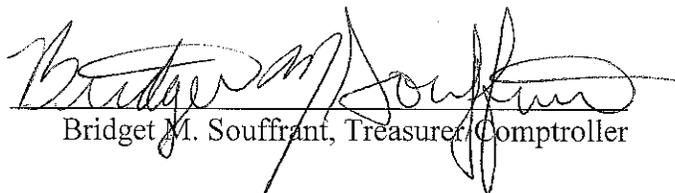
No action was taken on this item.

E) Consideration of Vouchers

It was moved by Trustee Boschert and seconded by Galyn Bennett to recommend that the Village Board approve the vouchers from September 28, 2012 to October 26, 2012 in the amount of \$731,090.46. The motion carried unanimously.

VII. ADJOURNMENT

It was moved by Trustee Springman and seconded by Galyn Bennett to adjourn at 7:43 p.m. The motion carried unanimously.


Bridget M. Souffrant, Treasurer/Comptroller



REQUEST FOR CONSIDERATION

COMMITTEE:	Village Board
ITEM DESCRIPTION:	Finance/Public Works Committee items
PREPARED BY:	Bridget M. Souffrant, Treasurer/Comptroller <i>BMS</i>
REPORT DATE:	November 15, 2012
MANAGER'S REVIEW/COMMENTS:	<ul style="list-style-type: none"><input type="checkbox"/> No additional comments to this report.<input type="checkbox"/> See additional comments attached. <i>David A. Blum</i>
RECOMMENDATION:	Recommend approval of the following
EXPLANATION:	All of the items presented to the FPW Committee received favorable recommendations to the Village Board and are as follows: <ul style="list-style-type: none">A) Resolution No. 12- "A Resolution Assessing the Electric Energy and Maintenance Costs of the Arbon Drive – W. Green Brook Drive Lighting System"B) Resolution No. 12- "A Resolution Assessing the Electric Energy and Maintenance Costs of the Brown Deer Business Park Subdivision Lighting System"C) Resolution No. 12- "A Resolution Assessing the Electric Energy and Maintenance Costs of the Brown Deer Corporate Park Subdivision Lighting System"D) Resolution No. 12- "A Resolution Assessing the Electric Energy and Maintenance Costs of the N. Kildeer Court – W. Brown Deer Road Lighting System"E) Resolution No. 12- "A Resolution Assessing the Electric Energy and Maintenance Costs of the Opus North Subdivision Lighting System"F) Resolution No. 12- "A Resolution Assessing the Electric Energy and Maintenance Costs of the Park Plaza and Addn #1 Subdivisions Lighting System"G) Resolution No. 12- "A Resolution Assessing Service Charges for Recycling and Yard Waste Collection on Residential Units"H) 2012 Budget amendmentsI) Dean Road AmendmentJ) Contract Amendment with Ayres Associates for 60th Street engineeringK) September 2012 Financial ReportsL) Consideration of Vouchers



REQUEST FOR CONSIDERATION

COMMITTEE:	Finance & Public Works Committee
ITEM DESCRIPTION:	Resolutions Assessing Electric Energy and Maintenance Costs for Lighting Systems
PREPARED BY:	Bridget M. Souffrant <i>BMS</i>
REPORT DATE:	November 1, 2012
MANAGER'S REVIEW/COMMENTS:	<p>X No additional comments to this report. See additional comments attached.</p> <p><i>R V. Lopez</i></p>
RECOMMENDATION:	<p>Adopt Resolution to Assess the electric energy and maintenance costs of the Arbon Drive – West Green Brook Drive Lighting System.</p> <p>Adopt Resolution to Assess the electric energy and maintenance costs of the Brown Deer Business Park Subdivision Lighting System.</p> <p>Adopt Resolution to Assess the electric energy and maintenance costs of the Brown Deer Corporate Park Subdivision Lighting System.</p> <p>Adopt Resolution to Assess the electric energy and maintenance costs of the N. Kildeer Court – W. Brown Deer Road Subdivision Lighting System.</p> <p>Adopt Resolution to Assess the electric energy and maintenance costs of the Opus North Subdivision Lighting System.</p> <p>Adopt Resolution to Assess the electric energy and maintenance costs of the Park Plaza & Addition #1 Subdivisions Lighting System.</p>
EXPLANATION:	<p>These resolutions will authorize the special assessments to be placed on the 2012 tax roll. The lighting systems for the following areas are included: Arbon Drive – W. Green Brook Drive; Brown Deer Business Park Subdivision; Brown Deer Corporate Park Subdivision; N. Kildeer Court – W. Brown Deer Road; Opus North Subdivision; Park Plaza & Addition #1 Subdivisions. Following each resolution is a break down of how the special assessment was determined.</p>

