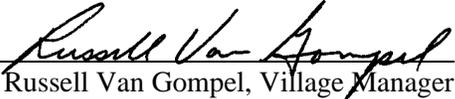


VILLAGE BOARD MEETING
Monday, November 5, 2012
Earl McGovern Board Room, 6:30 P.M.



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. Public Hearing – 2013 Budget
- IV. Persons Desiring to be Heard
- V. Consideration of Minutes: October 15, 2012 – Regular Meeting
- VI. Unfinished Business
- 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.”
 - B) Resolutions No. 12-, “A Resolution Awarding the Sale of \$1,365,000 General Obligation Corporate Purpose Bonds.”
 - C) Resolution No. 12-, “A Resolution Awarding the Sale of \$5,480,000 Taxable General Obligation Refunding Bonds.”
 - D) 2012 State Trust Fund Loan
 - E) Requests for Extended Holiday Hours by various Retailers
 - 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
 - G) Appointment of Jill Kenda-Lubetski as Interim Village Clerk
 - H) Resolution No. 12-, “A Resolution of Appreciation for Russell Van Gompel as Village Manager”
- 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.
- XI. Reconvene into Open Session for Possible Action on Closed Session Deliberations
- XII. Adjournment


Russell Van Gompel, Village Manager
November 1, 2012

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

MEMORANDUM

TO: Village President Carl Krueger,
Members of the Board of Trustees,
and Village of Brown Deer Residents

FROM: Bridget M. Souffrant, Treasurer/Comptroller
Russell Van Gompel, Village Manager

DATE: November 5, 2012

SUBJECT: 2013 Annual Budget

We are presenting the 2013 Annual Budget for your review and consideration at this Public Hearing and subsequent adoption by the Village Board. The Village Board has fully reviewed our recommendation during Budget work sessions held on October 16, 24, and 25, 2012.

It is important to remember that the Village is required to meet tax levy limits imposed under 2011 Wisconsin Act 32. This law limits the tax levy to the percentage in equalized value in net new construction or zero percent. Brown Deer's net new construction is 0.38%, which equates to a possible increase of \$20,686. There is an exception to the levy limit rule that would allow a municipality to carry-forward up to 0.5% of a previously unused levy cap allocation. Brown Deer is eligible for a carry-forward increase of \$38,810. The recommended budget includes a tax levy of \$7,771,935, which is an increase of \$9,315. With the recommended budget as presented, the Village will be leaving a total of \$50,181 of potential 2013 levy increase that the Village will not be able to recoup in the future.

General Fund Highlights

General Fund revenues continue to be dependent on property taxes. In fact, almost 63% of the General Fund revenue is comprised of property taxes. Property taxes in the General Fund are proposed to decrease by \$409. The Village's shared revenue remains the same and transportation aids increased by \$2,640. In addition to levy limits imposed under 2011 Wisconsin Act 32, the Act also cut state funding for the shared revenue and transportation programs reflected in the 2012 budget. The Village is seeing positive movement in terms of development and renovations resulting in an increase of inspection permits by \$28,000. In total, General Fund revenue is proposed to increase by 0.40% to \$9,719,484.

General Fund expenditures are proposed to increase by \$33,300 or 0.34%. The 2013 budget recommendation shows a \$24,000 increase in the Village's payment to the North Shore Fire Department and a \$39,000 increase for costs related to the Consolidated Dispatch. Under 2011 Wisconsin Act 32 the State of Wisconsin assisted communities by requiring that employees, except for public safety and transit, start

paying the employee share into the retirement system, WRS. For 2013, the non-represented employee share is 6.65% of their wages and those in and associated with the WPPA contract are contributing 3% of their wages to WRS. In addition, the Village went out to the market for health insurance bids and received four bids. After reviewing the potential plan revisions and the premiums quoted, the budget displays a 3% increase in premiums for employee health insurance. This increase follows two years of a 0% increase and maintains the same plan coverage for the employees. The 2013 budget also reflects all employees on the health insurance plan contributing 11% towards their health premiums.

The recommended budget adds \$6,460 to the fund balance of the General Fund. The projected fund balance of \$3,595,480 is at 37.02% of expenditures and the unassigned fund balance is within the approved fund balance range between 15%-30%, which is part of the Village approved financial policy of maintaining fund balance.

Taxes

In addition to property taxes funding a major portion of the day-to-day activities and operations in the General Fund, property taxes are collected to support other needs. Property taxes needed to support debt service obligations are proposed to decrease by \$823 or 0.10%. It is also recommended that the tax levy to support library services and the park and pond remain at the same levels as last year. The proposed budget includes a tax levy increase of \$10,547 or 3.00% for the combined Capital Improvement Fund, as presented in the Five Year Capital Improvement Plan, and is consistent with the financial plan presented and approved in 2012.

It is too early to determine what the final tax rates will be since the assessed and equalized values will not be finalized until mid November. However, based on our estimates, the Village will see an 11% reduction in assessed valuation to \$889,369,660. If this estimate is accurate, Village residents will see a 12.69% increase in the tax rate from \$7.75 to \$8.74 for Village purposes. A typical homeowner (with a value of \$135,491) will see an increase of \$1.40 in their tax bill for Village purposes.

Other Funds Highlights

Recycling

In addition to refuse service, the Village collects materials for recycling at residential properties. During 2008, the Village changed refuse and recycling providers to allow residents to utilize a single stream recycling service. Charges for recycling service are placed on resident tax bills for collection purposes. The 2012 tax bills (which provide revenue for 2013) maintains a recycling charge of \$80.

Stormwater Utility Charges

The Village created a Stormwater utility in 2004 in order to adequately monitor the costs associated with the implementation of a stormwater management program and to fund the project costs. Rates were recommended by an external consultant and were

designed to handle the estimated expenses and projects for five years. The rate was established at \$22.95 per Equivalent Run-off Unit (ERU) per quarter and was held for six years. The ERU rate was adjusted to \$26.51 per quarter in 2011 and is not proposed to change in 2013.

Sanitary Sewer Utility Charges

The Village contracts with the Milwaukee Metropolitan Sewerage District (MMSD) to provide sewer treatment services for all businesses and residents within the Village. The Village also incurs costs for maintenance of sewer infrastructure assets. The 2013 budget proposes no adjustment in the \$12.50 quarterly connection charge or the volumetric charge of \$1.39 per 1,000 gallons consumed.

Debt Proceeds

The 2013 budget does not include any issuance of debt. The Village issues debt to finance capital projects every other year. In 2012, debt was issued for planned 2012 and 2013 capital projects. These projects will be approved by subsequent Village Board action. Projects were identified and included in the Five Year Capital Plan adopted by the Village Board on September 17, 2012.

Conclusion

I will be distributing a copy of a PowerPoint presentation that I will present to help explain the 2013 Budget at the Village Board meeting. A copy of the proposed resolution to adopt the 2013 Annual Budget and Establish the Property Tax Levy is attached for your review. It is my recommendation that the Village Board adopt the attached resolution.

