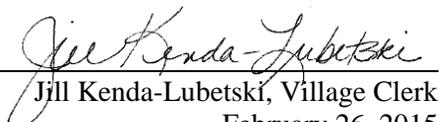


VILLAGE BOARD MEETING
Monday, March 2, 2015
Earl McGovern Board Room, 6:30 P.M.



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: February 16, 2015 Regular Meeting
- V. Unfinished Business
- VI. New Business
 - A) Resolution No. 15-, "Resolution Approving the Amended Project Plan for Tax Incremental District No. 2"
 - B) Amendment to the Operational Development Agreement with Deerbrook Commons LLC for a Sign at Goodwill, 9305 North Green Bay Road
 - C) Supplemental Development Agreement with Hearts and Minds Childcare for Extended Hours of Operation at 5051 West Bradley Road
 - D) Ordinance No. 15-, "An Ordinance Amending Subpart B, Chapter 121, Article II & Article III, Sections 121-66, 121-96 and 121-97 of the Brown Deer Village Code Pertaining to Enforcement and Civil Damages"
- VII. Village President's Report
- VIII. Village Manager's Report
- IX. 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.
 1. Administrative Organization
- X. Reconvene into Open Session for Possible Action on Closed Session Deliberations
- XI. Adjournment


Jill Kenda-Lubetski, Village Clerk
February 26, 2015

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
FEBRUARY 16, 2015 MEETING MINUTES
HELD AT THE BROWN DEER VILLAGE HALL
4800 WEST GREEN BROOK DRIVE**

The meeting was called to order by President Krueger at 6:30 P.M.

I. Roll Call

Present: Village President Krueger; Trustees: Awe, Baker, Boschert, Oates, Schilz, Springman

Also Present: Michael Hall, Village Manager; Jill Kenda-Lubetski, Village Clerk; John Fuchs, Village Attorney; Matthew Maederer, Director of Public Works; Michael Kass, Chief of Police; Susan Hudson, Treasurer/Comptroller; Erin Hirn, Assistant Village Manager; James Buske, Village Engineer and GIS Manager; Jonathan Schmitz, Lieutenant – Brown Deer Police Department; Bradley D. Viegut, Managing Director of Robert W. Baird

II. Pledge of Allegiance

III. Persons Desiring to be Heard

Chief Kass recognized Kristine Rapp for her act of kindness rendered on November 22, 2014.

Mr. Hall introduced Ann Christiansen, the new North Shore Health Department Director.

Mr. Hall introduced Erin Hirn, the new Assistant Village Manager.

IV. Consideration of Minutes: February 2, 2015 - Regular Meeting

It was moved by Trustee Oates and seconded by Trustee Boschert to approve the minutes from the February 2, 2015 Regular Meeting, as amended. The motion carried unanimously.

V. Unfinished Business

VI. New Business

A) Initial Resolution Authorizing \$1,410,000 General Obligation Promissory Notes for Land Assembly

Mr. Hall stated that this resolution will give the Village the authorization to purchase the bonds for the street lighting project.

Brad Viegut, Managing Director of Robert W. Baird Co., Inc. offered a structuring of the bond life. He also said that he was in attendance to answer any questions about issuing the bonds.

Trustee Oates wanted to know how many bidders there were for this project; what is the climate since last presentation; and what other competing markets are also bidding?

Mr. Viegut stated rates currently are at what they were at in mid-December (2.55%). He guesstimates the rate will be between 2.40-2.50%. He reviewed the payment schedule with the first payment being due in 2016 and the final payment made in 2022. He said he will be attending the Village Board meeting on March 16, 2015 for the final bond resolution.

It was moved by Trustee Baker and seconded by Trustee Schilz to approve the Initial Resolution Authorizing \$1,410,000 General Obligation Promissory Notes for Land Assembly. The motion carried 6-0, with Trustee Awe abstaining.

B) Resolution Providing for the Sale of \$1,410,000 of General Obligation Promissory Notes

Mr. Hall stated that this resolution is a formality and continuation of providing for the sale and approval of the bonds.

It was moved by Trustee Springman and seconded by Trustee Oates to approve the Resolution Providing for the sale of \$1,410,000 of General Obligation Promissory Notes. The motion carried 6-0, with Trustee Awe abstaining.

C) All-Ways Contractors – Badger Meter Park Development (re-bid)

Mr. Buske stated this is the third time this project went out for bid. All of the bids from the first two bids were rejected. He stated more money was added to the budget for this project, coupled with the \$40,000 Badger Meter grant, plus the \$25,000 grant from MMSD, for a total of \$265,000 available in funds for this project in 2015. He reported that the project was scaled back plus some additional funds were made available in the budget. All-Ways' bid was \$220,000, with a remaining balance of \$45,000. The balance would be utilized by the contractor for the base bid and alternate bid and a canoe/kayak launch manufactured by EZ Dock company,

The question was asked, do we really need a bathroom? Mr. Maederer stated that we could grade out for it and at some time erect a pavilion, similar to what is at Village Park. A discussion ensued regarding the placement of a port-a-john with screening. The Village of River Hills does not have any type of facilities on their side of the river. The discussion included the addition of walking paths.

Trustee Schilz wanted to know how people will know where this is. Mr. Maederer responded that we will need to add an entry way park sign.

Trustee Schilz wanted confirmation that there will only be one entrance to the area. Mr. Hall responded that there will only be one entrance and proper signage will be installed at appropriate places to identify the entrance.

Trustee Schilz wanted to know if the area will be fenced. Mr. Maederer stated that due to erosion control, there will be no fencing.

Trustee Awe wanted to know if the area is going to be plowed in the winter. Mr. Maederer stated that they will need to monitor the parking situation to see if it becomes a winter destination. The area will be plowed in the winter, but no salt will be applied in the area.

President Krueger wanted clarification that there will be no family picnics or gatherings. Mr. Maederer confirmed that this is not a park, just a canoe/kayak launch. It is basically going to be an open area with a shelter. Mr. Maederer said the area will need to be monitored to see how it all evolves, how much usage, frequency, length of time, etc.

President Krueger wanted to know if this was a permanent launch. Mr. Maederer stated that it was not and it will be removed in the winter by the DPW.

Trustee Boschert questioned if the launch would be left on-site when it is not in use.

Trustee Oates asked what type of materials the launch will be made of. Mr. Maederer and Mr. Buske stated wood with steel railings.

Trustee Awe wanted to know if there would be rentals of canoes and kayaks available. Mr. Maederer stated that there will not be any type of rentals as this would be a private business venture. Mr. Hall

stated that the YMCA and Audubon Society both offer a tour of the Milwaukee River.

Mr. Maederer stated that nothing is official and what we currently have just evolved, but there could be more in the future. This is a Village-owned parcel. The Park & Recreation Committee approved this project in 2014.

Trustee Baker opined that he does not believe it would be beneficial to have a port-a-john at this location.

Trustee Schilz questioned if there is a fence with handrail at street level on the east side. Mr. Maederer stated there is a split rail barrier as the slope is so steep from that point of the sidewalk. It is to prevent people from falling down the hill.

Trustee Schilz asked if fishing would be allowed. He stated he sees people fishing on the Rivers Hills side of the river.

Trustee Boschert wanted to confirm that the base bid is for the asphalt and landscaping, the alternate bid is for walking paths, landscaping, asphalt, trees, wildflowers, etc.

Trustee Boschert wanted to confirm that the CIP for this project was \$200,000 designated for this project, plus \$40,000 from Badger Meter, plus \$25,000 from MMSD = \$265,209.

Trustee Oates wanted to know who the other bidders were. Mr. Buske responded that Vinton Construction and Pablocki Paving.

Trustee Oates wanted to know if the Village checked the references of All-Ways Contractors. Mr. Maederer stated they did the Dean Road project. Mr. Buske noted that All-Ways is an off-shoot of Payne & Dolan.

Trustee Schilz inquired if the biking trail will be paved with asphalt. He also asked about signage so that people would know about the area and where it is located. Mr. Maederer stated the bike trail and parking path will be paved. There will also be signage placed to the east of the area.

It was moved by President Krueger to approve the Badger Meter Park Development in an amount not to exceed \$265, 209. President Krueger withdrew his initial motion and amended his motion to award and approve a contract with All-Ways Contractors – Badger Meter Park Development (re-bid) as submitted and not to exceed the budgeted amount of \$265,209. The amended motion was seconded by Trustee Boschert. The motion carried unanimously.

Trustee Boschert questioned with the cost of grading, has any thought been given to just leave the parking area as gravel. Mr. Maederer stated that leaving the area as just gravel is not desired. He said having the area as gravel would be high maintenance and require more work from his department to maintain the area.

Trustee Oates inquired if these plans have been presented to the Beautification Committee. Mr. Maederer stated that it had not been presented to the Beautification Committee but will be in the future.

D) Contract Award to Vinton Construction Company – West Bradley Road

Mr. Maederer stated that due to the deterioration of West Bradley Road from North 51st Street to North Sherman Boulevard, the Village will be reconstructing the road with new asphalt and concrete curb and gutter in 2015. He stated a public information meeting was held in August 2014. He stated the deteriorated concrete, curb and gutter will be removed and the road will be re-graded having the same overall width; however, the number of lanes in each direction will be reduced down to one (1). A new

bicycle lane in each direction will be added. The new center median will include bioretention basins for stormwater management purposes. He stated funds were received through a 100% grant reimbursement program from MMSD (\$330,000) and the DNR (\$150,000). He said Milwaukee County was approached regarding resurfacing the intersection to North Sherman Boulevard.

Trustee Boschert asked if Milwaukee County approved partnering with the Village on this project.

Mr. Maederer said the Director of Transportation for Milwaukee County would like to participate with the Village. He said the Milwaukee County Board will need to approve the project. A contract will be drafted (similar to the County Line Road project) between the Village of Brown Deer and Milwaukee County. The Finance and Public Works Committee did not meet in February; therefore, they did not review the plans or bids.

Trustee Schilz inquired if Milwaukee County considered any reconfiguration of the intersection. Mr. Maederer stated the Teutonia/Bradley Road project is slated for 2017/2018.

Mr. Maederer stated we received a total of five bids, all with good prices. Vinton Construction Company will crush up the old concrete. Payne & Dolan will do the asphalt. A majority of the workers will be the same crew as who worked on the Dean Road project last summer. There were minimal complaints received from the public; it was all a positive feedback. He also stated that the landscaping is scaled back on the ditch.

Trustee Schilz inquired if plantings were included for the medians. Mr. Maederer stated there would be seeding done in the area but no plugs.

Trustee Springman questioned the completion dates and how does the Village make sure the contractor stays on schedule? He said we have had problems in the past with other projects and meeting the timeline. Mr. Maederer stated they are charged \$200/day if they do not meet the timeline.

A discussion ensued regarding the landscaping, maintenance, mobilization, the number of lanes on 51st Street and a contingency fund.

It was moved by Trustee Awe and seconded by Trustee Schilz to award a contract to Vinton Construction Company for the West Bradley Road Reconstruction Project. The motion carried unanimously.

E) Contract Amendment No. 2015-01 with Ayres Associates – West Bradley Road

Mr. Maederer stated that part of the Bradley Road reconstruction project included the professional services of Ayres Associates for on-site construction administration and staking services. The Village currently has a master contract with Ayres which establishes the rates for engineering and survey services. Mr. Maederer stated it is tough to estimate and that our contract with Ayres is hourly not a lump sum contract. He is proposing a contract amendment with Ayres for the Bradley Road Construction Administration and Staking Services.

It was moved by President Krueger and seconded by Trustee Boschert to approve Contract Amendment No. 2015-01 with Ayres Associates – West Bradley Road project. The motion carried unanimously.

F) Approval of the GSSISS Funding Agreement

Mr. Maederer stated the Village has been allocated \$25,209 in funding from MMSD's Green Solutions for Separate Infrastructure & Storm Separation (GSSISS) program.

The Village needed to submit a project by the end of 2014. Mr. Maederer submitted the River Park

(Badger Meter Park) project. All of the funding must be utilized on Village owned land. Trustee Oates wanted to know who will provide the items requested in the proposed funding agreement. Mr. Maederer stated he will be responsible for coordinating the project with MMSD.

A discussion ensued regarding the project going on land owned by the Village so that we get the funding and the Village is responsible for maintaining the project area upon completion.

It was moved by Trustee Boschert and seconded by Trustee Schilz for the Approval of the GSSISS Funding Agreement. The motion passed unanimously.

G) 2014 Year End Financial Reports

Ms. Hudson stated the report includes what has been receipted in and paid out as of December 31, 2014. She said that the report shows expenditures that are \$33,000 under budget. She said these are preliminary numbers for 2014, and a final report will be provided in June after the official Village audit in April.

H) Consideration of December 2014 and January 2015 Vouchers

The Finance and Public Works Committee did not meet in February due to lack of a quorum. The Finance and Public Works Committee did not meeting in the month of January due to not having any items to place on the agenda. Therefore, the vouchers are being brought to the Village Board for consideration.

President Krueger asked Ms. Hudson if there were any extraordinary expenses during this time.

Ms. Hudson stated there were none.

It was moved by President Krueger and seconded by Trustee Oates to approve the vouchers for December 2014 and January 2015. The motion carried unanimously.

VII. Village President's Report

Village President Krueger reported on the following:

- No North Shore Fire Department meeting this month. The next meeting will be held in March.
- He did not attend the ICC meeting this month.

VIII. Village Manager's Report

Village Manager reported on the following:

- The Village is working with John Schlueter on the American TV property. Mr. Schlueter has found a buyer for the property that he will be meeting with on Wednesday. The buyer will occupy the entire building but does not want the entire lot. Outlots may be developed into other businesses.
- Two weeks ago, President Krueger and several employees attended a webinar presented by the League of Wisconsin Municipalities on changing the property tax assessment process from a municipality-based system to a county-based system; moratorium on using the Stewardship Fund to make land acquisition purchases; the DOT not requiring sidewalks, the DOT not requiring beautification.
- The Joint Review Board met to amend TIF District #2
- State Representative Dan Knodl will be hosting a listening session on March 12, 2015 at the Dolan Community Center from 5:30-7:00 p.m.