Assessing the Electric Energy and Maintenance
Costs of the Arbon Drive - W. Green Brook Dr.
Street Lighting System

Resolution No. 12-

WHEREAS, the Village of Brown Deer and James Tobin entered into a Development Agreement dated November 21, 1986, recorded in the Office of the Milwaukee County Register of Deeds on March 3, 1987, as Document No. 6027740 in Reel 2050, Image 596 to 609 inclusive; and,

WHEREAS, Paragraph 6 of said agreement provides as follows: "Owners agree to pay the cost of electric energy and maintenance annually for the operation of installed street lights. The cost of electric energy and maintenance shall annually be assessed against the benefited lots by the Village without notice or hearing. The Owner of each benefited lot hereby agrees to pay its equitable and proportionate share of said electric energy and maintenance costs. The determination by the Village Manager of the amount of such assessments shall be final and such assessments shall be collected by a special tax"; and,

WHEREAS, the Village Manager has made a determination of assessments as required by this document, a copy of which is attached hereto, marked "Exhibit A" and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED, by the Village Board of the Village of Brown Deer that the determination of the amount of assessments made by the Village Manager attached hereto and marked Exhibit "A" is ratified.

BE IT FURTHER RESOLVED, that the assessments are hereby levied as a special tax against each parcel of property in accordance with the provisions of Exhibit "A".

BE IT FURTHER RESOLVED, that the aforesaid charge or special tax shall be paid in one annual installment on or before January 31, 2013.

PASSED AND ADOPTED by the Village Board of the Village of Brown Deer this 19th day of November, 2012.

Carl Krueger, Village President

Jill Kenda-Lubetski, Village Clerk

Assessing the Electric Energy and Maintenance
Costs of the Brown Deer Business Park Subdivision
Street Lighting System

Resolution No. 12-

WHEREAS, the Village of Brown Deer, Norday Associates and Brown Deer Business Park, a limited partnership, entered into a Development Agreement dated November 2, 1977, recorded in the Office of the Milwaukee County Register of Deeds as Document No. 5157672 in Reel 1063, Image 1 to 56 inclusive; and,

WHEREAS, Paragraph 21(d) of said agreement provides as follows: "Developer agrees to pay the cost of electric energy and maintenance annually for the operation of installed street lights. The cost of electric energy and maintenance shall annually be assessed against the benefited lots by the Village without notice or hearing. The determination by the Village Manager of the amount of such assessments shall be final, and such assessments shall be collected as a special tax"; and,

WHEREAS, the Village Manager has made a determination of assessments as required by this document, a copy of which is attached hereto, marked "Exhibit A" and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED, by the Village Board of the Village of Brown Deer that the determination of the amount of assessments made by the Village Manager attached hereto and marked Exhibit "A" is ratified.

BE IT FURTHER RESOLVED, that the assessments are hereby levied as a special tax against each parcel of property in accordance with the provisions of Exhibit "A".

BE IT FURTHER RESOLVED, that the aforesaid charge or special tax shall be paid in one annual installment on or before January 31, 2013.

PASSED AND ADOPTED by the Village Board of the Village of Brown Deer this 19th day of November, 2012.

Carl Krueger, Village President

Jill Kenda-Lubetski, Village Clerk

Assessing the Electric Energy and Maintenance
Costs of Brown Deer Corporate Park Subdivision
Street Lighting System

Resolution No. 12-

WHEREAS, the Village of Brown Deer, and Michael H. Simpson, Trustee, entered into a Development Agreement dated June 19, 1989, recorded in the Office of the Milwaukee County Register of Deeds on September 28, 1989, as Document No. 6315770 in Reel 2373, Image 1135 to 1156 inclusive; and,

WHEREAS, Paragraph 12 of said agreement provides as follows: "Subdivider agrees to pay the cost of electric energy and maintenance annually for the operation of installed street lights. The cost of electric energy and maintenance shall annually be assessed against the benefited lots by the Village without notice or hearing. The Owner of each benefited lot hereby agrees to pay its equitable and proportionate share of said electric energy and maintenance costs. The assessments shall be allocated on an acreage basis. The determination by the Village Manager of the amount of such assessments shall be final and such assessments shall be collected as a special tax"; and,

WHEREAS, the Village Manager has made a determination of assessments as required by this document, a copy of which is attached hereto, marked "Exhibit A" and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED, by the Village Board of the Village of Brown Deer, that the determination of the amount of assessments made by the Village Manager attached hereto and marked Exhibit "A" is ratified.

BE IT FURTHER RESOLVED, that the assessments are hereby levied as a special tax against each parcel of property in accordance with the provisions of Exhibit "A".

BE IT FURTHER RESOLVED, that the aforesaid charge or special tax shall be paid in one annual installment on or before January 31, 2013.