In the Matter of Adopting the 2013
Annual Budget and Establishing the Property
Tax Levy for the Village of Brown Deer

Resolution No. 12-

WHEREAS, the Village Manager has prepared an Annual Budget for the 2013 fiscal year in accordance with the requirements of Charter Ordinance No. 3 of the Brown Deer Village Code; and,

WHEREAS, the Village Board has reviewed the proposed revenues from all sources and the proposed expenditures for all purposes and has directed that the proposed budget be adjusted accordingly; and,

WHEREAS, a public hearing on the Annual Budget was held November 5, 2012 after due and proper notice of said hearing having been given in accordance with the provisions of Section 65.90, Wisconsin Statutes; and,

WHEREAS, the Village Board adopted certain resolutions relating to borrowing and levying irrepealable taxes sufficient to pay such borrowing; and,

WHEREAS, it is necessary to levy a property tax in the amount of **\$7,771,935** to fund the expenses of Village government as contained in the 2013 Annual Budget.

NOW, THEREFORE, BE IT RESOLVED by the Village Board of the Village of Brown Deer, Wisconsin as follows:

1. That the 2013 Annual Budget, a summary of which is attached hereto and made a part hereof, be and is hereby approved;
2. That the property tax is hereby levied and be placed upon the 2012 tax roll as follows: General Fund \$6,142,800, Capital Improvement Fund \$362,108, Park and Pond Fund \$47,500, Library Fund \$385,346, and Debt Service Fund \$834,181;
3. That the Village Manager is hereby authorized to delete or create expenditure accounts and to reduce or increase the amounts reflected in the Annual Budget for such expenditure accounts through the transfer of funds between expenditure accounts within the various Departments within the General Fund, provided that the authorized expenditure limit of the General Fund, exclusive of any contingency appropriation, is not exceeded and the 2013 Annual Budget is not increased.

PASSED AND ADOPTED by the Village Board of the Village of Brown Deer this 5th day of November, 2012.

Carl Krueger, Village President

Russell Van Gompel, Village Manager

**BROWN DEER VILLAGE BOARD
OCTOBER 15, 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 6:34 P.M.

I. Roll Call

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

Excused: Trustee Weddle-Henning

Also Present: Russell Van Gompel, Village Manager; Matthew Janecke, Assistant Village Manager; Rebecca Boyle, Village Attorney; Bridget Souffrant, Treasurer/Comptroller; Nate Piotrowski, Community Development Director

II. Pledge of Allegiance

III. Persons Desiring to be Heard

None.

IV. Consideration of Minutes: October 1, 2012 – Regular Meeting

It was moved by Trustee Boschert and seconded by Trustee Oates to approve the minutes of the October 1, 2012 – Regular Meeting. The motion carried unanimously.

V. Committee Reports

A) Building Board – Trustee Weddle-Henning

Mr. Piotrowski reported on the recent approvals. Approved was a sign for Brook Lane apartments, a vestibule for the Rite-Hite Corporation, a new single family residence at 8487 North 66th Street, warehouse addition at U-Line, a smoker's vestibule at Signicast, and JFS/Bradley Crossing phase two addition re-submittal. He further reported on the denial of Stratford Village Townhome's siding review request, which the Board requested a re-submittal.

B) Beautification Committee – Trustee Oates

Trustee Oates announced that the recognition event for past Beautification Award winners was held at the Library Community Room on September 18th.

C) Park and Recreation Committee – Trustee Springman

Trustee Springman announced that the Committee reviewed the park permit and pond fees. It was determined the fees will not change for 2013. He continued to give an update on the Community Center completion date and the education grant received by the school district to be used in part by the Park and Recreation department for recreational activities.

D) 4th of July Committee – Village President Krueger

No report.

E) Traffic and Public Safety – Trustee Boschert

No report.

F) Library Board – Trustee Baker

Trustee Baker reported that the Library Board discussed and recommended a budget scenario of a 0% increase, leaving the Library in an operating budget deficit for 2013. Trustee Springman inquired into how the deficit would be covered.

G) Community Development Authority – Village President Krueger

No report.

H) Plan Commission – Village President Krueger**1) Review and Recommendation of a Supplemental Development Agreement for an addition to the multiple family development known as Deerwood Crossing, 4195 W. Bradley Road**

Mr. Piotrowski reviewed the memoranda he prepared and stated the positive recommendation for the supplemental development agreement is for phase two of the original three phase plan for Deerwood Crossing. Mr. Piotrowski introduced Sig Strautmanis and the rest of the General Capital Development team and mentioned final landscaping and architectural approval will come before the Building Board and Beautification Committee. Mr. Strautmanis gave a detailed power point presentation of Deerwood Crossing phase two.

Village President Krueger inquired into the additional parking area. Mr. Strautmanis explained that the additional parking spaces will be constructed based on as-needed basis from additional programming. The Board discussed the concerns for the additional parking lots. Mr. Piotrowski clarified that General Capital would need to come back to the Village Board and show the demand for the extra parking lots before they would be allowed to construct those lots.

Trustee Oates asked about the market rate for the apartments. Mr. Strautmanis replied that the majority of the apartments will be affordable apartment units with provided services while the others will be market rate. Demand will determine the amount of market-rate apartments.

It was moved by Village President Krueger and seconded by Trustee Schilz to approve a Supplemental Development Agreement for an addition to the multiple family development known as Deerwood Crossing, 4195 W. Bradley Road. The motion carried unanimously.

2) Review and Recommendation of a Certified Survey Map for a land combination at 4195 W. Bradley Road

Village President Krueger explained this item is to combine two land parcels into one for the purpose of constructing phase two of Deerwood Crossing. Mr. Piotrowski stated the village requires the combination of the two parcels in order for construction to occur.

It was moved by Village President Krueger and seconded by Trustee Schilz to approve a Certified Survey Map for a land combination at 4195 W. Bradley Road. The motion carried unanimously.

I) Finance and Public Works – Trustee Oates

No Report.

J) Personnel Committee – Trustee Baker

No Report.

VI. Unfinished Business

None.

VII. New Business

Mrs. Souffrant gave a short explanation on General Obligation Bonds and introduced Steven Kornetzke of Robert W. Baird. Mr. Kornetzke gave a presentation on the Village's Capital Financing Plan and debt issuance. A discussion ensued about the specifics of the plan.

A) Liquor License Agent Change for Pick 'N Save, 9200 North Green Bay Road

Village Manager Van Gompel reviewed the request for change of agent appointment for Pick 'N Save Store # 6867 and noted a background check of Katrina Denise Lee was completed by the Police Department.

It was moved by Trustee Boschert and seconded by Trustee Schilz to approve a Liquor License Agent Change for Pick 'N Save, 9200 North Green Bay Road. The motion carried unanimously.

B) Extended Special Holiday Hours

Mr. Janecke reported that Kohl's department store has requested extended holiday hours outside of the normal operating hours listed in the village code. He mentioned the Police Department has reviewed Kohl's request and they found no concerns. Trustee Oates inquired into the added cost of having additional public safety measures.

It was moved by Village President Krueger and seconded by Trustee Schilz to approve the request from Kohl's Department Store for extended holiday hours as stated in their letter to the Village. The motion carried 6-1 with Trustee Oates voting in opposition.

C) Initial Resolution Authorizing \$550,000 General Obligation Bonds for Street Improvement Projects

Mrs. Souffrant gave a short explanation on General Obligation Bonds and introduced Steven Kornetzke of Robert W. Baird. Mr. Kornetzke gave a presentation on the Village's Capital Financing Plan and debt issuance. A discussion ensued about the specifics of the plan.

It was moved by Trustee Oates and seconded by Trustee Boschert to approve the Initial Resolution Authorizing \$550,000 General Obligation Bonds for Street Improvement Projects. The motion carried unanimously.