Trustee Baker asked what was going on with the Bradley Village Dental property on Bradley Road. The entire building where Dr. Newman has his practice is up for sale.

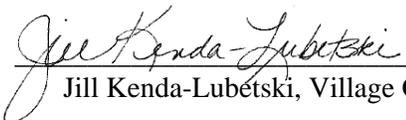
Trustee Baker asked if there was an update on the Sterling True Value Hardware store. He stated the For Sale sign came down today.

Trustee Boschert inquired if sidewalks would be required on 60th Street, if proposed legislation passes.

Trustee Schilz inquired about the porta-a-john located at 60th & Cloverleaf.

IX. Adjournment

It was moved by Trustee Springman and seconded by Trustee Awe to adjourn at 8:01 p.m. The motion carried unanimously.



Jill Kenda-Lubetski, Village Clerk

Resolution Approving the Amended Project Plan
for Tax Incremental District No. 2

Resolution No. _____

WHEREAS, blight conditions exist in the portion of the Village of Brown Deer, Wisconsin (the "Village") described on Exhibit A hereto (the "Amended Project Area"); and

WHEREAS, those conditions could be alleviated by the creation and implementation of a tax incremental district pursuant to Section 66.1105 of the Wisconsin Statutes based on information provided by Village staff; and

WHEREAS, more than 50% of the area of the proposed Amended Project Area has been determined by the Village's Plan Commission to be a "blighted area" as defined in Sections 66.1105(2)(a) and 66.1333(2m)(9b) of the Wisconsin Statutes based on information provided by Village staff; and

WHEREAS, the Village Board has determined that the elimination and prevention of blight areas in the Village is in the best interest of the Village and will benefit the Village by promoting public health, safety, and welfare and by increasing the Village's tax base and the number of jobs available in the Village; and

WHEREAS, the Village Board has also determined that it is necessary and desirable to alter the existing Tax Incremental District No. 2 Project Plan for the Amended Project Area in accordance with the provisions of Section 66.1335 of the Wisconsin Statutes in order to carry out blight elimination projects in the Amended Project Area; and

WHEREAS, on February 10, 2015, the Plan Commission held a public hearing at which all interested parties were afforded a reasonable opportunity to express their views on the proposed creation of the tax incremental district and the proposed boundaries of the district and the Amended Project Plan attached as Exhibit B, and following the public hearing, adopted the Amended Project Plan and submitted it to this Village Board; and

WHEREAS, the Amended Project Plan includes (a) a statement listing the kind, number and location of all proposed public works or improvements within the tax incremental district; (b) an economic feasibility study; (c) a detailed list of estimated project costs; (d) a description of the methods of financing all estimated project costs and the time when the costs or monetary obligations related thereto are to be incurred; (e) a map showing existing uses and conditions of real property in the district; (f) a map showing proposed improvements and uses in the district; (g) proposed changes in zoning ordinances, the Village's master plan, map, building codes or ordinances; (h) a list of estimated nonproject costs; (i) a statement of the proposed method for the relocation of any persons being displaced; (j) a statement indicating how creation of the district promotes orderly development of the Village and (k) a legal opinion advising that the Project Plan is complete and complies with Section 66.1105 of the Wisconsin Statutes; and

WHEREAS, the Amended Project Plan has been presented to this Village Board and reviewed by counsel to the Village; and

WHEREAS, the Amended Project Plan will promote the elimination of blight in the Village; and

NOW, THEREFORE, be it resolved by the Village Board of the Village of Brown Deer, Wisconsin, that:

Section 1. Feasibility of the Amended Project Plan. Based on the information set forth in the Amended Project Plan, including the economic feasibility report which is part of the Amended Plan, this Village Board finds that the Amended Project Plan is feasible.

Section 2. Conformity with the Master Plan. The Amended Project Plan is in conformity with the master plan of the Village.

Section 3. Approval of the Amended Project Plan. The Amended Project Plan is approved pursuant to Section 66.01105(4)(g) of the Wisconsin Statutes as the amended project plan for proposed Tax Incremental District # 2 of the Village pursuant to Sections 66.1335 and 66.1133(6) of the Wisconsin Statutes.

PASSED AND ADOPTED by the Village Board of the Village of Brown Deer, this _____ day of _____, 2015.

Carl Krueger, Village President

Jill Kenda-Lubetski, Village Clerk



AMENDED TAX INCREMENTAL FINANCE DISTRICT NO. 2
PROJECT PLAN

Date to be inserted on final approval

Prepared By:

Community Services Department

Village of Brown Deer
4800 West Green Brook Drive
Brown Deer, WI 53223

Village Board

| | |
|----------------|-------------------|
| Carl Krueger | Village President |
| Terry Boschert | Trustee |
| Jeff Baker | Trustee |
| Jaime Awe | Trustee |
| Bob Oates | Trustee |
| Gary Springman | Trustee |
| Tim Schilz | Trustee |

Community Development Authority

| | |
|---------------------|---------|
| Carl Krueger | Chair |
| Tim Schilz | Trustee |
| Claude Williams Jr. | Member |
| John Coons | Member |
| Ron Kunding | Member |
| Ted Wagner | Member |

Plan Commission

| | |
|-------------------|--------------|
| Carl Krueger | Chair |
| Tim Schilz | Trustee |
| Jeff Baker | Trustee |
| Susan Bellehumeur | Commissioner |
| Dan Bednar | Commissioner |
| Bill Hoffmann | Commissioner |
| Al Walters | Commissioner |
| Ryan Schmitz | Commissioner |
| Jeff Jaroczynski | Commissioner |

Village Staff

| | |
|-----------------|--------------------------------|
| Michael Hall | Village Manager |
| Nate Piotrowski | Community Development Director |

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Attachments

| | |
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| Map #1 | Project Area Boundaries |
| Map #2 | Existing Zoning |
| Map #3 | Parcels with Key Numbers |
| Map #4 | Proposed Land Uses and Conditions |
| Map #5 | Aerial Map |
| Map #6 | Public Infrastructure Improvements |

| | |
|---------------|-----------------------------|
| Attachment #1 | Cash Flow Proforma Analysis |
| Attachment #2 | Attorney Opinion Letter |

I. AMENDED PROJECT PLAN INTRODUCTION

In January 1995 the Village of Brown Deer created Tax Incremental Financing (TIF) District #2. This district was developed pursuant to Wisconsin Statutes 66.1105 to create a viable procedure by which the Village, through its own initiative and efforts, may finance projects which will tend to accomplish the promotion of development and redevelopment. This amended project plan has been prepared by the Village of Brown Deer Plan Commission pursuant to the requirements of Wisconsin Statutes Section 66.1105 to address an additional area immediately adjacent to the existing TIF district boundaries which is in need of redevelopment.

The amended project plan is intended to serve as a general framework or guide for development within the amended area. The plan designates the boundaries of the amended project area, and includes an existing land use map which designates the general distribution and location of the various categories of land uses within the project area.

II. APPROVAL PROCESS

State statutes are very specific as to how a TIF district and project plans are amended. First, an Amended TIF project plan is developed and presented by the Plan Commission for a formal public hearing. The Commission makes a recommendation on the Amended TIF project plan to the Village Board. The Board then must pass a resolution adopting the Amended TIF project plan and establish the Amended TIF boundaries. Finally, a Joint Review Board (JRB) is created with members from the Village, school district, county, technical college district, and one member at large. The Joint Review Board reviews the Amended TIF Project Plan and public hearing comments and approves the creation of the Amended TIF district.

Documentation of all resolutions, notices, and minutes can be found as attachments to this Amended Project Plan. Below is a schedule for the approval and implementation of TIF DISTRICT #2 AMENDED PROJECT PLAN.

| | |
|-------------------|---|
| December 15, 2014 | The Brown Deer Village Board met and directed the Plan Commission to prepare and review a draft project plan and preliminary boundaries for a new TIF, which, upon further review, was determined best served by amendment to existing TIF #2 |
| January 15, 2015 | Published Class 2 notice for Public Hearing at Plan Commission, with notification to all affected property owners and taxing authorities, about the draft amended project plan and preliminary boundaries. |
| February 5, 2015 | Organizational meeting of the Joint Review Board (JRB) held. |
| February 10, 2015 | Plan Commission reviewed draft amended project plan with public hearing and made recommendation to the Village Board. |
| March 2, 2015 | Village Board reviewed amended draft project plan and adopted a resolution establishing the project plan. |
| March 10, 2015 | JRB final meeting held. |

As required by Wisconsin Statutes Section 66.1105 (5)(b), a copy of the amended project plan will be submitted to the Wisconsin Department of Revenue and used as a basis for the certification of Amended TIF District #2.

III. JOINT REVIEW BOARD

The AMENDED TIF DISTRICT #2 project plan was reviewed and approved by a Joint Review Board (JRB) as required by Wisconsin Statutes, consisting of:

| Governmental Body | Representative |
|---|-----------------------|
| Village of Brown Deer | Carl Krueger |
| Brown Deer School District | Dr. Deb Kerr |
| Milwaukee County | Teig Whaley-Smith |
| Milwaukee Area Technical College District | Al Shoreiba |
| At-Large | John Coons |

The JRB held its organizational meeting on February 5, 2015, at which members voted to accept Gayln Bennett as the At-Large Member and Carl Krueger as the JRB Chairman.

The final meeting was held on March 10, 2015. The JRB approved the Village's creation of AMENDED TIF DISTRICT #2.

IV. PLAN OBJECTIVES

TIF District #2 is being amended to eliminate blight and stimulate the redevelopment of the former Lighthouse assisted living facility at 7909-11 N. 47th Street and the former Algonquin School lands. These parcels are either vacant, underutilized or characterized by outmoded buildings and dated development patterns that are stand-alone in nature, meaning there is little, if any, functional integration or interaction between adjacent development sites, creating an environment that lacks community appeal, economic vitality, sustainability and character.

To achieve the goals outlined in the above paragraph, the Amended Project Plan includes the following objectives:

1. To eliminate blight by providing appropriate financial incentives to encourage private redevelopment efforts.
2. To diversify the Village's residential housing stock by adding new styles and types of single and multiple family dwellings while enhancing the Village's residential tax base.
3. To eliminate blight by the acquisition of dilapidated structures and the relocation of non-compatible business uses.
4. To enhance the viability of businesses and uses in the area.

5. To improve the overall appearance of public and private spaces through streetscape, community identity, and traffic and accessibility improvements.
6. To increase the retention of existing businesses and the attraction of compatible new businesses.
7. To reduce the risk to the taxpayers by timing the implementation of the Amended Project Plan with the creation of additional property value.
8. To enhance the cohesiveness of mixed uses within the district, blending boundaries, maximizing modes of transportation, and retaining and cultivating preserved lands.

V. BOUNDARIES

Prior to considering the specific area to include, the Plan Commission, pursuant to Wisconsin State Statutes, established criteria to act as a guideline in their work. The boundary criteria for a TIF district created to eliminate blight includes the following:

1. The aggregate equalized value of taxable property in the TIF district plus value increment of all other TIF districts do not exceed 12% of the total equalized value of taxable property in the Village.
2. A minimum of 50 percent, by area, of the additional property in the amended TIF district must be a blighted area.
3. All lands within the TIF district shall be contiguous.
4. Property standing vacant for an entire 7-year period preceding the creation of the TIF district may not comprise more than 25% of the area in the TIF district.

The proposed amended TIF District #2 meets all of these criteria.

Amended TIF District #2 comprises approximately 12.10 acres and is predominantly vacant land uses. The boundaries of TIF District #2 along with the amended parcels are shown on Map #1.

Amended TIF DISTRICT #2 Area

| | |
|--|-------------|
| Amended Area of Real Property (parcels) | 12.09 acres |
| Amended Right-of-Way | .01 acres |
| Amended Blighted Property | 12.09 |
| Amended Blighted Area for Redevelopment | 12.09 |
| Amended Vacant Parcels* | 9.20 |
| Amended Area Zoned and Suitable for Business | 2.89 |

(* The School District property parcel is presently vacant and while it is more than 25% of the area of the Amended TIF, the vacancy has been less than seven years within the meaning of Section 66.1105(4)(gm)1.)

The Amended TIF District #2 includes lands located within the Village of Brown Deer bounded by N. 47th Street on the East, Milwaukee County’s Algonquin Park on the West, private property including Brown Deer Lanes on the North and W. Parkland Avenue on the South (Map #1). Map #2 shows the zoning of the amended property, and Map #3 shows the parcel numbers which are keyed to the amended parcel list below.

| 2014 Taxpayer | | Address | | | 2014 Assessment | | | Vacant / Vacancies | Blighted |
|---------------------------------------|-------|---------|----------------------------|--------------|-----------------|-------------|-----------|-----------------------|----------|
| Name | Acres | # | Street | Key # | Land | Improvement | Total | | |
| Milwaukee County | .03 | 0 | N. 48 th Street | 085-0239 | 0 | 0 | 0 | * | * |
| School District of Brown Deer | 9.17 | 7841 | N. 47 th Street | 085-9954 | 0 | 0 | 0 | * | * |
| New Perspectives Real Estate Holdings | 2.89 | 7909-11 | N. 47 th Street | 085-9952-001 | 218,100 | 879,700 | 1,097,800 | | * |

VI. EXISTING ZONING AND LAND USES

Existing land uses and the conditions of real estate are shown on Map #2. Existing uses within the project area include community based residential. Zoning districts within the project area are PD – Planned Development and R3-Single Family residential.

Existing development within the project area includes the Lighthouse assisted living facility and two vacant parcels.