PASSED and ADOPTED by the Village Board of the Village of Brown Deer this 19th day of November, 2012.

Carl Krueger, Village President

Jill Kenda-Lubetski, Village Clerk

Assessing the Electric Energy and Maintenance
Costs of the N. Kildeer Court - W. Brown Deer Road
Street Lighting System

Resolution No. 12-

WHEREAS, the Village of Brown Deer, J.C. Penney Co., Inc. and Normandale Properties, Inc., entered into a Development Agreement dated July 19, 1979, said agreement having been recorded in the Office of the Milwaukee County Register of Deeds on October 19, 1979, as Document No. 5358205 in Reel 1252, Image 795 to 814 inclusive; and,

WHEREAS, Paragraph 7 of said agreement provides as follows: "The Owners agree to pay the cost of electric energy and maintenance annually for the operation of installed street lights. The cost of electric energy and maintenance shall annually be assessed against the benefited lots by the Village without notice or hearing. The annual assessment assigned to each lot or parcel in this development shall be apportioned on the basis of acreage. The determination by the Village Manager of the amount of such assessments shall be final and such assessments shall be collected as a special tax;" and,

WHEREAS, the Village Manager has made a determination of assessments as required by this document, a copy of which is attached hereto, marked "Exhibit A" and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED, by the Village Board of the Village of Brown Deer that the determination of the amount of assessments made by the Village Manager attached hereto and marked Exhibit "A" is ratified.

BE IT FURTHER RESOLVED, that the assessments are hereby levied as a special tax against each parcel of property in accordance with the provisions of Exhibit "A".

BE IT FURTHER RESOLVED, that the aforesaid charge or special tax shall be paid in one annual installment on or before January 31, 2013.

PASSED and ADOPTED by the Village Board of the Village of Brown Deer this 19th day of November, 2012.

Carl Krueger, Village President

Jill Kenda-Lubetski, Village Clerk

Assessing the Electric Energy and Maintenance
Costs of the Opus North Subdivision
Street Lighting System

Resolution No. 12-

WHEREAS, the Village of Brown Deer and the Opus Corporation entered into a Development Agreement dated October 18, 1982, said agreement having been recorded in the Office of the Milwaukee County Register of Deeds on November 2, 1982 as Document No. 5573736 in Reel 1480, Image 581 to 650 inclusive; and,

WHEREAS, Paragraph 14(b)(3) of said agreement provides as follows: "Developer agrees that the annual cost of electric energy and maintenance for the operation of street lights installed within and immediately adjacent to the Development shall annually be assessed against the benefited lots, not including Outlot 1, by the Village without notice or hearing. The annual assessment assigned to each lot or parcel in the Development shall be apportioned on the basis of acreage. The determination by the Village Manager of the amount of such assessments shall be final and such assessments shall be collected as a special tax"; and,

WHEREAS, the Village Manager has made a determination of assessments as required by this document, a copy of which is attached hereto, marked "Exhibit A" and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED, by the Village Board of the Village of Brown Deer that the determination of the amount of assessments made by the Village Manager attached hereto and marked Exhibit "A" is ratified.

BE IT FURTHER RESOLVED, that the assessments are hereby levied as a special tax against each parcel of property in accordance with the provisions of Exhibit "A".

BE IT FURTHER RESOLVED, that the aforesaid charge or special tax shall be paid in one annual installment on or before January 31, 2013.

PASSED and ADOPTED by the Village Board of the Village of Brown Deer this 19th day of November, 2012.

Carl Krueger, Village President

Jill Kenda-Lubetski, Village Clerk

Assessing the Electric Energy and Maintenance
Costs of the Opus North Subdivision
Street Lighting System

Resolution No. 12-

WHEREAS, the Village of Brown Deer and the Opus Corporation entered into a Development Agreement dated October 18, 1982, said agreement having been recorded in the Office of the Milwaukee County Register of Deeds on November 2, 1982 as Document No. 5573736 in Reel 1480, Image 581 to 650 inclusive; and,

WHEREAS, Paragraph 14(b)(3) of said agreement provides as follows: "Developer agrees that the annual cost of electric energy and maintenance for the operation of street lights installed within and immediately adjacent to the Development shall annually be assessed against the benefited lots, not including Outlot 1, by the Village without notice or hearing. The annual assessment assigned to each lot or parcel in the Development shall be apportioned on the basis of acreage. The determination by the Village Manager of the amount of such assessments shall be final and such assessments shall be collected as a special tax"; and,

WHEREAS, the Village Manager has made a determination of assessments as required by this document, a copy of which is attached hereto, marked "Exhibit A" and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED, by the Village Board of the Village of Brown Deer that the determination of the amount of assessments made by the Village Manager attached hereto and marked Exhibit "A" is ratified.