D) Initial Resolution Authorizing \$510,000 General Obligation Bonds for Water System Improvements

It was moved by Trustee Oates and seconded by Trustee Schilz to approve the Initial Resolution Authorizing \$510,000 General Obligation Bonds for Water System Improvements. The motion carried unanimously.

E) Initial Resolution Authorizing \$305,000 General Obligation Bonds for Sewerage Projects

It was moved by Trustee Oates and seconded by Trustee Springman to approve the Initial Resolution Authorizing \$305,000 General Obligation Bonds for Sewerage Projects. The motion carried unanimously.

F) Initial Resolution Authorizing \$5,480,000 Taxable General Obligation Refunding Bonds

It was moved by Trustee Oates and seconded by Trustee Boschert to approve the Initial Resolution Authorizing the Sale of \$5,480,000 Taxable General Obligation Refunding Bond. The motion carried unanimously.

G) Resolution Providing for the Sale of \$1,365,000 of General Obligation Corporate Purpose Bonds

It was moved by Trustee Oates and seconded by Trustee Springman to approve the Resolution Providing for the Sale of \$1,365,000 General Obligation Corporate Purpose Bonds. The motion carried unanimously.

H) Resolution Providing for the Sale of \$5,480,000 of Taxable General Obligation Refunding Bonds

It was moved by Trustee Oates and seconded by Trustee Baker to approve the Resolution Providing for the Sale of \$5,480,000 of Taxable General Obligation Refunding Bonds. The motion carried unanimously.

I) 2012 State Trust Fund Loan

It was moved by Trustee Oates and seconded by Trustee Baker to approve the Village Board submit a request to apply for a loan not to exceed \$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.

J) Ayres Contract Amendment for Meadowside Stormwater BMP

Mrs. Souffrant reviewed the memorandum prepared by James Buske, noting the Village is seeking bids to install a stormwater treatment device. A grant from the Department of Natural Resources was received allowing a stormwater treatment device to be located at North 46th Street and Dean Road; a location not previously having a stormwater treatment device. Ayres Associates submitted a contract for other stormwater treatment project and has amended their contract to include this project.

It was moved by Trustee Oates and seconded by Trustee Baker to approve Ayres Contract Amendment for Meadowside Stormwater BMP in an amount not to exceed \$15,000. The motion carried unanimously.

K) Refuse and Recycling Contract

Mr. Van Gompel reviewed the memorandum prepared by Larry Neitzel and mentioned the Village is asking for a 5.5 year commitment for the purpose of delivering new refuse and recycling carts during the summer. The proposals that were received had a low bid provided by Veolia Environmental Services with a 23.79% decrease from 2012 estimates.

Trustee Baker inquired about where the waste is being taken and if the dumping sights change will it have on the cost. The contracts are fixed and the dumping location has no cost bearing to the Village.

Trustee Schilz asked if the service level will change because of the decrease in costs. Mr. Van Gompel

replied that the contract from Veolia includes the exact same service levels currently provided.

It was moved by Trustee Oates and seconded by Trustee Boschert to approve the Contract for Refuse and Recycling Collection and Processing for 2013 – July 2018 to Veolia Environmental Services. The motion carried unanimously.

L) Turf Maintenance Contract

Mr. Van Gompel reviewed the memorandum prepared by Larry Neitzel, noting that the turf maintenance bid process included a mandatory pre-bid meeting. The proposal included mowing and maintenance of all Village maintained lands and roadway. Staff reviewed the facilities, equipment, and personnel of all the contractors and determined all the contractors meet the requirement for a qualified bidder. Staff is recommending the low bidder Fox Services, LLC be awarded the turf maintenance contract.

Trustee Schilz inquired about the location of Fox Services, LLC. Mr. Van replied that they are out of Union Grove, WI. Responses from their references were all positive.

Trustee Oates expressed his concern with areas in the Village that were neglected by the last contractor. Mr. Van Gompel mentioned natural areas have been established and a number of comments from residents have been related to natural areas. Staff will develop a plan to inform residents of the natural areas. Trustee Boschert inquired into Village and County responsibilities of river basins and who is responsible for maintaining those lands.

Trustee Schilz noted his concern about moving away from a Brown Deer business that helped maintain Village areas. Mr. Van Gompel mentioned the current provider is All American Lawn Care, and that Brown Deer Lawn Service contracted some work through the water utility.

It was moved by Trustee Oates and seconded by Trustee Boschert to approve the Contract for Turf Maintenance and Removal of Snow/Ice from Village Hall and the Library for 2013 – 2018 to Fox Services, LLC. The motion carried unanimously.

M) Engagement Letter with Baker Tilly for 2012 Audit

Mrs. Souffrant reported that the Village has been using Baker Tilly, LLP as its auditing firm for numerous years and has asked for another one year contract, with a \$5,000 reduction, due to performing some of the auditing procedures in house. Given the personnel changes happening in the organization, Staff has asked for another one year contract with the intent to bid out services in the future after the transitions.

It was moved by Trustee Oates and seconded by Trustee Boschert to approve the One Year Engagement Letter with Baker Tilly for the 2012 Audit Services. The motion carried unanimously.

N) August 2012 Financial Reports

It was moved by Trustee Oates and seconded by Trustee Springman to approve the August 2012 Financial Report. The motion carried unanimously.

O) Consideration of Vouchers

It was moved by Trustee Oates and seconded by Trustee Springman to approve the vouchers from August 29, 2012 through September 21, 2012 in the amount of \$1,228,375.23. The motion carried unanimously.

VIII. Village President's Report

Village President Krueger reported on the following:

- The recent ICC meeting
- Milwaukee County EMS/Paramedic contributions and contract language
- NSFD is anticipating a 4.9% levy increase

IX. Village Manager's Report

Mr. Van Gompel reported on the following:

- Service award from ICMA for 30 years in government
- In-person absentee voting beginning Monday
- Police Department memo concerning 50 demerit points at a Brown Deer establishment

X. Committee Appointments

It was moved by Village President Krueger and seconded by Trustee Oates to appoint Anne Dunn to the Beautification Committee. The motion carried unanimously.

XI. 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.

It was moved by Trustee Springman and seconded by Trustee Baker to recess into Closed Session at 8:06 p.m. The motion carried unanimously.

It was moved by Village President Krueger and seconded by Trustee Schilz to reconvene into Open Session at 9:19 p.m. The motion carried unanimously.

XII. Adjournment

It was moved by Trustee Baker and seconded by Trustee Boschert to adjourn at 9:20 p.m. The motion carried unanimously.