The existing development is stand-alone in nature, meaning there is little, if any, functional integration or interaction between the separate development sites, creating an environment that lacks community appeal, economic vitality and sustainability and character.

VII. STATEMENT OF KIND, NUMBER AND LOCATION OF PROPOSED PUBLIC WORKS AND IMPROVEMENTS WITHIN THE DISTRICT AND WITHIN A HALF MILE THEREOF

TIF District #2 is amended primarily to eliminate blight and rehabilitate and conserve the impacted area as authorized by Wisconsin Statutes Section 66.1105, to provide greater employment opportunities, to broaden the property tax base and to relieve the tax burden of residents and home owners. In order to attain such results, the Village contemplates engaging in public expenditures which it deems "project costs" within the area of the district and within an area up to one half mile surrounding said district for the benefit of the district. Due to their designation as project costs, the following expenditures will be eligible to be paid from tax incremental revenue produced from the TIF District #2.

A. Municipal Infrastructure Improvements

- Construction of streets to facilitate development within the District. Scope of work shall include right of way acquisition, land assembly, grading, gravel, curb and gutter, asphalt, street lights, traffic signals, walkways, paving, lighting, and related appurtenances.

- Demolition, removal or razing of existing structures. Projects may include environmental cleanup and studies, and the relocation of utilities, signs, fencing, powerlines and other related activities.
- Construction of a sanitary sewer collection system. Project may include sewer mains, manholes, laterals, force main, and related appurtenances,
- Construction of water distribution mains. Projects may include valves, hydrants, service connections, laterals and other related appurtenances,
- Construction of storm water drainage facilities. Projects may include detention basins, storm sewer pipe, manholes, inlets, drains and related appurtenances,
- Installation of electric and/or natural gas service. Acquisition of equipment to service the District.
- Improved access to Milwaukee County’s Algonquin Park via new sidewalks, paths and roadways along with improved infrastructure and equipment.

The location of these municipal infrastructure improvements are shown on Map #6.

B. Imputed Administrative Costs

Including, but not limited to, a portion of the salaries of the Village employees and Elected Officials, professional fees, and others directly involved with the projects over the expenditure period.

C. Organization Costs

Including, but not limited to, publication and printing costs in connection with this Plan as well as the fees for the financial consultants, attorney, engineers, planners, surveyors, map makers, and other contracted services.

D. Land Assembly and Real Estate Acquisition

Including, but not limited to, the costs of titles, easements, appraisals, consultant fees, closing costs, surveying and mapping, and the lease and/or the sale of property at or below market price to encourage or make feasible an economic development project, less all revenues received from the sale or lease of interests in property.

E. Relocation Costs

Including, but not limited to, the cost of a relocation plan, director, staff, publication, appraisals, title searches and relocation benefits as required by Wisconsin Statutes 32.19 through 32.195.

F. Financing Costs

Interest, finance fees, bond discounts, bond redemption premiums, bond legal opinions, credit ratings, capitalized interest, bond insurance and other expenses related to financing. This would also include reimbursement of principal and interest to the Village using surplus TIF revenues in later years to offset up-front principal and interest payments made with Village funds.

G. Contributions

Contributions made to the CDA under Wisconsin Statutes Section 66.1333(13) in connection with the implementation of this Project Plan.

H. Discretionary Payments

Any payments made, in the discretion of the Village Board, which are found to be necessary or convenient to the creation of the amended TIF District #2 or the implementation of this Project Plan. These payments would include certain development incentives to be negotiated on a parcel by parcel basis in order to attract new taxable property into the District.

I. Contingency Amounts

Reasonable contingency amounts with respect to all project costs noted above to provide for cases of project costs in any category above being higher than estimated.

J. Promotion and Development

Promotion and Development of the Amended TIF District #2 including professional services for marketing, recruitment, Realtor commissions and fees in lieu of commissions, marketing services and materials, advertising costs, administrative costs and support of development organizations are all eligible costs under this section.

VIII. DETAILED LIST OF ESTIMATED PROJECT COSTS

In order to determine the economic feasibility of the proposed Amended TIF District #2, total project costs must be estimated and compared to the projected tax increments that will be generated by the new development in the TIF District. Based on 2014 construction costs, Amended TIF District #2 improvement costs are estimated as follows:

| Brown Deer Amended TIF DISTRICT #2 Planned Project Costs | |
|---|-----------------------|
| Proposed Improvements | Total TIF Cost |
| A. Municipal and Park Infrastructure Improvements | \$1,650,000 |
| B. Imputed Administrative Costs | \$0 |
| C. Organization Costs | \$0 |
| D. Land Assembly and Real Estate Acquisition | \$1,350,000 |
| E. Relocation Costs | \$0 |
| F. Financing Costs | \$397,324 |
| G. Contributions | - 0 - |
| H. Discretionary Payments | \$0 |
| I. Contingency | \$100,000 |
| J. Promotion and Development | \$0 |
| TOTAL TIF PROJECT COSTS | \$3,497,324 |

The total of estimated Amended TIF project cost increases are \$3,497,324. Since some of the project costs will be incurred before TIF revenues may be collected, the Village may have to finance the negative TIF fund balance through borrowing. Based on the worst case development scenario, the borrowing will add an additional \$397,324 in TIF financing costs, bringing the total estimated Amended TIF District #2 project cost increases to \$3,497,324. Interest on the obligations issued to pay project costs will also be payable from TIF revenues. All project costs and borrowing estimates are based on the most current data available in December, 2014 and may be adjusted without modification or amendment of this Amended TIF District #2 Project Plan.

The actual dates of land acquisition and construction will be contingent on the commitment of private redevelopment projects to build new buildings or renovate existing buildings that will generate sufficient tax increments over the life of the TIF district to cover the TIF project costs.

IX. ECONOMIC FEASIBILITY AND METHODS OF FINANCING

In order to evaluate the economic feasibility of the TIF, it is necessary to project the amount of tax incremental revenue that can reasonably be generated from the district. The ability of the municipality to finance proposed projects must also be determined. Amended TIF District #2 is economically feasible if the tax incremental revenue projected to be generated over the life of the district is sufficient to pay all project and financing costs incurred during the TIF districts' expenditure period. The components of such an analysis include:

- A. The expected increase in property valuation due to inflation and the impact of general economic conditions on the TIF district.
- B. The expected increase in property valuation due to new development encouraged by the TIF district.
- C. Any change that may take place in the full value tax rate.

Following is a discussion of these components. Financing issues are discussed in the next section.

Inflation

The inflation rate, for the purpose of making projections of equalized value, will be 0.5%. Inflation for purposes of projecting future project costs is assumed to be 0.5%.

Increase in Property Value

Amended TIF District #2 contains a total of approximately 12.09 acres of net real property (excluding street and right-of-ways of approximately 0.01 acres). Due to the expenditures made under the previous section, the Village feels that approximately 12.09 acres of this net real property will be suitable to attract additional residential and commercial development.

Redevelopment will create increased property valuation. The increase in property valuation is estimated from the following projects. Other improvements and redevelopment projects, which were not anticipated at the time this Project Plan was prepared, may occur within the TIF District.

- 1) Lighthouse Redevelopment site
\$1,500,000 additional value; expected to occur in 2017-2019.
- 2) Algonquin School Redevelopment site
\$4,000,000 additional value; expected to occur in 2017-2022.

(Note: The increase in the potential valuation generated from the vacant and blighted sites can be projected based on estimates from potential redevelopment scenarios, using conservative projections of available housing units, commercial square footage and market costs.)

Full Value Tax Rate

The third variable to consider in projecting TIF revenues is the full value tax rate. The full value tax rate is adjusted annually based on property valuation and the amount of funds required by all taxing jurisdictions to support their adopted annual budgets. The following chart summarizes the historic full value tax rate in the Village between 2008 and 2014.

| Village of Brown Deer Equalized Full Value Property Tax Rate & Equalized Values | | |
|--|-------------------------|------------------------------|
| Levy Year | Tax Rate/\$1,000 | Total Equalized Value |
| 2008 | 25.52 | 1,144,172,900 |
| 2009 | 26.75 | 1,128,003,400 |
| 2010 | 28.07 | 1,074,804,200 |
| 2011 | 29.50 | 1,038,140,200 |
| 2012 | 31.69 | 962,776,000 |
| 2013 | 32.83 | 927,162,600 |
| 2014 | 31.53 | 942,430,400 |

Revenue Conclusions

Utilizing an average inflation rate of 0.5% percent, projected construction increment of \$1,500,000, and an initial full value rate of \$31.53 which is projected to remain the same, the projected TIF revenue from Amended TIF District #2, as shown on Attachment #1 is expected to be \$8,136,759, of expenditures recovered within seven years.

Financing Methods

An important aspect to consider in assessing the economic feasibility of Amended TIF District #2 is the ability of the Village to finance desired projects to encourage development. Financial resources available to the Village include general obligation notes and bonds, revenue bonds, CDA revenue bonds, special assessments, and federal and state community development programs. Additionally, a Community Development Authority may finance project costs within a TIF District and the Village may apply TIF revenue to the CDA to service the debt incurred to finance eligible projects within the TIF District.

General obligations of the Village are limited by state law to five percent of the equalized property value. The Village has a current total debt capacity of \$47,121,520 and \$23,597,849 in existing General Obligation debt. Using this data, the current remaining debt capacity is \$23,523,671. Not all anticipated project costs will need to be financed by borrowing. For example, TIF administration costs will be relatively small on an annual basis and can be paid out of Village operating funds and reimbursed from the TIF when funds are available.

Revenue Bonds

A primary source of financing is revenue bonds repaid from fees for services charged by the Village. Common examples of such revenue are charges made for sewer and water usage. There is no statutory limitation on the amount of revenue bonds that can be issued, however, the Village must demonstrate to the bond underwriters that it has the ability to repay the debt from anticipated revenues.

CDA Revenue Bonds

A second financing technique available to the Village is the issuance of CDA Revenue Bonds by the CDA. The issuance of CDA Revenue Bonds by the CDA (with approval of the Village Board) provides several advantages to the Village as follows:

- CDA bonds are exempt from state income taxes resulting in interest costs at or below the Village’s normal general obligation bond interest costs.
- CDA bonds are not considered “debt” under existing state statutes and therefore would not be counted towards the Village’s debt limit (currently 5% of equalized value or

\$47,121,520) except to the extent the Village might choose to provide general obligation backing.

- Additional costs and programs associated with a project can be funded through the CDA and become eligible costs to be recouped from future increment.

Special Assessment Bonds

Some project costs can potentially be paid through special assessments levied on properties directly benefiting from the improvements. Costs of streets, curbs, gutters, and sewer and water extensions are commonly paid through special assessments. The Village can issue special assessment bonds, pledging revenues from the special assessments on individual properties to repay the debt. Property owners are generally permitted to pay the special assessments in installments. These bonds are not counted against the Village’s constitutional debt limit.

Timetable

The Village has an expenditure period of 2 years remaining on TIF District #2, until 2017, to incur the costs outlined in this Amended Project Plan. The TID will close in 2022. The time schedule set forth below is preliminary and for budgeting purposes only. The Village Board is not mandated to make the improvements defined in this plan, as each project will require item-by-item review and approval. The decision to proceed with a particular project will be based on the economic conditions and budgetary constraints existing at the time a project is scheduled for consideration. Actual implementation of the projects proposed in this Amended Project Plan may be accelerated or deferred, depending on the conditions existing at the time.

| Proposed Improvements | Total TIF Cost | 2015 | 2016 | 2017 |
|--|-----------------------|-------------|-------------|-------------|
| A. Municipal Infrastructure Improvements | 1,650,000 | 1,565,000 | 0 | 85,000 |
| B. Imputed Administrative Costs | 0 | 0 | 0 | 0 |
| C. Organization Costs | 0 | 0 | 0 | 0 |
| D. Land Assembly and Real Estate Acquisition | 1,350,000 | 1,350,000 | 0 | 0 |
| E. Relocation Costs | 0 | 0 | 0 | 0 |
| F. Financing Costs | 397,324 | 397,324 | 0 | 0 |
| G. Contributions | 0 | 0 | 0 | 0 |
| H. Discretionary Payments | 0 | 0 | 0 | 0 |
| I. Contingency | 100,000 | 0 | 0 | 100,000 |
| J. Promotion and Development | 0 | 0 | 0 | 0 |

Analysis Of Overlying Taxing Districts

Taxing Districts overlying the Village of Brown Deer Amended TIF District #2 include Milwaukee County, Brown Deer School District, and Milwaukee Area Technical College. Impact on the overlying taxing districts is based on the percentage of tax collections in Amended TIF District #2 in 2014.

The projects planned for the Amended TIF District #2 would not occur or would occur at significantly lower values but for the availability of tax incremental financing. Amended TIF District #2 is a mechanism to make improvements in an area of Brown Deer which is experiencing blighting influences and to support growth in the Village's tax base. All taxing jurisdictions will benefit from the increased property values and community vitality which will result from the projects planned in Amended TIF District #2.

X. PROPOSED CHANGES IN ORDINANCES, CODES AND PLANS

While most of the nearby is zoned as PD-Planned development, full implementation of the redevelopment may require rezoning of the Algonquin School to PD-Planned Development District, or creating a new zoning classification. The Village Zoning Code is contained in Chapter 121 of the Village of Brown Deer Code. The Planned Development Zoning District or a new zoning classification would allow more flexibility and efficiency in the site design, while at the same time providing the Village with the ability to assure that the site design fulfills the development goals and objectives.

XI. LIST OF ESTIMATED NON-PROJECT COSTS

There are no costs planned for TIF District #2 which would not directly benefit property inside the district boundaries, therefore there are no “non-project” costs.

XII. METHODS OF RELOCATION OF DISPLACED PERSONS

If any property would need to be acquired by the Village of Brown Deer it would be to stimulate urban redevelopment. Should displacement or relocation be required, the Village of Brown Deer will follow all Wisconsin Statute and Administrative Rules pertaining to relocation. The Village will prepare proper relocation plans to be submitted for approval to the Department of Administration, and will work with impacted displacees should it be necessary.