BE IT FURTHER RESOLVED, that the assessments are hereby levied as a special tax against each parcel of property in accordance with the provisions of Exhibit "A".

BE IT FURTHER RESOLVED, that the aforesaid charge or special tax shall be paid in one annual installment on or before January 31, 2013.

PASSED and ADOPTED by the Village Board of the Village of Brown Deer this 19th day of November, 2012.

Carl Krueger, Village President

Russell Van Gompel, Village Manager/Clerk



REQUEST FOR CONSIDERATION

COMMITTEE:	Village Board
ITEM DESCRIPTION:	Extended Holiday Hour Requests – McDonald's and h.h.Gregg
PREPARED BY:	Matt Janecke, Assistant Village Manager
REPORT DATE:	November 15, 2012
MANAGER'S REVIEW/COMMENTS:	<ul style="list-style-type: none"><input type="checkbox"/> No additional comments to this report.<input type="checkbox"/> See additional comments attached. 
RECOMMENDATION:	Consider the special request from McDonald's and h.h.Gregg for extended holiday hours.
EXPLANATION:	<p>The Village has received two written request from McDonald's and h.h.Gregg for a variance to the Ordinance in Village Code, Chapter 14, Section 14-2, "Business Hours Regulated". Village Ordinance does not allow businesses to operate between the hours of 11:00 p.m. to 6:00 a.m.</p> <p>Please find the attached letter from McDonald's Store Supervisor Steve Johnson requesting to open at 12:00 a.m. on November 23rd (Black Friday). This is the first time McDonald's has made this request and is in response to the number of area retailers opening at the same time.</p> <p>h.h.Gregg Store Manager Duane Panty made a verbal request to me on November 15th to open at 10:00 p.m. on November 22, 2012 (Thanksgiving) and remain open until 9:00 p.m. the following day. h.h.Gregg had an approved request to open at 12:00 a.m. at the November 5th Village Board meeting, and are making this request in response to their competitors being open on Thanksgiving Day.</p> <p>Please contact me with any questions or comments at 371-3052.</p>

Matt Janecke

From: Brenda Ellis <bellis@macpyles.com>
Sent: Tuesday, November 13, 2012 10:42 AM
To: mjanecke@browndeerwi.org
Subject: Brown Deer McDonald's

Mr. Janecke,

We respectfully request permission to open our restaurant early on 11/23/12 for the black Friday customers in the area. We would like to open at midnight. We believe this will be a great opportunity to make available warm drinks, restrooms, and a chance to sit down for those customers out shopping.

Steve Johnson
Supervisor
MacPyle's Corporation
McDonald's



cy 2012 Holiday Hours

8/27/2012

THURSDAY	11/22	Open at 10pm
FRIDAY	11/23	Close at 9pm
SATURDAY	11/24	9am - 10pm
SUNDAY	11/25	10am - 8pm
MONDAY	11/26	10am - 10pm
TUESDAY	11/27	10am - 10pm
WEDNESDAY	11/28	10am - 10pm
THURSDAY	11/29	10am - 10pm
FRIDAY	11/30	10am - 10pm
SATURDAY	12/1	10am - 10pm
SUNDAY	12/2	10am - 8pm
MONDAY	12/3	10am - 10pm
TUESDAY	12/4	10am - 10pm
WEDNESDAY	12/5	10am - 10pm
THURSDAY	12/6	10am - 10pm
FRIDAY	12/7	10am - 11pm
SATURDAY	12/8	10am - 11pm
SUNDAY	12/9	10am - 8pm
MONDAY	12/10	10am - 10pm
TUESDAY	12/11	10am - 10pm

WEDNESDAY	12/12	10am - 10pm
THURSDAY	12/13	10am - 10pm
FRIDAY	12/14	10am - 11pm
SATURDAY	12/15	9am - 11p
SUNDAY	12/16	10am - 9pm
MONDAY	12/17	10am - 10pm
TUESDAY	12/18	10am - 10pm
WEDNESDAY	12/19	10am - 10pm
THURSDAY	12/20	8am - 11pm
FRIDAY	12/21	8am - 11pm
SATURDAY	12/22	8am - 11pm
SUNDAY	12/23	8am - 11pm
MONDAY	12/24	8am - 7pm
TUESDAY	12/25	CLOSED
WEDNESDAY	12/26	9am - 10pm
THURSDAY	12/27	10am - 10pm
FRIDAY	12/28	10am - 10pm
SATURDAY	12/29	10am - 10pm
SUNDAY	12/30	10am - 8pm
MONDAY	12/31	10am - 8pm
TUESDAY	1/1	10am - 9pm