Russell Van Gompel, Village Manager



REQUEST FOR CONSIDERATION

COMMITTEE:	Village Board
ITEM DESCRIPTION:	2012 – 2013 Debt Issuance
PREPARED BY:	Bridget M. Souffrant, Treasurer / Comptroller <i>BMS</i>
REPORT DATE:	October 30, 2012
MANAGER'S REVIEW/COMMENTS:	<input checked="" type="checkbox"/> No additional comments to this report. <input type="checkbox"/> See additional comments attached. <i>R V. Souffrant</i>
RECOMMENDATION:	To recommend approval to the Village Board of the resolution awarding the sale of \$5,480,000 of Taxable General Obligation Refunding Bonds and the resolution awarding the sale of \$1,365,000 General Obligation Corporate Purpose bonds.
EXPLANATION:	<p>Attached are draft resolutions, the actual resolutions will be provided to you the evening of the meeting with the actual bidders and interest rates.</p> <p>The Village will be refunding the 2006 Taxable General Obligation Community Development Bonds and the 2009 State Trust Fund Loan. In addition to that the Village will issue General Obligation Corporate Purpose Bonds used to fund 2012 and 2013 Capital Projects as defined in the Five Year Capital Plan.</p> <p>If you have any questions please feel free to give me a call. Thank you!</p>

RESOLUTION NO. _____

RESOLUTION AWARDDING THE SALE OF
\$1,365,000 GENERAL OBLIGATION CORPORATE PURPOSE BONDS

WHEREAS, on October 15, 2012, the Village Board of the Village of Brown Deer, Milwaukee County, Wisconsin (the "Village") adopted initial resolutions authorizing the issuance of general obligation bonds in an amount not to exceed \$510,000 for the public purpose of financing water system improvements; in an amount not to exceed \$305,000 for the public purpose of financing sewerage projects, consisting of sanitary sewer improvements; and in an amount not to exceed \$550,000 for the public purpose of financing street improvement projects (collectively, the "Initial Resolutions");

WHEREAS, on October 15, 2012, the Village Board of the Village also adopted a resolution entitled: "Resolution Providing for the Sale of \$1,365,000 General Obligation Corporate Purpose Bonds" (the "Set Sale Resolution"), providing that the general obligation bond issues authorized by the Initial Resolutions be combined, issued and sold as a single issue of bonds designated as "General Obligation Corporate Purpose Bonds" (the "Bonds") for the purpose of paying the cost of the projects described in the Initial Resolutions (the "Project");

WHEREAS, the Village Board deems it to be necessary, desirable and in the best interest of the Village that the Bonds be issued in the aggregate principal amount of \$1,365,000;

WHEREAS, the Village Board hereby finds and determines that the Project is within the Village's power to undertake and therefore serves a "public purpose" as that term is defined in Section 67.04(1)(b), Wisconsin Statutes;

WHEREAS, pursuant to the Set Sale Resolution, the Village directed Robert W. Baird & Co. Incorporated ("Baird") to take the steps necessary to sell the Bonds;

WHEREAS, Baird, in consultation with the officials of the Village, prepared an Official Notice of Sale (a copy of which is attached hereto as Exhibit A and incorporated herein by this reference) setting forth the details of and the bid requirements for the Bonds and indicating that the Bonds would be offered for public sale on November 5, 2012;

WHEREAS, the Village Clerk (in consultation with Baird) caused notice of the sale of the Bonds to be published and/or announced and caused the Official Notice of Sale to be distributed to potential bidders offering the Bonds for public sale;

WHEREAS, the Village has duly received bids for the Bonds as described on the Bid Tabulation attached hereto as Exhibit B and incorporated herein by this reference (the "Bid Tabulation"); and

WHEREAS, it has been determined that the bid proposal (the "Proposal") submitted by the financial institution listed first on the Bid Tabulation fully complies with the bid requirements set forth in the Official Notice of Sale and is deemed to be the most advantageous to the Village. Baird has recommended that the Village accept the Proposal. A copy of said

Proposal submitted by such institution (the "Purchaser") is attached hereto as Exhibit C and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED by the Village Board of the Village that:

Section 1A. Ratification of the Official Notice of Sale and Offering Materials. The Village Board of the Village hereby ratifies and approves the details of the Bonds set forth in Exhibit A attached hereto as and for the details of the Bonds. The Official Notice of Sale and any other offering materials prepared and circulated by Baird are hereby ratified and approved in all respects. All actions taken by officers of the Village and Baird in connection with the preparation and distribution of the Official Notice of Sale and any other offering materials are hereby ratified and approved in all respects.

Section 1B. Award of the Bonds. The Proposal of the Purchaser offering to purchase the Bonds for the sum set forth on the Proposal, plus accrued interest to the date of delivery, is hereby accepted. The President and Village Clerk or other appropriate officers of the Village are authorized and directed to execute an acceptance of the Proposal on behalf of the Village. The good faith deposit of the Purchaser shall be retained by the Village Treasurer until the closing of the bond issue, and any good faith deposits submitted by unsuccessful bidders shall be promptly returned. The Bonds bear interest at the rates set forth on the Proposal.

Section 2. Terms of the Bonds. The Bonds shall be designated "General Obligation Corporate Purpose Bonds"; shall be issued in the aggregate principal amount of \$1,365,000; shall be dated November 26, 2012; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rates per annum and mature on April 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit D-1 and incorporated herein by this reference. Interest is payable semi-annually on April 1 and October 1 of each year commencing on April 1, 2013. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The schedule of principal and interest payments due on the Bonds is set forth on the Debt Service Schedule attached hereto as Exhibit D-2 and incorporated herein by this reference (the "Schedule").

Section 3. Redemption Provisions. The Bonds maturing on April 1, 2023 and thereafter shall be subject to redemption prior to maturity, at the option of the Village, on April 1, 2022 or on any date thereafter. Said Bonds shall be redeemable as a whole or in part, and if in part, from maturities selected by the Village and within each maturity, by lot, at the principal amount thereof, plus accrued interest to the date of redemption. If the Proposal specifies that any of the Bonds are subject to mandatory redemption, the terms of such mandatory redemption are set forth on an attachment hereto as Exhibit MRP and incorporated herein by this reference.

Section 4. Form of the Bonds. The Bonds shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit E and incorporated herein by this reference.

Section 5. Tax Provisions.

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds as the same becomes due, the full faith, credit and resources of the Village are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the Village a direct annual irrepealable tax in the years 2012 through 2031 for the payments due in the years 2013 through 2032 in the amounts set forth on the Schedule.

(B) Tax Collection. So long as any part of the principal of or interest on the Bonds remains unpaid, the Village shall be and continue without power to repeal such levy or obstruct the collection of said tax until all such payments have been made or provided for. After the issuance of the Bonds, said tax shall be, from year to year, carried onto the tax roll of the Village and collected in addition to all other taxes and in the same manner and at the same time as other taxes of the Village for said years are collected, except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus money in the Debt Service Fund Account created below.

(C) Additional Funds. If at any time there shall be on hand insufficient funds from the aforesaid tax levy to meet principal and/or interest payments on said Bonds when due, the requisite amounts shall be paid from other funds of the Village then available, which sums shall be replaced upon the collection of the taxes herein levied.

Section 6. Segregated Debt Service Fund Account.

(A) Creation and Deposits. There be and there hereby is established in the treasury of the Village, if one has not already been created, a debt service fund, separate and distinct from every other fund, which shall be maintained in accordance with generally accepted accounting principles. Debt service or sinking funds established for obligations previously issued by the Village may be considered as separate and distinct accounts within the debt service fund.

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for \$1,365,000 General Obligation Corporate Purpose Bonds, dated November 26, 2012" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Bonds is fully paid or otherwise extinguished. The Village Treasurer shall deposit in the Debt Service Fund Account (i) all accrued interest received by the Village at the time of delivery of and payment for the Bonds; (ii) any premium which may be received by the Village above the par value of the Bonds and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Bonds when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Bonds when due; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purpose other than the payment of principal of and interest on the Bonds until all such principal and interest has been paid in full and the Bonds canceled; provided (i) the funds to provide for each payment of principal of and interest on the Bonds prior to the scheduled receipt of taxes from the next succeeding tax collection may be invested in direct obligations of the United States of America maturing in time to make such payments when they are due or in other investments permitted by law; and (ii) any funds over and above the amount of such principal and interest payments on the Bonds may be used to reduce the next succeeding tax levy, or may, at the option of the Village, be invested by purchasing the Bonds as permitted by and subject to Section 67.11(2)(a), Wisconsin Statutes, or in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue to be a part of the Debt Service Fund Account. Any investment of the Debt Service Fund Account shall at all times conform with the provisions of the Internal Revenue Code of 1986, as amended (the "Code") and any applicable Treasury Regulations (the "Regulations").