XIII. STATEMENT INDICATING HOW THE CREATION OF THE TIF PROMOTES THE ORDERLY DEVELOPMENT OF THE VILLAGE OF BROWN DEER

The amendment of TIF District #2 as well as the implementation of the projects in the Amended TIF Project Plan will promote the orderly redevelopment of the Village of Brown Deer by eliminating blight, assembling parcels of land suitable for redevelopment, and providing financial incentives for private redevelopment projects.

By utilizing the provisions of the Tax Increment Financing Law, the Village can stabilize property values and attract new investment that results in increased tax base. Redevelopment will occur in an orderly fashion in accordance with an approved plan that is compatible with adjacent land uses. Development of the new uses in TIF District #2 will add to the tax and employment base of the community, and will generate positive secondary impacts in the community and economic vitality to the area.

XIV. ATTORNEY OPINION LETTER

Village Attorney Fuchs has reviewed the Project Plan, and his opinion letter is attached.

###

"Attachment #1"

Village of Brown Deer Tax Increment District No. 2 Cash Flow Proforma Analysis

| Assumptions | |
|---|---------|
| Annual Inflation During Life of TID..... | 0.50% |
| 2014 Gross Tax Rate (per \$1000 Equalized Value)..... | \$31.53 |
| Annual Adjustment to tax rate..... | 0.00% |
| Investment rate..... | 0.50% |
| Data above dashed line are actual | |

| Example New Issue \$1,410,000 Taxable G.O. Promissory Notes Dated March 31, 2015 | | Example New Issue \$1,565,000 G.O. Promissory Notes Dated May 1, 2015 | |
|---|-------------|--|-------------|
| Amount for Projects..... | \$1,350,000 | Amount for Projects..... | \$1,565,000 |
| Capitalized Interest..... | \$0 | Capitalized Interest..... | \$0 |
| Cost of Issuance (est.)..... | \$57,425 | Cost of Issuance (est.)..... | \$58,975 |
| Rounding..... | \$2,575 | Rounding..... | \$1,195 |
| Less: Reoffering Premium..... | \$0 | Less: Reoffering Premium..... | \$60,170 |

| Year | Background Data | | | | | | Revenues | | | | Expenditures | | | | | | | TID Status | | | Year | |
|------|--|--|---------------------|-------------------------------|-------------------------|-----------------|-------------|---------------------|---------------------|----------------|-----------------------|--------------------|---|--------------|--------------------|---|--------------|-----------------------|----------------|--|------------------------|---------------|
| | (a) | (b) | (c) | (d) | (e) | (f) | (g) | (h) | (i) | (j) | (k) | (l) | (m) | (n) | (o) | (p) | (q) | (r) | (s) | (t) | | (u) |
| | TIF District Valuation (January 1) | Value of Exempt Computers (December 31) | Inflation Increment | Construction Increment (1) | TIF Increment Over Base | Tax Rate (2) | Tax Revenue | Investment Proceeds | Lighthouse Revenues | Total Revenues | Existing Debt Service | Principal (4/1) | Interest (4/1 & 10/1) TIC = 2.56% | Debt Service | Principal (4/1) | Interest (4/1 & 10/1) TIC = 1.63% | Debt Service | Combined Expenditures | Annual Balance | Year End Cumulative Balance (December 31) | | Cost Recovery |
| | Base Value \$11,979,900 | | | | | | | | | | | | | | | | | | | | | |
| 2012 | \$33,205,100 | \$50,900 | | | \$25,514,000 | \$31.69 | | | | | | | | | | | | | | \$147,060 | | 2012 |
| 2013 | \$37,443,000 | \$59,000 | | | \$27,568,100 | \$32.83 | | | | | | | | | | | | | | \$197,866 | | 2013 |
| 2014 | \$39,489,000 | \$59,000 | \$197,445 | | \$27,765,545 | \$31.53 | \$837,655 | \$989 | | \$838,645 | \$559,555 | | | | | | | | \$279,090 | \$476,956 | | 2014 |
| 2015 | \$39,686,445 | \$59,000 | \$198,432 | | \$27,963,977 | \$31.53 | \$869,313 | \$2,385 | \$27,000 | \$898,697 | \$554,428 | | | | | | | | \$344,270 | \$821,225 | | 2015 |
| 2016 | \$39,884,877 | \$59,000 | \$199,424 | | \$28,163,402 | \$31.53 | \$875,539 | \$4,106 | \$27,000 | \$906,645 | \$548,485 | \$180,000 | \$40,764 | \$220,764 | \$195,000 | \$48,218 | \$243,218 | \$1,012,467 | (\$105,822) | \$715,403 | | 2016 |
| 2017 | \$40,084,302 | \$59,000 | \$200,422 | | \$28,363,823 | \$31.53 | \$881,796 | \$3,577 | | \$885,373 | \$553,905 | \$195,000 | \$24,984 | \$219,984 | \$215,000 | \$29,363 | \$244,363 | \$1,018,251 | (\$132,878) | \$582,525 | | 2017 |
| 2018 | \$40,284,723 | \$59,000 | \$201,424 | | \$28,565,247 | \$31.53 | \$888,084 | \$2,913 | | \$890,997 | \$555,640 | \$200,000 | \$22,263 | \$222,263 | \$220,000 | \$25,013 | \$245,013 | \$1,022,915 | (\$131,918) | \$450,607 | | 2018 |
| 2019 | \$40,486,147 | \$59,000 | \$202,431 | \$1,500,000 | \$30,267,677 | \$31.53 | \$894,404 | \$2,253 | | \$896,657 | \$556,465 | \$200,000 | \$18,713 | \$218,713 | \$225,000 | \$20,281 | \$245,281 | \$1,020,459 | (\$123,801) | \$326,806 | | 2019 |
| 2020 | \$42,188,577 | \$59,000 | \$210,943 | | \$30,478,620 | \$31.53 | \$900,756 | \$1,634 | | \$902,390 | \$551,275 | \$205,000 | \$14,354 | \$219,354 | \$230,000 | \$14,875 | \$244,875 | \$1,015,504 | (\$113,114) | \$213,692 | | 2020 |
| 2021 | \$42,399,520 | \$59,000 | \$211,998 | | \$30,690,618 | \$31.53 | \$954,439 | \$1,068 | | \$955,508 | \$554,688 | \$210,000 | \$9,163 | \$219,163 | \$235,000 | \$9,063 | \$244,063 | \$1,017,913 | (\$62,405) | \$151,287 | | 2021 |
| 2022 | \$42,611,518 | \$59,000 | \$213,058 | | \$30,903,676 | \$31.53 | \$961,091 | \$756 | | \$961,847 | \$556,738 | \$220,000 | \$3,190 | \$223,190 | \$245,000 | \$3,063 | \$248,063 | \$1,027,990 | (\$66,143) | \$85,144 | Expenditures Recovered | 2022 |
| | | | | | \$1,835,576 | \$3,546,000 | \$8,063,077 | \$19,682 | \$54,000 | \$8,136,759 | \$4,991,178 | \$1,410,000 | \$133,429 | \$1,543,429 | \$1,565,000 | \$149,874 | \$1,714,874 | \$8,249,481 | | | | |

Type of TID: Created Before 10/1/1995 (not required to declare type)
 1995 TID Inception (1/16/1995)
 2017 Final Year to Incur TIF Related Costs
 2022 Maximum Legal Life of TID (27 Years)

(1) Increment per draft project plan.
 (2) 2014 tax rate reflects an \$0.89 adjustment due to Wisconsin Act 145. This will increase state aid to technical college districts and lower levy amounts.

**FUCHS
& BOYLE, S. C.**

ATTORNEYS AT LAW

TELEPHONE: (414) 257-1800
FACSIMILE: (414) 257-1510
fdb@fdblaw.com

MAYFAIR CROSSING, SUITE 210
1233 NORTH MAYFAIR ROAD
MILWAUKEE, WISCONSIN 53226-3255

JOHN F. FUCHS
COURT COMMISSIONER
REBECCA D. BOYLE
COURT COMMISSIONER
COLETTE C. REINKE

February 3, 2015

Village of Brown Deer and Community Development Authority
of the Village of Brown Deer
4800 West Green Brook Drive
Brown Deer, WI 53223

RE: Amended Project Plan for Tax Incremental District No. 2
of the Village of Brown Deer

Ladies and Gentlemen:

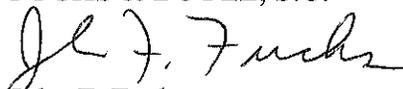
I have acted as counsel to the Village of Brown Deer, Wisconsin (the "Village") and its Community Development Authority ("CDA") in connection with the proposed expansion of Tax Incremental District No. 2 of the Village (the "District").

In this connection, I have reviewed the Amended Project Plan for the District (the "Project Plan"), the law and such other documents as I deem necessary to enable me to give this opinion. I have relied on the statements of fact set forth in the Project Plan and the documents attached as exhibits to the Project Plan, without independent verification. I have not been engaged or undertaken to verify the reasonableness or accuracy of the assumptions, estimates or financial projections contained in the Amended Project Plan, and express no opinion relating thereto.

Based on my review, it is my opinion that the Amended Project Plan is complete and complies with Section 66.1105 of the Wisconsin Statutes.

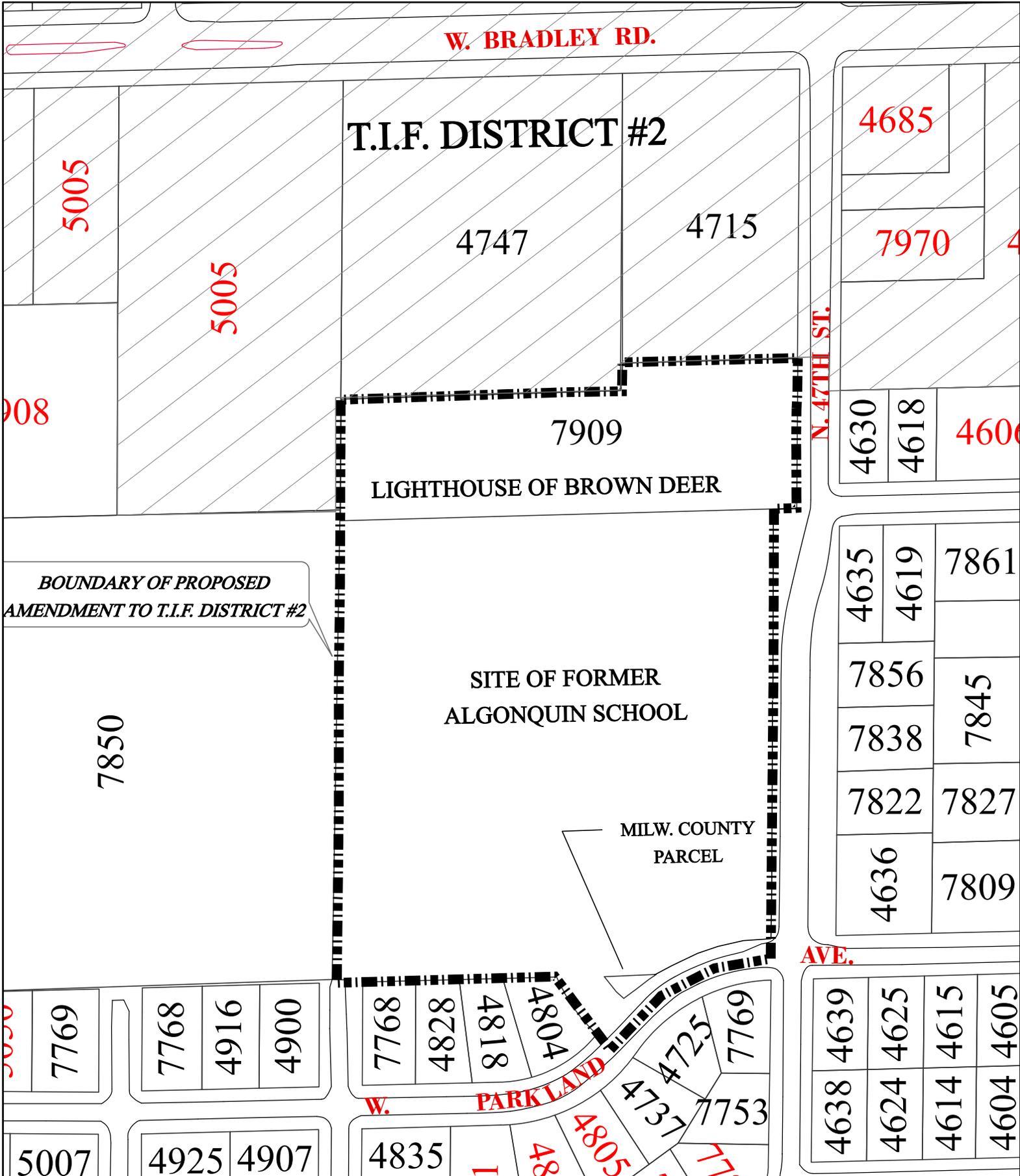
Very Truly Yours,

FUCHS & BOYLE, S.C.