(C) Remaining Monies. When all of the Bonds have been paid in full and canceled, and all Permitted Investments disposed of, any money remaining in the Debt Service Fund Account shall be transferred and deposited in the general fund of the Village, unless the Village Board directs otherwise.

Section 7. Proceeds of the Bonds; Segregated Borrowed Money Fund. The proceeds of the Bonds (the "Bond Proceeds") (other than any premium and accrued interest which must be paid at the time of the delivery of the Bonds into the Debt Service Fund Account created above) shall be deposited into a special fund separate and distinct from all other funds of the Village and disbursed solely for the purposes for which borrowed or for the payment of the principal of and the interest on the Bonds. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purposes for which the Bonds have been issued have been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purposes shall be deposited in the Debt Service Fund Account.

Section 8. No Arbitrage. All investments made pursuant to this Resolution shall be Permitted Investments, but no such investment shall be made in such a manner as would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code or the Regulations and an officer of the Village, charged with the responsibility for issuing the Bonds, shall certify as to facts, estimates, circumstances and reasonable expectations in existence on the date of delivery of the Bonds to the Purchaser which will permit the conclusion that the Bonds are not "arbitrage bonds," within the meaning of the Code or Regulations.

Section 9. Compliance with Federal Tax Laws. (a) The Village represents and covenants that the projects financed by the Bonds and the ownership, management and use of the projects will not cause the Bonds to be "private activity bonds" within the meaning of Section 141 of the Code. The Village further covenants that it shall comply with the provisions of the Code to the extent necessary to maintain the tax-exempt status of the interest on the Bonds including, if applicable, the rebate requirements of Section 148(f) of the Code. The Village

further covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Bonds) if taking, permitting or omitting to take such action would cause any of the Bonds to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Bonds to be included in the gross income of the recipients thereof for federal income tax purposes. The Village Clerk or other officer of the Village charged with the responsibility of issuing the Bonds shall provide an appropriate certificate of the Village certifying that the Village can and covenanting that it will comply with the provisions of the Code and Regulations.

(b) The Village also covenants to use its best efforts to meet the requirements and restrictions of any different or additional federal legislation which may be made applicable to the Bonds provided that in meeting such requirements the Village will do so only to the extent consistent with the proceedings authorizing the Bonds and the laws of the State of Wisconsin and to the extent that there is a reasonable period of time in which to comply.

Section 10. Designation as Qualified Tax-Exempt Obligations. The Bonds are hereby designated as "qualified tax-exempt obligations" for purposes of Section 265 of the Code, relating to the ability of financial institutions to deduct from income for federal income tax purposes, interest expense that is allocable to carrying and acquiring tax-exempt obligations.

Section 11. Execution of the Bonds; Closing; Professional Services. The Bonds shall be issued in printed form, executed on behalf of the Village by the manual or facsimile signatures of the President and Village Clerk, authenticated, if required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the Village of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Bonds may be imprinted on the Bonds in lieu of the manual signature of the officer but, unless the Village has contracted with a fiscal agent to authenticate the Bonds, at least one of the signatures appearing on each Bond shall be a manual signature. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Bonds and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The Village hereby authorizes the officers and agents of the Village to enter into, on its behalf, agreements and contracts in conjunction with the Bonds, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Bonds is hereby ratified and approved in all respects.

Section 12. Payment of the Bonds; Fiscal Agent. The principal of and interest on the Bonds shall be paid by the Village Clerk or Village Treasurer (the "Fiscal Agent").

Section 13. Persons Treated as Owners; Transfer of Bonds. The Village shall cause books for the registration and for the transfer of the Bonds to be kept by the Fiscal Agent. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute

owner thereof for all purposes and payment of either principal or interest on any Bond shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

Any Bond may be transferred by the registered owner thereof by surrender of the Bond at the office of the Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the President and Village Clerk shall execute and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount, series and maturity and the Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent shall cancel any Bond surrendered for transfer.

The Village shall cooperate in any such transfer, and the President and Village Clerk are authorized to execute any new Bond or Bonds necessary to effect any such transfer.

Section 14. Record Date. The fifteenth day of each calendar month next preceding each interest payment date shall be the record date for the Bonds (the "Record Date"). Payment of interest on the Bonds on any interest payment date shall be made to the registered owners of the Bonds as they appear on the registration book of the Village at the close of business on the Record Date.

Section 15. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Bonds eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the Village agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the Village and on file in the Village Clerk's office.

Section 16. Official Statement. The Village Board hereby approves the Preliminary Official Statement with respect to the Bonds and deems the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by officers of the Village in connection with the preparation of such Preliminary Official Statement and any addenda to it or Final Official Statement are hereby ratified and approved. In connection with the Closing, the appropriate Village official shall certify the Preliminary Official Statement and any addenda or Final Official Statement. The Village Clerk shall cause copies of the Preliminary Official Statement and any addenda or Final Official Statement to be distributed to the Purchaser.

Section 17. Undertaking to Provide Continuing Disclosure. The Village hereby covenants and agrees, for the benefit of the owners of the Bonds, to enter into a written undertaking (the "Undertaking") if required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Bonds or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific

performance of the obligations thereunder and any failure by the Village to comply with the provisions of the Undertaking shall not be an event of default with respect to the Bonds).

To the extent required under the Rule, the Village Clerk, or other officer of the Village charged with the responsibility for issuing the Bonds, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the Village's Undertaking.

Section 18. Record Book. The Village Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Bonds in the Record Book.

Section 19. Bond Insurance. If the Purchaser determines to obtain municipal bond insurance with respect to the Bonds, the officers of the Village are authorized to take all actions necessary to obtain such municipal bond insurance. The President and Village Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the President and Village Clerk including provisions regarding restrictions on investment of Bond proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Bonds by the bond insurer and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Bond provided herein.

Section 20. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the Village Board or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Adopted, approved and recorded November 5, 2012.

Carl Krueger
President

ATTEST:

Russell Van Gompel
Village Clerk

(SEAL)

EXHIBIT A

Official Notice of Sale

To be provided by Robert W. Baird & Co. Incorporated and incorporated into the Resolution.

(See Attached)

DRAFT

EXHIBIT B

Bid Tabulation

To be provided by Robert W. Baird & Co. Incorporated and incorporated into the Resolution.

(See Attached)

DRAFT

EXHIBIT C

Winning Bid

To be provided by Robert W. Baird & Co. Incorporated and incorporated into the Resolution.

(See Attached)

DRAFT

EXHIBIT D-1

Pricing Summary

To be provided by Robert W. Baird & Co. Incorporated and incorporated into the Resolution.

(See Attached)

DRAFT

EXHIBIT D-2

Debt Service Schedule and Irrepealable Tax Levies

To be provided by Robert W. Baird & Co. Incorporated and incorporated into the Resolution.