John F. Fuchs

JFF:djk

Map #1 - Project Area Boundary

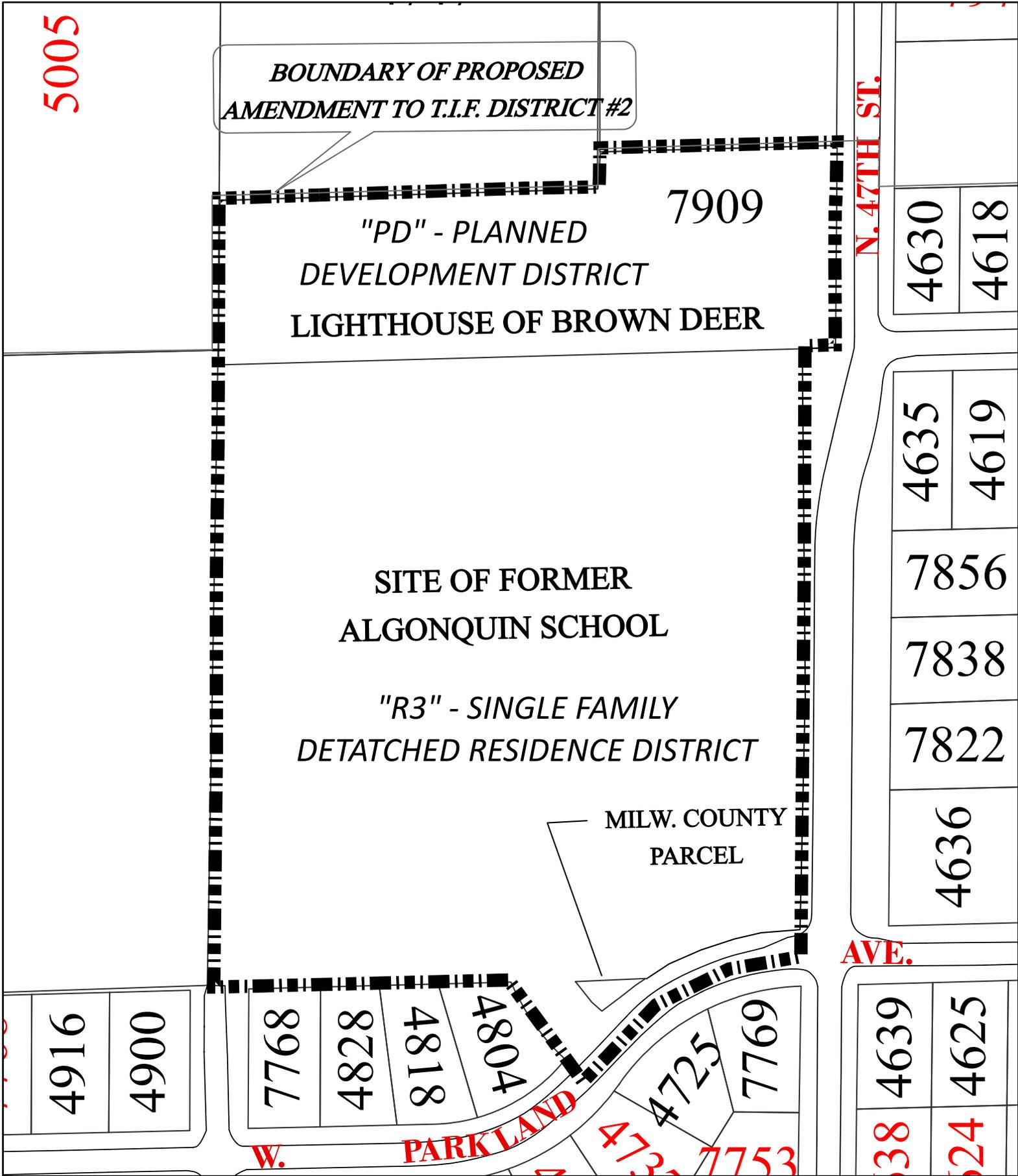


VILLAGE OF BROWN DEER, WI
Project Area Boundary of
Proposed Amendment to T.I.F. District #2

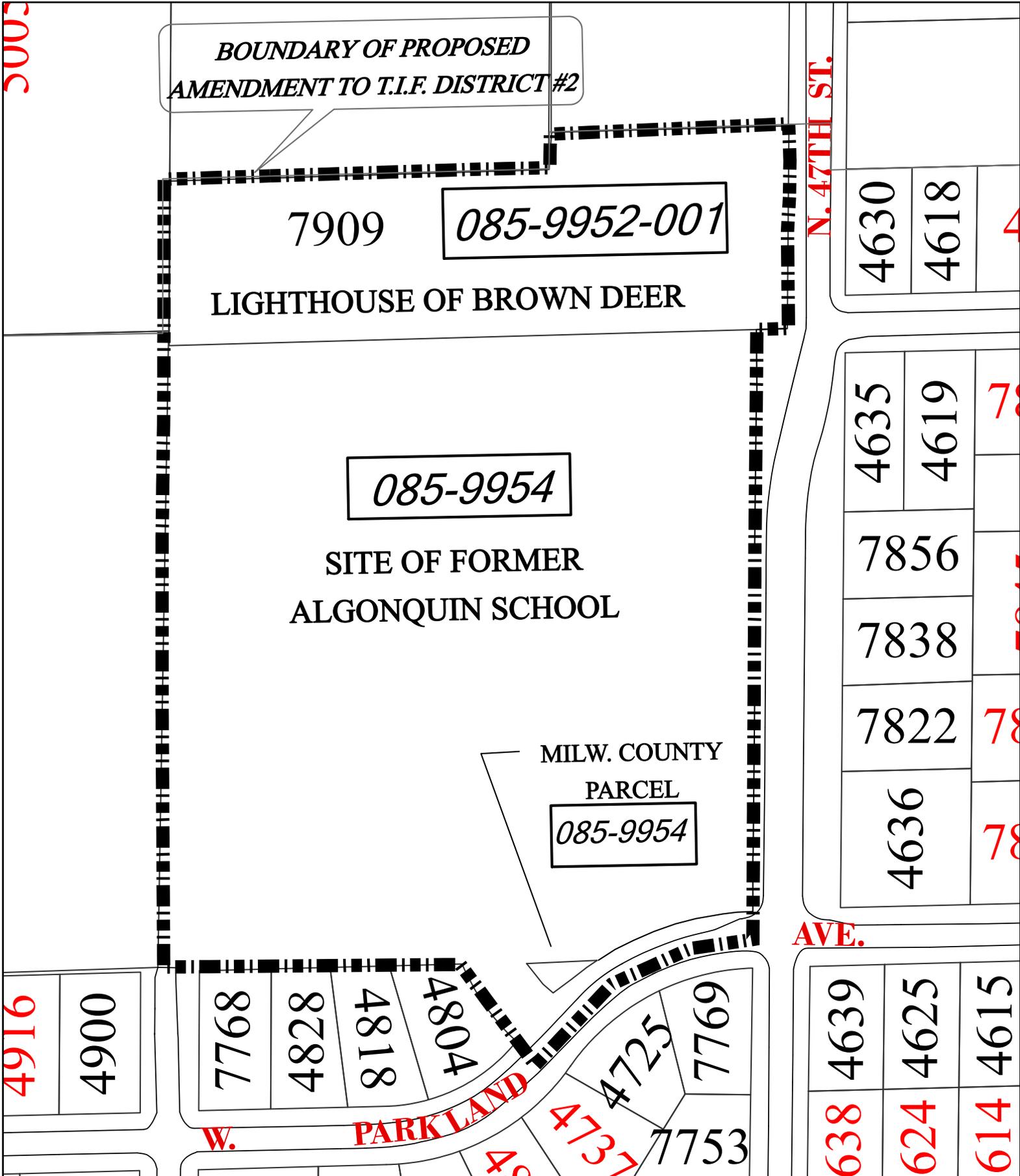
01/14/15



Map #2 - Existing Zoning



Map #3 - Parcels w/Key Numbers

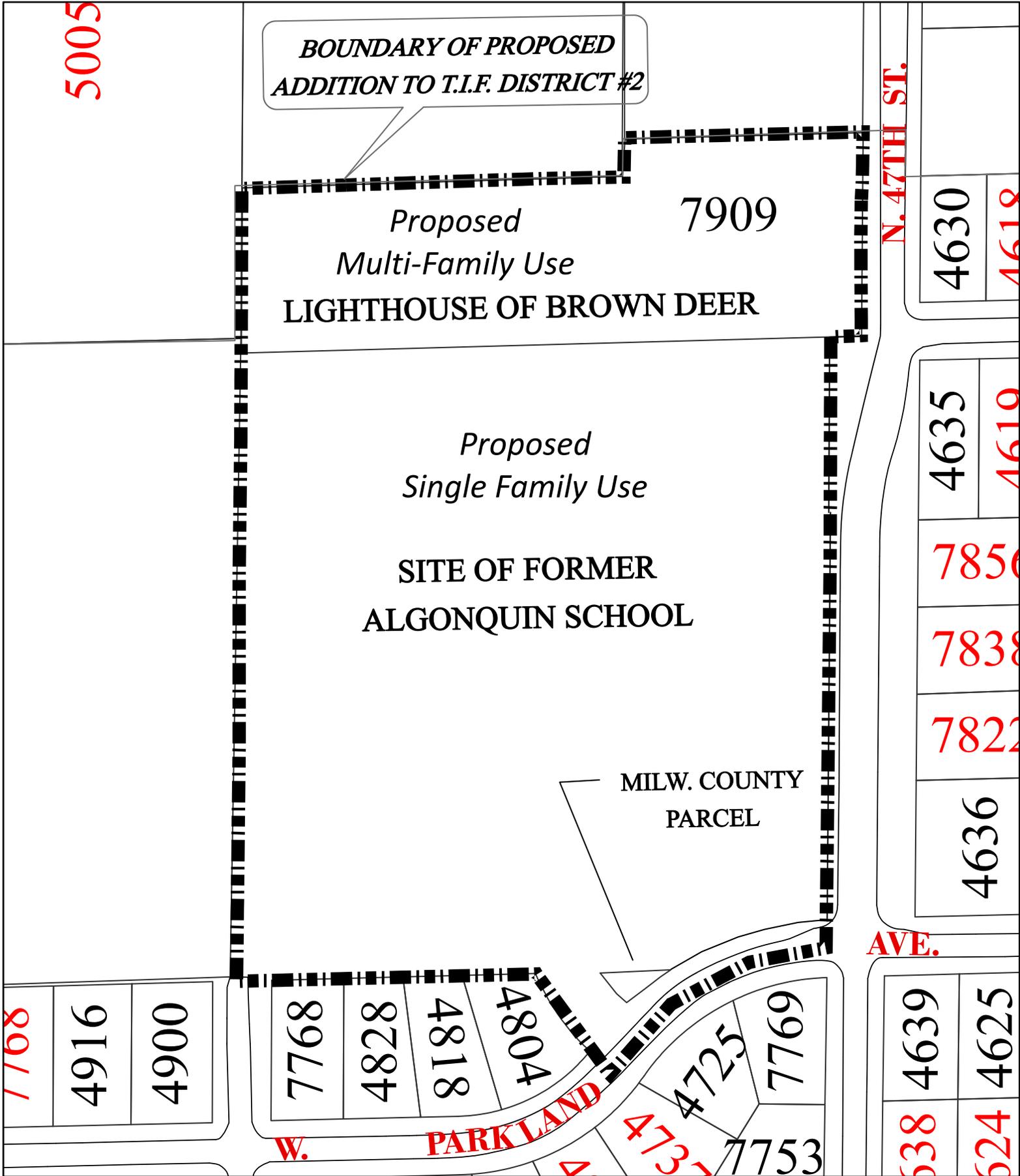


VILLAGE OF BROWN DEER, WI
 Key Numbers of Parcels in
 Proposed Amendment to T.I.F. District #2

01/14/15



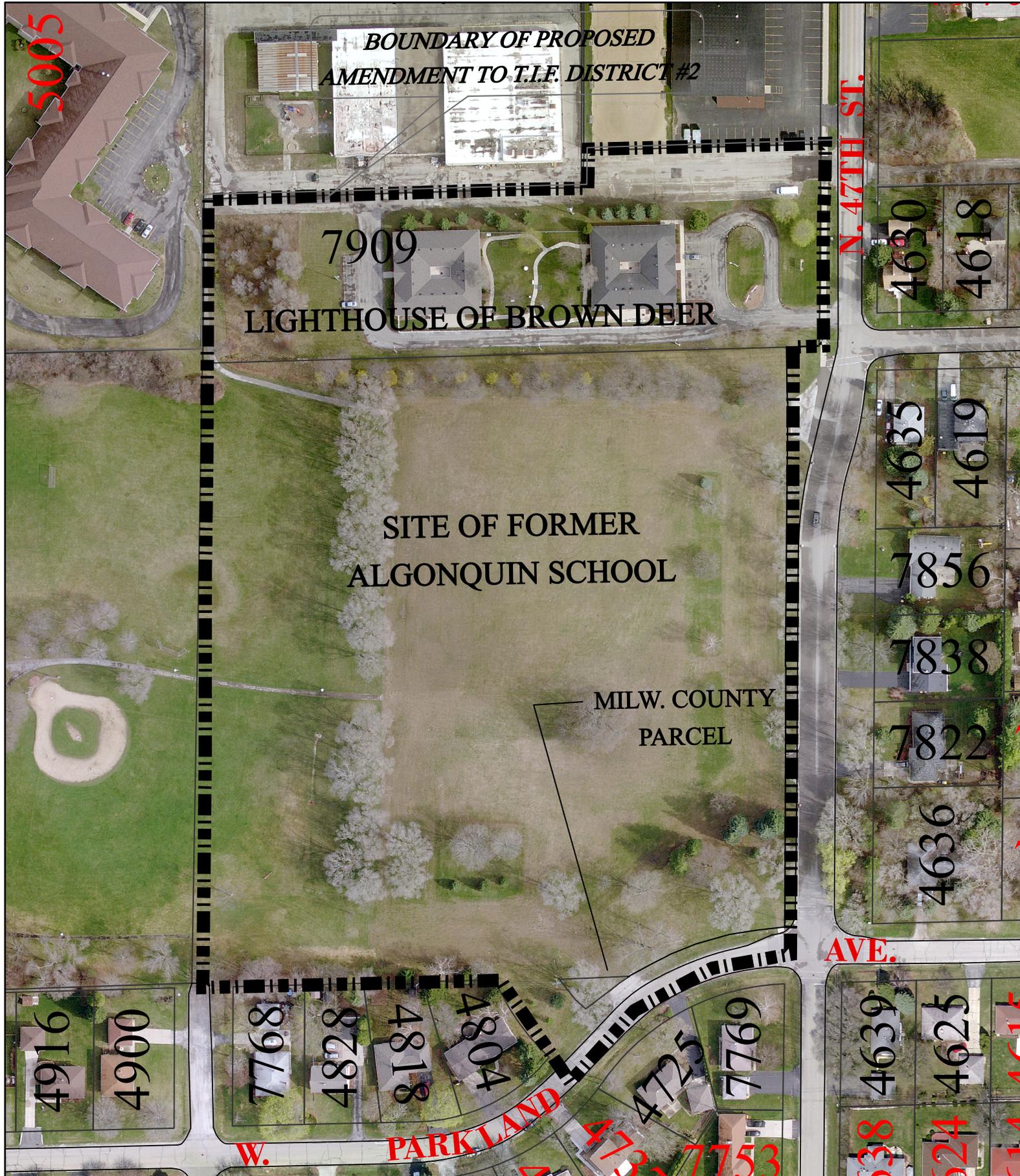
Map #4 - Proposed Land Uses



VILLAGE OF BROWN DEER, WI
 Proposed Land Uses Within
 Proposed Amendment to T.I.F. District #2