(See Attached)

DRAFT

[EXHIBIT MRP]

Mandatory Redemption Provision

The Bonds due on April 1, _____, _____, _____ and _____ (the "Term Bonds") are subject to mandatory redemption prior to maturity by lot (as selected by the Depository) at a redemption price equal to One Hundred Percent (100%) of the principal amount to be redeemed plus accrued interest to the date of redemption, from debt service fund deposits which are required to be made in amounts sufficient to redeem on April 1 of each year the respective amount of Term Bonds specified below:

For the Term Bonds Maturing on April 1, _____

<u>Redemption Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____
_____	_____ (maturity)

For the Term Bonds Maturing on April 1, _____

<u>Redemption Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____
_____	_____ (maturity)

For the Term Bonds Maturing on April 1, _____

<u>Redemption Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____
_____	_____ (maturity)

For the Term Bonds Maturing on April 1, _____

<u>Redemption Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____
_____	_____ (maturity)]

EXHIBIT E

(Form of Bond)

REGISTERED UNITED STATES OF AMERICA DOLLARS
STATE OF WISCONSIN
MILWAUKEE COUNTY
NO. R-___ VILLAGE OF BROWN DEER \$_____
GENERAL OBLIGATION CORPORATE PURPOSE BOND

MATURITY DATE: ORIGINAL DATE OF ISSUE: INTEREST RATE: CUSIP:
April 1, _____ November 26, 2012 _____% _____

DEPOSITORY OR ITS NOMINEE NAME: CEDE & CO.

PRINCIPAL AMOUNT: _____ THOUSAND DOLLARS
(\$_____)

FOR VALUE RECEIVED, the Village of Brown Deer, Milwaukee County, Wisconsin (the "Village"), hereby acknowledges itself to owe and promises to pay to the Depository or its Nominee Name (the "Depository") identified above (or to registered assigns), on the maturity date identified above, the principal amount identified above, and to pay interest thereon at the rate of interest per annum identified above, all subject to the provisions set forth herein regarding redemption prior to maturity. Interest is payable semi-annually on April 1 and October 1 of each year commencing on April 1, 2013 until the aforesaid principal amount is paid in full. Both the principal of and interest on this Bond are payable to the registered owner in lawful money of the United States. Interest payable on any interest payment date shall be paid by wire transfer to the Depository in whose name this Bond is registered on the Bond Register maintained by the Village Clerk or Village Treasurer (the "Fiscal Agent") or any successor thereto at the close of business on the 15th day of the calendar month next preceding the semi-annual interest payment date (the "Record Date"). This Bond is payable as to principal upon presentation and surrender hereof at the office of the Fiscal Agent.

For the prompt payment of this Bond together with interest hereon as aforesaid and for the levy of taxes sufficient for that purpose, the full faith, credit and resources of the Village are hereby irrevocably pledged.

This Bond is one of an issue of Bonds aggregating the principal amount of \$1,365,000, all of which are of like tenor, except as to denomination, interest rate, maturity date and redemption provision, issued by the Village pursuant to the provisions of Section 67.04,

Wisconsin Statutes, for the public purposes of paying the cost of water system improvements (\$510,000); sewerage projects, consisting of sanitary sewer improvements (\$305,000); and street improvement projects (\$550,000), all as authorized by resolutions of the Village Board duly adopted by said governing body at meetings held on October 15, 2012 and November 5, 2012. Said resolutions are recorded in the official minutes of the Village Board for said dates.

The Bonds maturing on April 1, 2023 and thereafter are subject to redemption prior to maturity, at the option of the Village, on April 1, 2022 or on any date thereafter. Said Bonds are redeemable as a whole or in part, and if in part, from maturities selected by the Village and within each maturity, by lot (as selected by the Depository), at the principal amount thereof, plus accrued interest to the date of redemption.

[The Bonds maturing in the years _____, _____ and _____ are also subject to mandatory redemption by lot as provided in the resolution awarding the sale of the Bonds at the redemption price of par plus accrued interest to the date of redemption and without premium.]

In the event the Bonds are redeemed prior to maturity, as long as the Bonds are in book-entry-only form, official notice of the redemption will be given by mailing a notice by registered or certified mail, overnight express delivery, facsimile transmission, electronic transmission or in any other manner required by the Depository, to the Depository not less than thirty (30) days nor more than sixty (60) days prior to the redemption date. If less than all of the Bonds of a maturity are to be called for redemption, the Bonds of such maturity to be redeemed will be selected by lot. Such notice will include but not be limited to the following: the designation, date and maturities of the Bonds called for redemption, CUSIP numbers, and the date of redemption. Any notice provided as described herein shall be conclusively presumed to have been duly given, whether or not the registered owner receives the notice. The Bonds shall cease to bear interest on the specified redemption date provided that federal or other immediately available funds sufficient for such redemption are on deposit at the office of the Depository at that time. Upon such deposit of funds for redemption the Bonds shall no longer be deemed to be outstanding.

It is hereby certified and recited that all conditions, things and acts required by law to exist or to be done prior to and in connection with the issuance of this Bond have been done, have existed and have been performed in due form and time; that the aggregate indebtedness of the Village, including this Bond and others issued simultaneously herewith, does not exceed any limitation imposed by law or the Constitution of the State of Wisconsin; and that a direct annual irrevocable tax has been levied sufficient to pay this Bond, together with the interest thereon, when and as payable.

This Bond has been designated by the Village Board as a "qualified tax-exempt obligation" pursuant to the provisions of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

This Bond is transferable only upon the books of the Village kept for that purpose at the office of the Fiscal Agent, only in the event that the Depository does not continue to act as depository for the Bonds, and the Village appoints another depository, upon surrender of the Bond to the Fiscal Agent, by the registered owner in person or his duly authorized attorney, upon surrender of this Bond together with a written instrument of transfer (which may be endorsed hereon) satisfactory to the Fiscal Agent duly executed by the registered owner or his duly authorized attorney. Thereupon a new fully registered Bond in the same aggregate principal amount shall be issued to the new depository in exchange therefor and upon the payment of a charge sufficient to reimburse the Village for any tax, fee or other governmental charge required to be paid with respect to such registration. The Fiscal Agent shall not be obliged to make any transfer of the Bonds (i) after the Record Date, (ii) during the fifteen (15) calendar days preceding the date of any publication of notice of any proposed redemption of the Bonds, or (iii) with respect to any particular Bond, after such Bond has been called for redemption. The Fiscal Agent and Village may treat and consider the Depository in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes whatsoever. The Bonds are issuable solely as negotiable, fully-registered Bonds without coupons in the denomination of \$5,000 or any integral multiple thereof.

No delay or omission on the part of the owner hereof to exercise any right hereunder shall impair such right or be considered as a waiver thereof or as a waiver of or acquiescence in any default hereunder.

IN WITNESS WHEREOF, the Village of Brown Deer, Milwaukee County, Wisconsin, by its governing body, has caused this Bond to be executed for it and in its name by the manual or facsimile signatures of its duly qualified President and Village Clerk; and to be sealed with its official or corporate seal, if any, all as of the original date of issue specified above.