Map #5 - Aerial Map

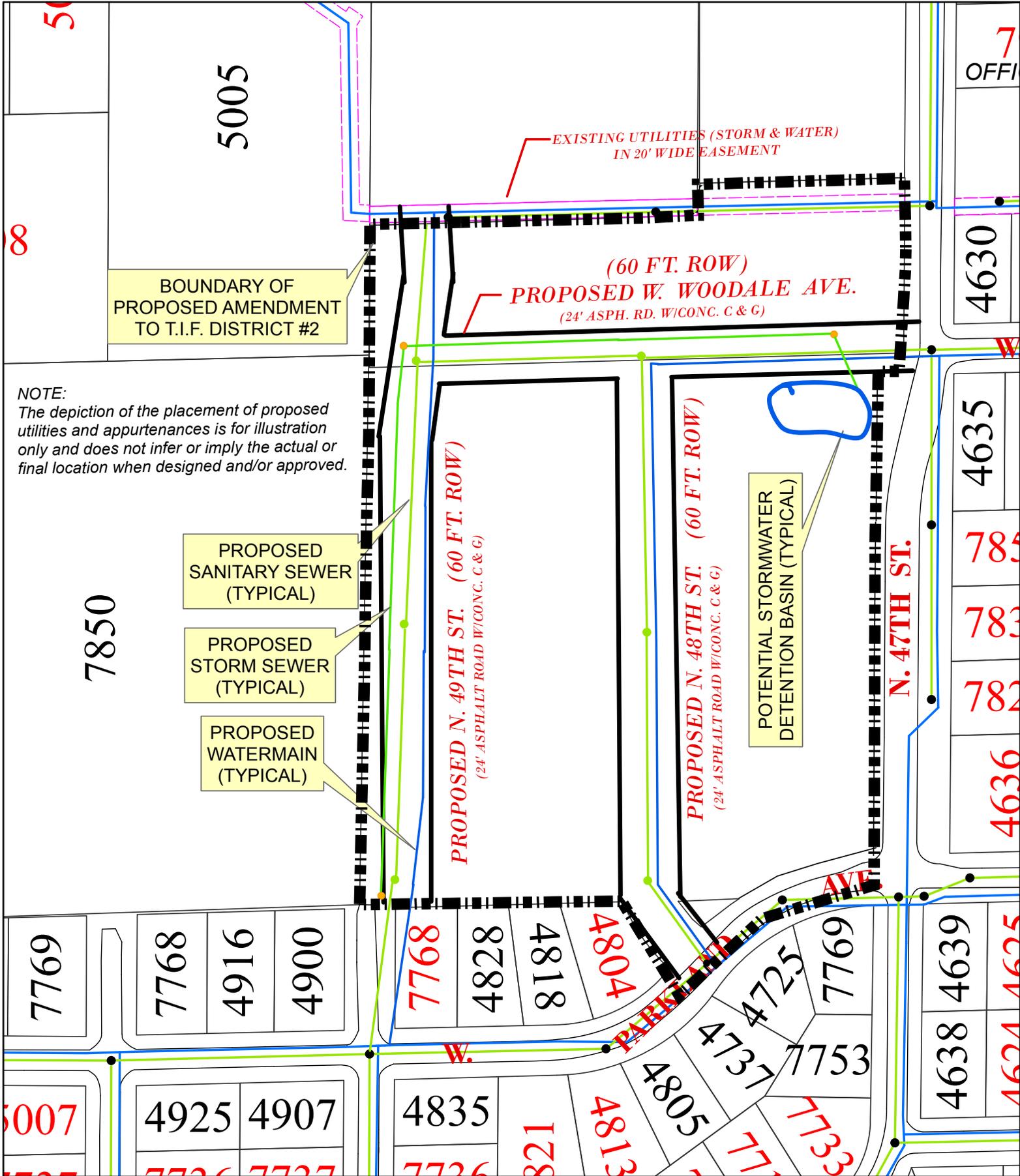


VILLAGE OF BROWN DEER, WI
Aerial Map of Proposed
Amendment to T.I.F. District #2

01/14/15



Map #6 - Public Infrastructure Improve. Map





REQUEST FOR CONSIDERATION

| |
|--|
| COMMITTEE CONSIDERATION: Village Board |
| ITEM DESCRIPTION: Amendment to Operational Development Agreement with Deerbrook Commons LLC for a sign at Goodwill, 9305 N. Green Bay Road |
| PREPARED BY: Nate Piotrowski, Community Development Director |
| REPORT DATE: February 25, 2015 |
| EXPLANATION: The developer of the Goodwill store is seeking relief from the Village's sign code in order to place a sign off premise. The attached drawings show that the sign for Goodwill would technically be placed on a separate lot that fronts on Green Bay Road. Village Code, under Planned Development zoning allows for the Board to permit exceptions to sign standards. In this case the proposal would be to place the sign along Green Bay Road to identify the Goodwill store and also another major tenant on the front lot or perhaps another anchor tenant further north on the site. The sign proposal also seeks relief from square footage maximums because the lot does not quite have 300 feet of lineal frontage (only 285). AT 300 feet the maximum allowable square footage would be 100 square feet and this sign proposes 99 square feet. Combining the two lots of the development would create frontage of over 300 lineal feet As a multiple tenant sign serving the entire development and thereby reducing sign clutter Staff views this request favorably. The attached amendment to the development agreement permits the sign exceptions and details that no additional ground signs can be constructed on the two southern lots. |



PERSPECTIVE
DESIGN, INC.

11525 W. North Avenue
Wauwatosa, WI 53226
Tel (414) 302-1780 Fax (414) 302-1781

February 9th, 2015

Nate Piotrowski
Village of Brown Deer
4800 West Green Brook Drive
Brown Deer, WI 53223

RE: Plan Agreement Modification Request for Deerbrook GW, LLC

Dear Village Board,

On behalf of Deerbrook GW LLC, we are requesting a modification to the Planned Development Agreement in place for the site at 9305 N. Green Bay Road, Property ID #0109984005. The portion of the site in question is comprised of Lot 1 and Lot 2, as found on the Certified Survey Map #8625 recorded 9/9/2014; with a Goodwill Store & Donation Center being developed(Lot 1), and a future development site along North Green Bay Road(Lot 2). The property owner is requesting an amendment to the Business Planned Development to allow an off-premise ground sign for Lot 1 and Lot 3 to be placed on Lot 2. In the future, a sign panel will be provided for a future tenant on Lot 3.

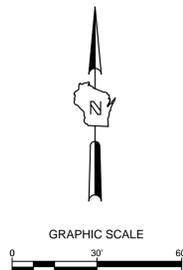
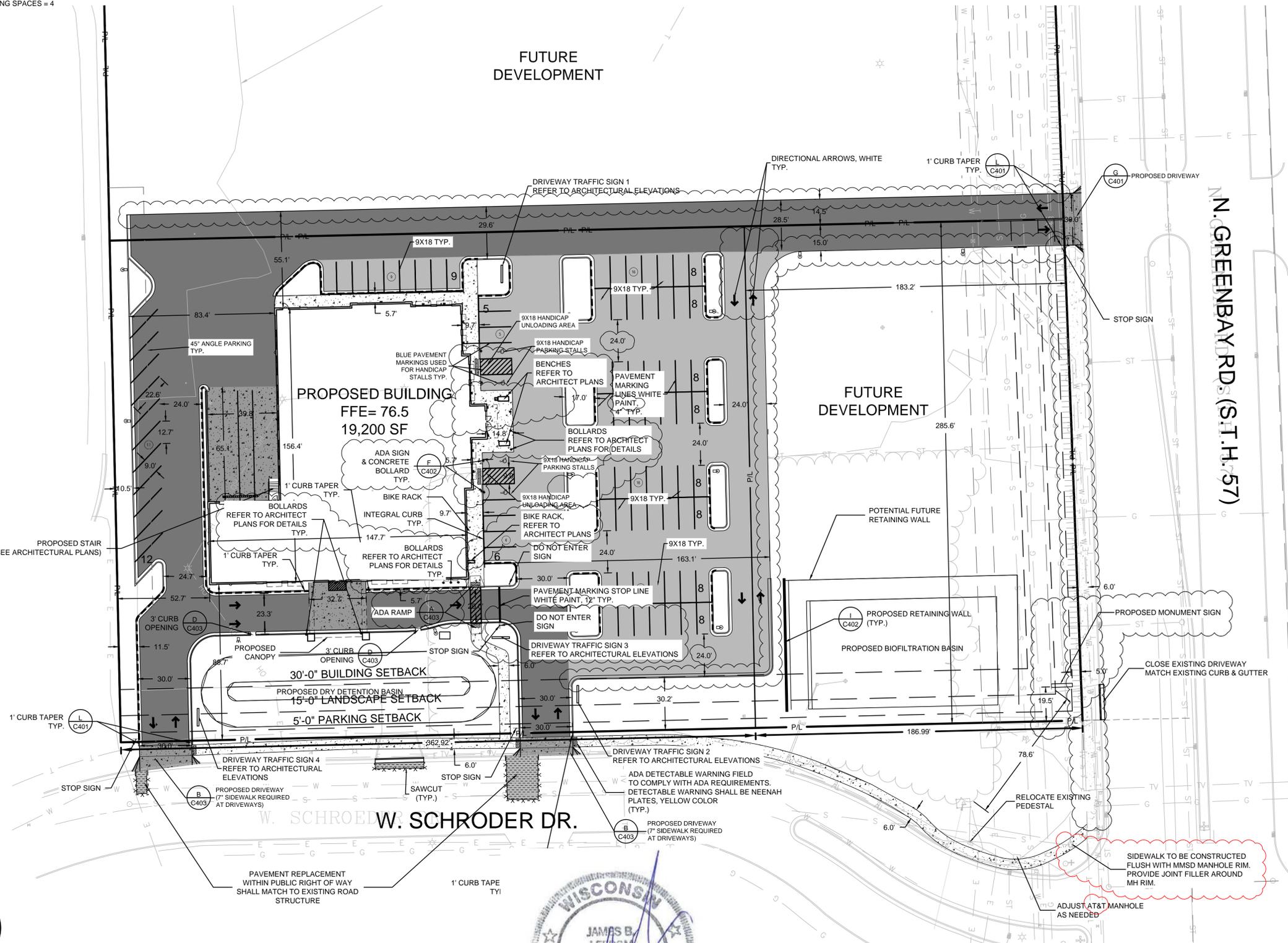
The proposed multi-tenant ground sign would be located at the southeast corner of the site, and would accommodate the tenants on the west side of the site that do not have direct frontage on North Green Bay Road. Because Lot 1 does not have a sign on Schroeder Drive, we are requesting that the area of the sign be based on Lot 1's south lot line along Schroeder Drive, which is longer than 300 lineal feet, allowing for 100 square feet of sign area per side. Per the regulations for Business use, the sign will not be less than 5 feet from any lot line, will remain clear of the adjacent gas, sewer and water easements, will be no less than 50 feet from any other ground sign, and will be the only ground sign for the 'Lot 1' property. Please see the included site map for further clarification of these issues and the included ground sign design documents for the sign dimensions and areas.

Sincerely,

Peter Ogorek
President, Perspective Design, Inc.

SITE INFORMATION:

TOTAL SITE = 3.58 ACRES
 TOTAL DISTURBED AREA = 3.76 ACRES
 EXISTING IMPERVIOUS AREA = 1.83 ACRES
 PROPOSED IMPERVIOUS AREA = 2.21 ACRES
 PARKING SPACES = 80
 HANDICAP PARKING SPACES = 4



LEGEND:

| | | |
|--|---|----------|
| | 5" THICK CONCRETE WALK (7" THICK AT DRIVEWAYS) | (A) C401 |
| | CONCRETE PAVEMENT | (B) C401 |
| | REGULAR DUTY ASPHALT SURFACE | (C) C401 |
| | HEAVY DUTY ASPHALT SURFACE | (D) C401 |
| | FUTURE 5" THICK CONCRETE WALK (7" THICK AT DRIVEWAYS) | (A) C401 |
| | CURB & GUTTER (ACCEPT) | (E) C401 |
| | CURB & GUTTER (REJECT) | (E) C401 |
| | INTEGRAL CURB | (F) C401 |
| | - X - X - SAWCUT | (M) C401 |

ALTERNATE NOTES:

- CONCRETE STORM STRUCTURES WILL BE CONSIDERED AS AN ALTERNATIVE.

- GENERAL NOTES:**
- THE UNDERGROUND UTILITY INFORMATION SHOWN ON THIS DRAWING IS BASED ON FIELD LOCATIONS AND/OR RECORDS FURNISHED BY MUNICIPALITIES AND UTILITY COMPANIES. THE LOCATION AND ACCURACY OF WHICH CANNOT BE GUARANTEED. THERE MAY BE ADDITIONAL UNDERGROUND UTILITY INSTALLATIONS WITHIN THE PROJECT AREA THAT ARE NOT SHOWN.
 - VERIFY ACTUAL LOCATIONS AND INVERTS IN THE FIELD. ANY POTENTIAL ERRORS, OMISSIONS, OR DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO PROCEEDING WITH CONSTRUCTION.
 - WORK TO BE COMPLETED IS INDICATED IN BOLD TYPE LINES AND EXISTING CONDITIONS ARE INDICATED BY LIGHT TYPE LINES.
 - ELECTRONIC CIVIL FILES ARE AVAILABLE UPON WRITTEN REQUEST. DO NOT USE ELECTRONIC CIVIL FILES TO LAYOUT FOUNDATIONS, COLUMN LINES, LIGHT POLES, OR OTHER NON CIVIL SITE WORK. REFER TO ARCHITECTURAL DRAWINGS FOR DIMENSIONS OF BUILDING AND ARCHITECTURAL FEATURES.
 - DIMENSIONS ARE FROM FACE OF CURB OR EDGE OF PAVEMENT.
 - WORK WITHIN THE PUBLIC RIGHT OF WAY, INCLUDING BUT NOT LIMITED TO DRIVEWAY OPENINGS, SIDEWALK AND RAMPS, PAVING, AND CURB AND GUTTER SHALL BE COMPLETED PER DOT, MUNICIPAL AND/OR DOT REQUIREMENTS AND STANDARDS.
 - PARKING STALL PAVEMENT MARKINGS SHALL BE WHITE, 4" THICK. ALL HANDICAP PARKING STALL LINES, SYMBOLS, AND HATCHING SHALL BE PAINTED BLUE.
 - DETECTABLE WARNING STRIPS SHALL BE NEENAH YELLOW PLATE TYPE.

TO OBTAIN LOCATIONS OF PARTICIPATING UNDERGROUND UTILITIES BEFORE YOU BEGIN WORK, CALL DIGGERS HOTLINE 1-800-242-8511 TOLL FREE. WE SERVICE 920,000+ UTILITIES. WE REQUIRE MIN. 3 WORK DAYS NOTICE BEFORE YOU DIG. MILWAUKEE AREA 259-1181

THE UNDERGROUND UTILITY INFORMATION SHOWN ON THIS MAP IS BASED ON FIELD MARKINGS AND INFORMATION FURNISHED BY UTILITY COMPANIES AND THE LOCAL MUNICIPALITY. WHILE THIS INFORMATION IS BELIEVED TO BE RELIABLE, ITS ACCURACY AND COMPLETENESS CANNOT BE GUARANTEED.



| REV. # | REV. DATE | DESCRIPTION |
|--------|-----------|--|
| 1 | 7-16-2014 | VILLAGE COMMENTS #3 |
| 2 | 8-13-2014 | FINAL CONSTRUCTION DRAWINGS |
| 3 | 8-28-2014 | VALUE ENGINEERING & OWNER REVIEW |
| 4 | 1-15-2015 | MONUMENT, SIGNAGE AND BIO-FILTRATION REVISIONS |

Project: Goodwill
 N. Green Bay Rd.
 Brown Deer, WI



PERSPECTIVE DESIGN, INC.
 11525 W. North Avenue
 Wauwatosa, WI 53226
 Tel (414) 302-1780 Fax (414) 302-1781



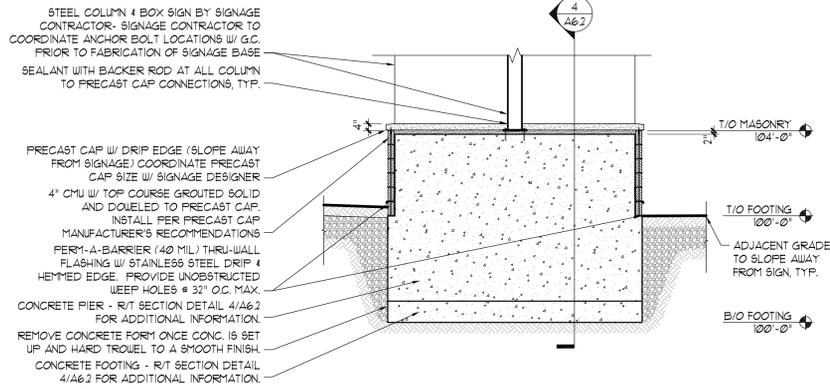
Drawing Title:

SITE PLAN

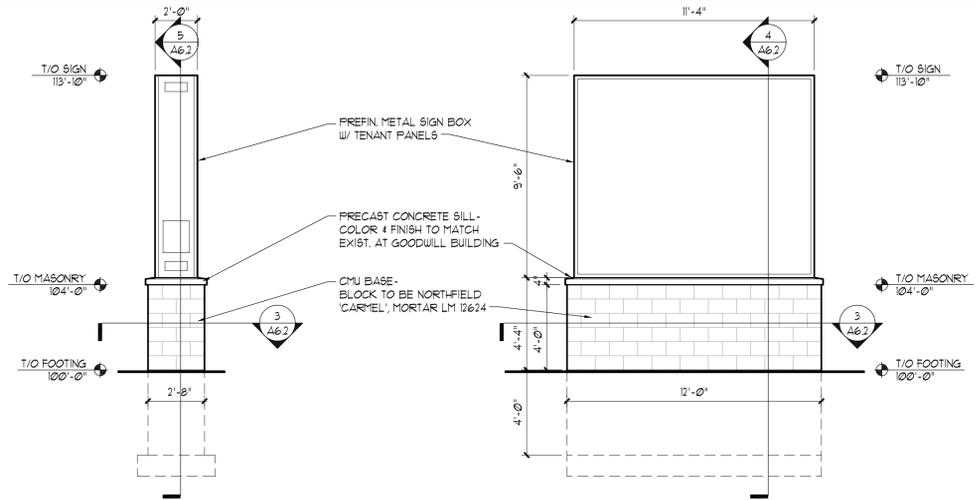
Date: 7-11-2014
 Scale: GRAPHIC
 Drawn: TPM/AEK
 Job: 14590
 Sheet:

C 100

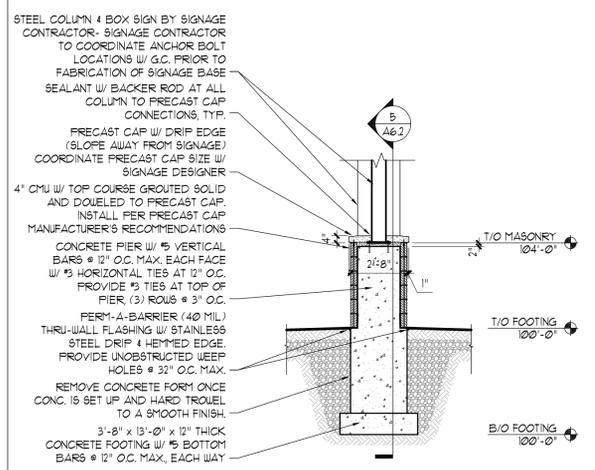
COPYRIGHT PERSPECTIVE DESIGN, INC., 2011. ALL RIGHTS RESERVED. THIS DRAWING IS NOT TO BE REPRODUCED, CHANGED, COPIED OR ASSIGNED TO ANY THIRD PARTY IN ANY FORM OR MANNER WITHOUT FIRST OBTAINING THE EXPRESSED WRITTEN PERMISSION OF PERSPECTIVE DESIGN, INC. THE CLIENT AGREES TO INDEMNIFY AND HOLD THE ARCHITECT HARMLESS FROM ANY DAMAGES, LIABILITY, OR COST, INCLUDING ATTORNEY'S FEES AND COSTS OF DEFENSE, ARISING FROM ANY CHANGES OR ALTERATIONS MADE BY ANYONE OTHER THAN THE ARCHITECT, OR FROM ANY REUSE OF THE DRAWINGS OR DATA WITHOUT THE PRIOR WRITTEN CONSENT OF THE ARCHITECT.



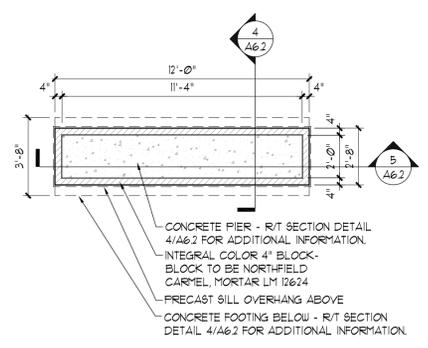
MONUMENT SIGN SECTION 5
SCALE: 1/4" = 1'-0"



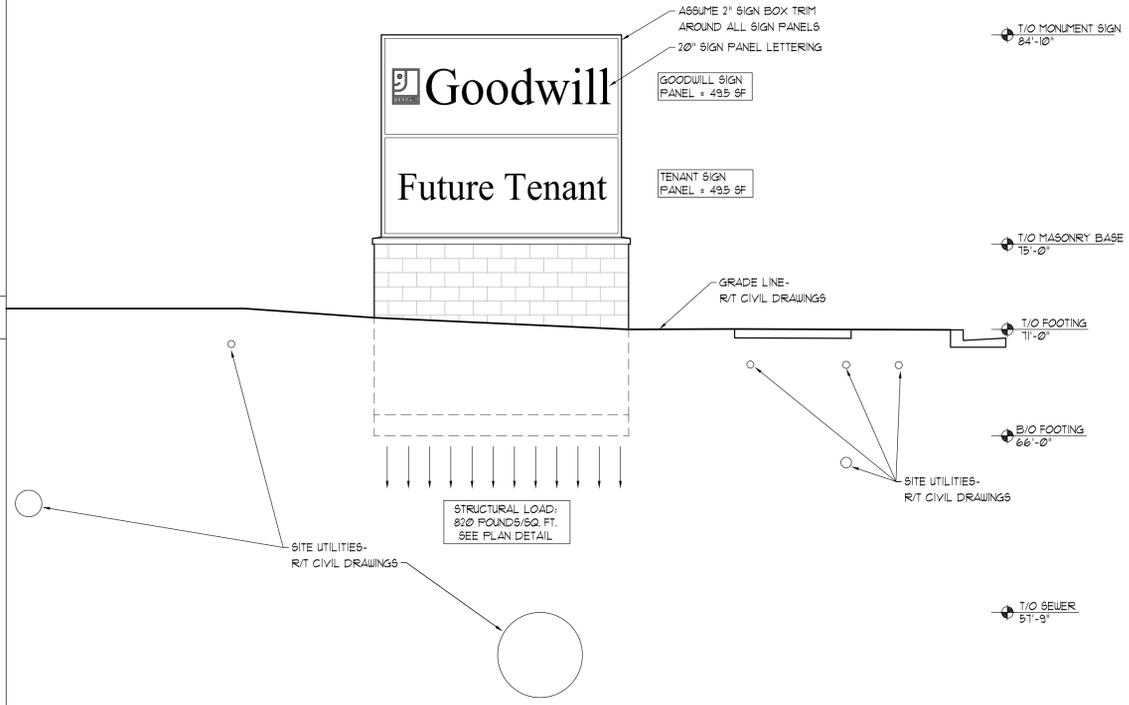
MONUMENT SIGN ELEVATIONS 2
SCALE: 1/4" = 1'-0"



MONUMENT SIGN SECTION 4
SCALE: 1/4" = 1'-0"



MONUMENT SIGN PLAN SECTION 3
SCALE: 1/4" = 1'-0"



MONUMENT SIGN SITE ELEVATION & UTILITIES 1
SCALE: 1/4" = 1'-0"

FULL SIZE PRINT = 24" x 36" SHEET

COPYRIGHT PERSPECTIVE DESIGN, INC. 2012. ALL RIGHTS RESERVED. THIS DRAWING IS NOT TO BE REPRODUCED, CHANGED, COPIED, OR ASSIGNED TO ANY THIRD PARTY IN ANY FORM OR MANNER WITHOUT FIRST OBTAINING THE EXPRESSED WRITTEN PERMISSION OF PERSPECTIVE DESIGN, INC. THE CLIENT AGREES TO INDEMNIFY AND HOLD THE ARCHITECT HARMLESS FROM ANY DAMAGES, LIABILITY, OR COST INCLUDING ATTORNEY'S FEES AND COSTS OF DEFENSE ARISING FROM ANY CHANGES OR ALTERATIONS MADE BY ANYONE OTHER THAN THE ARCHITECT, OR FROM ANY REUSE OF THE DRAWINGS OR DATA WITHOUT THE PRIOR WRITTEN CONSENT OF THE ARCHITECT.