VILLAGE OF BROWN DEER,
MILWAUKEE COUNTY, WISCONSIN

By: _____
Carl Krueger
President

(SEAL)

By: _____
Russell Van Gompel
Village Clerk

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

(Name and Address of Assignee)

(Social Security or other Identifying Number of Assignee)

the within Bond and all rights thereunder and hereby irrevocably constitutes and appoints _____, Legal Representative, to transfer said Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

(e.g. Bank, Trust Company
or Securities Firm)

(Depository or Nominee Name)

NOTICE: This signature must correspond with the name of the Depository or Nominee Name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

(Authorized Officer)

RESOLUTION NO. _____

RESOLUTION AWARDING THE SALE OF
\$5,480,000 TAXABLE GENERAL OBLIGATION REFUNDING BONDS

WHEREAS, on October 15, 2012, the Village Board of the Village of Brown Deer, Milwaukee County, Wisconsin (the "Village") adopted an initial resolution authorizing the issuance of general obligation bonds in an amount not to exceed \$5,480,000 for the public purpose of refunding obligations of the Village, including interest on them (the "Initial Resolution");

WHEREAS, on October 15, 2012, the Village Board of the Village also adopted a resolution entitled: "Resolution Providing for the Sale of \$5,480,000 Taxable General Obligation Refunding Bonds" (the "Set Sale Resolution"), providing that the general obligation bonds authorized by the Initial Resolution be issued and sold as a single issue of general obligation refunding bonds (the "Bonds") for the purpose described in the Initial Resolution;

WHEREAS, due to certain provisions contained in the Internal Revenue Code of 1986, as amended, it is necessary to issue the Bonds on a taxable rather than tax-exempt basis;

WHEREAS, the obligations to be refunded are the Village's State Trust Fund Loan, dated January 23, 2009 (the "State Trust Fund Loan") and the Taxable General Obligation Community Development Bonds, dated September 29, 2006, maturing or subject to mandatory redemption in the years 2017 through 2026 (the "Refunded 2006 Bonds") (collectively, the "Refunded Obligations") (hereinafter the refinancing of the Refunded Obligations shall be referred to as the "Refunding");

WHEREAS, pursuant to the Set Sale Resolution, the Village directed Robert W. Baird & Co. Incorporated ("Baird") to take the steps necessary to sell the Bonds;

WHEREAS, Baird, in consultation with the officials of the Village, prepared an Official Notice of Sale (a copy of which is attached hereto as Exhibit A and incorporated herein by this reference) setting forth the details of and the bid requirements for the Bonds and indicating that the Bonds would be offered for public sale on November 5, 2012;

WHEREAS, the Village Clerk (in consultation with Baird) caused notice of the sale of the Bonds to be published and/or announced and caused the Official Notice of Sale to be distributed to potential bidders offering the Bonds for public sale;

WHEREAS, the Village has duly received bids for the Bonds as described on the Bid Tabulation attached hereto as Exhibit B and incorporated herein by this reference (the "Bid Tabulation");

WHEREAS, it has been determined that the bid proposal (the "Proposal") submitted by the financial institution listed first on the Bid Tabulation fully complies with the bid requirements set forth in the Official Notice of Sale and is deemed to be the most advantageous to the Village. Baird has recommended that the Village accept the Proposal. A copy of said

Proposal submitted by such institution (the "Purchaser") is attached hereto as Exhibit C and incorporated herein by this reference; and

WHEREAS, the Village Board now deems it to be necessary, desirable and in the best interest of the Village that the Bonds be issued in the aggregate principal amount of \$5,480,000.

NOW, THEREFORE, BE IT RESOLVED by the Village Board of the Village that:

Section 1A. Ratification of the Official Notice of Sale and Offering Materials. The Village Board of the Village hereby ratifies and approves the details of the Bonds set forth in Exhibit A attached hereto as and for the details of the Bonds. The Official Notice of Sale and any other offering materials prepared and circulated by Baird are hereby ratified and approved in all respects. All actions taken by officers of the Village and Baird in connection with the preparation and distribution of the Official Notice of Sale and any other offering materials are hereby ratified and approved in all respects.

Section 1B. Award of the Bonds. The Proposal of the Purchaser offering to purchase the Bonds for the sum set forth on the Proposal (as modified on the Bid Tabulation and reflected in the Pricing Summary referenced below and incorporated herein), plus accrued interest to the date of delivery, is hereby accepted. The President and Village Clerk or other appropriate officers of the Village are authorized and directed to execute an acceptance of the Proposal on behalf of the Village. The good faith deposit of the Purchaser shall be retained by the Village Treasurer until the closing of the bond issue, and any good faith deposits submitted by unsuccessful bidders shall be promptly returned. The Bonds bear interest at the rates set forth on the Proposal.

Section 2. Terms of the Bonds. The Bonds shall be designated "Taxable General Obligation Refunding Bonds"; shall be issued in the aggregate principal amount of \$5,480,000; shall be dated November 26, 2012; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rates per annum and mature on April 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit D-1 and incorporated herein by this reference. Interest is payable semi-annually on April 1 and October 1 of each year commencing on April 1, 2013. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The schedule of principal and interest payments due on the Bonds is set forth on the Debt Service Schedule attached hereto as Exhibit D-2 and incorporated herein by this reference (the "Schedule").

Section 2A. Designation of Maturities. For purposes of State law, the Bonds are designated as being issued to refund the debts evidenced by the Refunded Obligations in the order in which those debts were incurred, so that the Bonds of the earliest maturities are considered to refund the debts which were incurred first.

Section 3. Redemption Provisions. The Bonds maturing on April 1, 2023 and thereafter shall be subject to redemption prior to maturity, at the option of the Village, on April 1, 2022 or on any date thereafter. Said Bonds shall be redeemable as a whole or in part, and if in part, from maturities selected by the Village and within each maturity, by lot, at the principal amount

thereof, plus accrued interest to the date of redemption. If the Proposal specifies that any of the Bonds are subject to mandatory redemption, the terms of such mandatory redemption are set forth on an attachment hereto as Exhibit MRP and incorporated herein by this reference.

Section 4. Form of the Bonds. The Bonds shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit E and incorporated herein by this reference.

Section 5. Tax Provisions.

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds as the same becomes due, the full faith, credit and resources of the Village are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the Village a direct annual irrepealable tax in the years 2012 through 2027 for the payments due in the years 2013 through 2028 in the amounts set forth on the Schedule.

(B) Tax Collection. So long as any part of the principal of or interest on the Bonds remains unpaid, the Village shall be and continue without power to repeal such levy or obstruct the collection of said tax until all such payments have been made or provided for. After the issuance of the Bonds, said tax shall be, from year to year, carried onto the tax roll of the Village and collected in addition to all other taxes and in the same manner and at the same time as other taxes of the Village for said years are collected, except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus money in the Debt Service Fund Account created below.

(C) Additional Funds. If at any time there shall be on hand insufficient funds from the aforesaid tax levy to meet principal and/or interest payments on said Bonds when due, the requisite amounts shall be paid from other funds of the Village then available, which sums shall be replaced upon the collection of the taxes herein levied.

Section 6. Segregated Debt Service Fund Account.

(A) Creation and Deposits. There be and there hereby is established in the treasury of the Village, if one has not already been created, a debt service fund, separate and distinct from every other fund, which shall be maintained in accordance with generally accepted accounting principles. Debt service or sinking funds established for obligations previously issued by the Village may be considered as separate and distinct accounts within the debt service fund.