Revisions:

Project:
New Building Shell For:
Goodwill Store & Donation Center
 N. Green Bay Road
 Brown Deer, WI 53223

PERSPECTIVE DESIGN, INC.
 11525 W. North Avenue
 Wauwatosa, WI 53226
 Tel (414) 302-1750 Fax (414) 302-1751

Drawing Title:
WINDOW, DOOR & FRAME TYPES DOOR SCHEDULE

Date: 02.09.15
Scale: NOTED
Drawn: BMD
Job: 14-050

Sheet:
A6.2

THIS BOX IS 1/2" x 1/2"

CONSTRUCTION SET
USE NO OTHER

FREESTANDING MONUMENT SIGN



D/F INTERNALLY ILLUMINATED MONUMENT SIGN

CABINET: .063 PRE-FINISHED BLK/WHT ALUMINUM SHEETING w/ 2" RETAINER

FACE: WHITE LEXAN FACES w/ 1st SURFACE APPLIED ARLON 2500-557 IMPERIAL BLUE TRANSLUCENT & 2100-03 BLACK OPAQUE VINYL

BASE CAP: CAST STONE SILL OR FABRICATED ALUMINUM CAP TO MATCH

BASE: MASONRY OR ARCHITECTURAL C.M.U. TO MATCH BUILDING

OPTIONAL: FABRICATED ALUMINUM BASE WITH PAINTED & TEXTURED FINISH



C 100
M 82
Y 0
K 2



C 0
M 0
Y 0
K 100

FIRST AMENDMENT TO OPERATIONAL DEVELOPMENT AGREEMENT WITH DEERBROOK COMMONS LLC. FOR A RESALE STORE AND DONATION CENTER AT 9305 N. GREEN BAY ROAD

This **DEVELOPMENT AGREEMENT** entered into this ____ day of _____, 20__ (hereinafter referred to as the “Amended Development Agreement” or in the alternative the “Amendment”), by and between **DEERBROOK COMMONS LLC.**, (hereinafter referred to as the “Developer”), and the **VILLAGE OF BROWN DEER**, a municipal corporation, Milwaukee County, Wisconsin (hereinafter referred to as “Brown Deer” or the “Village”).

WITNESSETH:

WHEREAS, the Developer is the owner of Lot 1, 2 and 3 of Certified Survey Map 8624 (Tax Key # 010-0163, 010-0161 and 010-0162); and

WHEREAS, the Developer has constructed an approximately 19,000 square foot commercial retail building on Lot 1 and intends to further develop Lot 2 and 3 (hereinafter collectively referred to as the “Development”); and

WHEREAS, said Development is located in the BPD- Business Planned Development District and the Developer has entered into an operational Development Agreement with the Village dated the 21st of July, 2014 and recorded with the Milwaukee County Register of Deeds on October 29, 2014 as Document # 10407753; and

WHEREAS, the Developer is seeking relief from Section 121-324 (8) of the Brown Deer Village Code prohibiting off-premise signs and the 300’ lot line provision of Section 121-326 (5) for the construction of a sign to benefit both Lots 1 and 2; and

WHEREAS, pursuant to Section 121-251 (6) (d) the Village Board may grant relief to the above referenced sign code provisions; and

WHEREAS, this First Amendment to the Operational Development Agreement shall be the Plan of Operations and shall be deemed to grant relief from Sections. 121-324 (8) and 121-326 (5) if favorably approved by the Village Board; and

NOW, THEREFORE, the parties in consideration of the mutual covenants herein contained agree as follows:

1. No additional ground signs may be erected on Lot 1 or Lot 2 of CSM 8624
2. Developer is hereby authorized to construct signage in strict conformity with plans submitted to and approved by the Village, said plans attached hereto, made a part hereof and marked as follows:

- Exhibit 1, Certified Survey Map 8624
- Exhibit 2, Site Plan
- Exhibit 3, Sign drawing/rendering

The Developer agrees that the sign in Exhibit 3 shall require final approval of architectural details from the Brown Deer Building Board and issuance of permit prior to construction.

IN WITNESS WHEREOF, the parties hereunto set their respective hands and seals on the date first written above.

“DEVELOPER”

DEERBROOK COMMONS, A WISCONSIN LIMITED LIABILITY COMPANY;

Dated: _____ By: _____

Name: Doug Weas

Title: President

STATE OF WISCONSIN)
) SS
MILWAUKEE COUNTY)

Personally came before me this _____ day of _____, 20__ A.D., the above-named Doug Weas, the president, of Deerbrook Commons LLC., to me known to be the person who executed the foregoing instrument and acknowledged the same, as the act and deed of said corporation, by its authority.

* _____,

Notary Public, _____ County, _____ (state)

My commission expires: _____

* Print Name of Notary Public



REQUEST FOR CONSIDERATION

| |
|---|
| COMMITTEE CONSIDERATION: Village Board |
| ITEM DESCRIPTION: Supplemental Development Agreement with Hearts and Minds Childcare for extended hours at 5051 W. Bradley Road |
| PREPARED BY: Nate Piotrowski, Community Development Director |
| REPORT DATE: February 25, 2015 |
| EXPLANATION: The tenant at 5051 W. Bradley Road who operates Hearts and Minds Childcare is requesting an exception to the business hour regulations in the Village The attached letter from the applicant outlines their request to open at 5am. Also attached is a supplemental development agreement that would permit the earlier opening while maintaining the Village's review ability should the hours become problematic Village Staff and the Police Department have reviewed the proposal and do not see any major issues and would recommend it for approval. Please contact Nate Piotrowski at 414-371-3061 if you have further questions. |

Village of Brown Deer
Community Services Department
4800 West Glen Brook Drive
Brown Deer, Wisconsin 53223

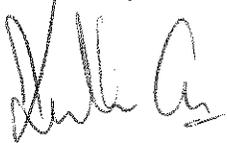
Re: Hours of Operation Modification – 5051 W Bradley Rd

Dear Sir/Madam,

We are requesting a change to our current hours of business operations. If granted, we would like to start our day at 5am. The reason for this request is that we have many hard working families that need care early in the morning due to work schedules and we would like to accommodate them.

We do not believe that this would be disruptive to any of the surrounding businesses in any way whatsoever. We have enjoyed our time here and have connected with the surrounding community and feel that an earlier start time would be nothing but beneficial to our families.

Sincerely,



Kulbir Singh and Jess Tuli
Directors/owners
414-324-5222 Mobile
414-263-8943 Office

**SUPPLEMENTAL DEVELOPMENT AGREEMENT WITH HEARTS & MINDS CHILDCARE FOR
EXTENDED HOURS AT 5051 W. BRADLEY ROAD**

This **SUPPLEMENTAL DEVELOPMENT AGREEMENT** entered into this ____ day of _____, 20__ (hereinafter referred to as the “Development Agreement”), by and between **HEARTS & MINDS**, (hereinafter referred to as the “Developer”), and the **VILLAGE OF BROWN DEER**, a municipal corporation, Milwaukee County, Wisconsin (hereinafter referred to as “Brown Deer” or the “Village”).

WITNESSETH:

WHEREAS, the Developer is a tenant of property at 5051 W. Bradley Road, Tax Key #085-9951-004, legally described in the attached Exhibit A (hereinafter collectively referred to as the “Development”); and

WHEREAS, said property is utilized for a children’s day care, the use of which was authorized and is governed by a Development Agreement dated the 25th day of April 1978, recorded in the Milwaukee County Register of Deeds as document number 5208035; and

WHEREAS, the Developer is seeking relief from Section 14-2 of the Brown Deer Village Code regulating business hours and restricting them to 6am until 11pm; and

WHEREAS, the developer is requesting to be allowed to open for business at 5am; and

WHEREAS, this Development Agreement shall be deemed to grant relief from Section 14-2 if favorably approved by the Village Board but shall not invalidate or supersede any other provisions of the 1978 Agreement ; and

NOW, THEREFORE, the parties in consideration of the mutual covenants herein contained agree as follows:

1. Developer is hereby authorized to operate the day care from 5am until 11pm.
2. The covenants, agreements, restrictions and provisions herein contained constitute covenants running with the land and shall be binding on all parties, their heirs, assigns and successors having an interest in the land affected hereby for a period of twenty-five (25) years from the date this instrument is recorded, after which time this instrument shall automatically be extended for successive periods of ten (10) years. However, upon a showing of reasonable cause, the Board of the Village may relieve the Developer from such covenants, agreements, restrictions, or any of them, before the expiration of twenty-five (25) years or thereafter by the adoption of a resolution so doing. The covenants herein contained may be enforced by proceedings at law or in equity by the Village against any person or persons violating or attempting to violate the same. At such time as Developer transfer or conveys any interest in the Development, any transferee shall then be liable for all obligations hereunder that arise after the date of such transfer. The Village shall receive written notification of any transfer or conveyance of the Development.
3. The invalidity of any of the covenants herein contained declared by any judgment or court order shall in no way affect any of the other provisions herein contained which shall remain in full force and effect.
4. This Development Agreement is hereby approved, including the attached Exhibit A, and is accepted as meeting the criteria set forth in the Village of Brown Deer Code for the regulation of business hours.
5. The Village Board reserves the right to review this amendment from time to time as deemed necessary and to rescind for good cause.

6. All notices hereunder must be in writing and shall be deemed validly given if sent via fax to the number listed below, delivered personally, or is sent by certified mail, return receipt requested, addressed as follows:

If to Village, to:

Community Services Department
Village of Brown Deer
4800 W. Green Brook Drive
Brown Deer, WI 53223-2496
Fax (414) 371- 2999

If to Developer, to:

Joe Devorkin
Jomela Holdings
5601 W. North Avenue
Milwaukee, WI 53208

**THIS SPACE INTENTIONALLY LEFT BLANK
SIGNATURES AND PERSONAL GUARANTY ON FOLLOWING PAGES**

IN WITNESS WHEREOF, the parties hereunto set their respective hands and seals on the date first written above.

“DEVELOPER”

HEARTS & MINDS CHILDCARE;

Dated: _____ By: _____

Name:

Title:

STATE OF WISCONSIN)
) SS
MILWAUKEE COUNTY)

Personally came before me this _____ day of _____, 20__ A.D., the above-named _____, the owner of Hearts & Minds Childcare., to me known to be the person who executed the foregoing instrument and acknowledged the same, as the act and deed of said corporation, by its authority.

* _____,

Notary Public, _____ County, _____ (state)

My commission expires: _____

* Print Name of Notary Public

ATTORNEYS AT LAW

JOHN F. FUCHS
COURT COMMISSIONER
REBECCA D. BOYLE
COURT COMMISSIONER
COLETTE C. REINKE

MEMORANDUM

TO: Village Board, Village Plan Commission, Village Manager,
Village Director of Community Development

CC: Kirk Radtke, Building Inspector, Fernando Moreno, Property
Maintenance Inspector

FROM: John F. Fuchs

RE: Zoning Changes

DATE: February 18, 2015

I am suggesting changes to Chapter 121 regarding Zoning. These changes do not involve the re-zoning of a property, and thus are not zoning code amendments subject to public hearing. They are to be considered in open session, and referral to the Plan Commission for review and comment is at the discretion of the Board.

Currently, unlike our building code which has very specific enforcement provisions, our zoning code has a completely inadequate provision. Under Section 121-96 as currently exists, it merely provides it is the duty of the Village Building Inspector and the Chief of Police to enforce the provisions of this Article. By referring to Article, rather than Chapter, the enforcement provision appears to encompass only our official zoning map. It should refer to the entire Chapter. In addition, it is in the wrong place. Enforcement belongs under the previous Article

which is entitled Administration and Enforcement. It does not belong under Official Map. It is further inadequate in its description of enforcement responsibility. The Village Manager, the Community Development Director, and our Inspectors all are involved in enforcement of the various provisions of Chapter 121. The Chief, and his Department, can be involved if there is a violation of additional provisions that relate to other codes. For example, from a zoning standpoint the Village might allow a licensed liquor establishment, and do so through a conditional use permit which restricts hours. If the place stays open after hours, it is a violation of our zoning code, and the conditional use permit. But it is also a prosecutable violation of State Law. So the Chief or his officers would be involved, and would close the place and issue citations. If the violation related to something like a setback on a deck, we would not involve the police.

In addition to these problems, the enforcement provision does not provide for a process. From a due process standpoint we must provide notice of violations. We should allow corrective time periods. That approach just did not make its way into the zoning code.

I am proposing that we repeal the existing 121-96, which also means we would renumber Section 121-97 as Section 121-96. I am also providing an entirely new Section 121-66 relating to enforcement. The numbering will be put in the correct article.

ORDINANCE NO. _____

An Ordinance Amending Subpart B, Chapter 121, Article II & Article III, Sections 121-66, 121-96 and 121-97 of the Brown Deer Village Code Pertaining to Enforcement and Civil Damages

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

SECTION I

Section 121-96 of the Brown Deer Village Code is hereby repealed, and Section 121-97 relating to Civil Damages is hereby renumbered as Section 121-96.

SECTION II

Section 121-66 is hereby created to provide as follows:

Sec. 121-66. Enforcement.

(a) *Inspection.*

- (1) The village manager or his designee shall make an investigation upon belief of a violation or referral or complaint of a claimed violation of any provisions of this Chapter.
- (2) Whenever a property or structure in the village is determined to be in noncompliance with the provisions of this Chapter, it shall be termed to be “in violation.”

(b) *Notice of violation.* The village manager or his designee shall serve such notice of violation to the owner, operator or the occupant of the property or structure. Said notice shall:

- (1) Be in writing;
- (2) Include a description of the real estate, sufficient for identification;
- (3) Include a statement for the reason or reasons of issue;

- (4) Include a description of the repairs and improvements necessary to bring such property or structure into compliance with this Chapter and any rules or regulations adopted thereto;
- (5) Include a period in which compliance with the stated violation(s) must be completed, utilizing the following:
 - a. If nonlife-threatening, 30 days to comply with order;
 - b. If life-threatening, five days to comply with order, unless imminent risk to health, welfare or safety requires immediate compliance.
- (6) Be served upon the owner, operator, or the occupant as the case may require; provided that such notice shall be deemed to be properly served upon such owner, occupant, or operator if a copy thereof is delivered personally, by a copy thereof being sent by registered or certified mail with return receipt requested to the last known address of the owner, operator or occupant, or, in the event the registered or certified mail is returned with receipt showing nondelivery, such notice shall be made by posting a copy thereof in a conspicuous place in, on, or about the commercial property affected by the notice.

(c) *Remedy.* In the event the violation is not thereafter cured the Village shall have all remedies as contemplated by Section 1-7 of the Village Code.

SECTION III

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

SECTION IV

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. 2015.

Carl Krueger, Village President

Countersigned:

Jill Kenda-Lubetski, Village Clerk