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for \$5,480,000 Taxable General Obligation Refunding Bonds, dated November 26, 2012" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Bonds is fully paid or otherwise extinguished. The Village Treasurer shall deposit in the Debt Service Fund Account (i) all accrued interest received by the Village at the time of delivery of and payment for the Bonds; (ii) any premium not used for the Refunding which may be received by the Village above the par value of the Bonds and accrued interest thereon; (iii) all money raised by the taxes herein

levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Bonds when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Bonds when due; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purpose other than the payment of principal of and interest on the Bonds until all such principal and interest has been paid in full and the Bonds canceled; provided (i) the funds to provide for each payment of principal of and interest on the Bonds prior to the scheduled receipt of taxes from the next succeeding tax collection may be invested in direct obligations of the United States of America maturing in time to make such payments when they are due or in other investments permitted by law; and (ii) any funds over and above the amount of such principal and interest payments on the Bonds may be used to reduce the next succeeding tax levy, or may, at the option of the Village, be invested by purchasing the Bonds as permitted by and subject to Section 67.11(2)(a), Wisconsin Statutes, or in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue to be a part of the Debt Service Fund Account.

(C) Remaining Monies. When all of the Bonds have been paid in full and canceled, and all Permitted Investments disposed of, any money remaining in the Debt Service Fund Account shall be transferred and deposited in the general fund of the Village, unless the Village Board directs otherwise.

Section 7. Proceeds of the Bonds; Segregated Borrowed Money Fund. The proceeds of the Bonds (the "Bond Proceeds") (other than any premium not used for the Refunding and accrued interest which must be paid at the time of the delivery of the Bonds into the Debt Service Fund Account created above) shall be deposited into a special fund separate and distinct from all other funds of the Village and disbursed solely for the purpose for which borrowed or for the payment of the principal of and the interest on the Bonds. In order to accomplish the purpose for which the Bonds are issued, proceeds of the Bonds shall be transferred to the Escrow Account, as provided in Section 16 hereof. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purpose for which the Bonds have been issued has been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purpose shall be deposited in the Debt Service Fund Account.

Section 8. Execution of the Bonds; Closing; Professional Services. The Bonds shall be issued in printed form, executed on behalf of the Village by the manual or facsimile signatures of the President and Village Clerk, authenticated, if required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the Village of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Bonds may be imprinted on the Bonds in lieu of the manual signature of the officer but, unless the Village has contracted with a fiscal agent to authenticate the Bonds, at least one of the

signatures appearing on each Bond shall be a manual signature. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Bonds and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The Village hereby authorizes the officers and agents of the Village to enter into, on its behalf, agreements and contracts in conjunction with the Bonds, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Bonds is hereby ratified and approved in all respects.

Section 9. Payment of the Bonds; Fiscal Agent. The principal of and interest on the Bonds shall be paid by the Village Clerk or Village Treasurer (the "Fiscal Agent").

Section 10. Persons Treated as Owners; Transfer of Bonds. The Village shall cause books for the registration and for the transfer of the Bonds to be kept by the Fiscal Agent. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Bond shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

Any Bond may be transferred by the registered owner thereof by surrender of the Bond at the office of the Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the President and Village Clerk shall execute and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount, series and maturity and the Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent shall cancel any Bond surrendered for transfer.

The Village shall cooperate in any such transfer, and the President and Village Clerk are authorized to execute any new Bond or Bonds necessary to effect any such transfer.

Section 11. Record Date. The fifteenth day of each calendar month next preceding each interest payment date shall be the record date for the Bonds (the "Record Date"). Payment of interest on the Bonds on any interest payment date shall be made to the registered owners of the Bonds as they appear on the registration book of the Village at the close of business on the Record Date.

Section 12. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Bonds eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the Village agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the Village and on file in the Village Clerk's office.

Section 13. Official Statement. The Village Board hereby approves the Preliminary Official Statement with respect to the Bonds and deems the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by officers of the Village in connection with the preparation of such Preliminary Official Statement and any addenda to it or Final Official Statement are hereby ratified and approved. In connection with the Closing, the appropriate Village official shall certify the Preliminary Official Statement and any addenda or Final Official Statement. The Village Clerk shall cause copies of the Preliminary Official Statement and any addenda or Final Official Statement to be distributed to the Purchaser.

Section 14. Undertaking to Provide Continuing Disclosure. The Village hereby covenants and agrees, for the benefit of the owners of the Bonds, to enter into a written undertaking (the "Undertaking") if required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Bonds or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the Village to comply with the provisions of the Undertaking shall not be an event of default with respect to the Bonds).

To the extent required under the Rule, the Village Clerk, or other officer of the Village charged with the responsibility for issuing the Bonds, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the Village's Undertaking.

Section 15. Prepayment of the State Trust Fund Loan. The State Trust Fund Loan shall be prepaid on January 2, 2013 at the principal amount thereof plus accrued interest to the prepayment date. The Village hereby directs the Village Clerk to take all actions necessary for the prepayment of the State Trust Fund Loan on January 2, 2013. All actions heretofore taken by the officers and agents of the Village to effectuate the prepayment of the State Trust Fund Loan are hereby ratified and approved.

Section 16. Escrow Agent; Escrow Agreement; Escrow Account. Associated Trust Company, National Association, Green Bay, Wisconsin, is hereby appointed escrow agent for the Village, for the purpose of ensuring the payment of the principal of and interest on the Refunded 2006 Bonds (the "Escrow Agent").

The President and Village Clerk are hereby authorized and directed to execute an escrow agreement substantially in the form attached hereto as Exhibit F (the "Escrow Agreement") (such form may be modified by said officers prior to execution, the execution of such agreement by said officers to constitute full approval of the Village Board of any such modifications), with the Escrow Agent, for the purpose of effectuating the provisions of this Resolution.

The Bond Proceeds allocable to refunding the Refunded 2006 Bonds shall be deposited in a refunding escrow account which is hereby created with the Escrow Agent, pursuant to the

Escrow Agreement, for the purpose of retaining the required amount of cash, if any, and acquiring the United States obligations provided for in the Escrow Agreement.

Upon transfer of the Bond Proceeds and any other necessary funds allocable to refunding the Refunded 2006 Bonds to the Escrow Account, the taxes heretofore levied to pay debt service on the Refunded 2006 Bonds shall be abated to the extent such transfer together with investment earnings thereon is sufficient to pay the principal of and interest on the Refunded 2006 Bonds, but such abatement shall not affect the Village's pledge of its full faith, credit and resources to make such payments. The refunding escrow account created by the Escrow Agreement shall hereinafter serve as the debt service (or sinking) fund account for the Refunded 2006 Bonds. The Escrow Agent shall serve as custodian of said debt service (or sinking) funds.

Section 17. Escrow Securities. The Escrow Agent and Baird are authorized to purchase direct obligations of the U.S. Government on behalf of the Village in such amount as is necessary in order to carry out the Refunding of the Refunded 2006 Bonds.

Section 18. Redemption of the Refunded 2006 Bonds. The Refunded 2006 Bonds are hereby called for prior payment and redemption on April 1, 2016 at a price of par plus accrued interest to the date of redemption.

The Village hereby directs the Escrow Agent appointed above to cause timely notice of redemption, in substantially the form attached to the Escrow Agreement (the "Notice"), to be provided at the times, to the parties and in the manner set forth on the Notice.

Section 19. Record Book. The Village Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Bonds in the Record Book.

Section 20. Bond Insurance. If the Purchaser determines to obtain municipal bond insurance with respect to the Bonds, the officers of the Village are authorized to take all actions necessary to obtain such municipal bond insurance. The President and Village Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the President and Village Clerk including provisions regarding restrictions on investment of Bond proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Bonds by the bond insurer and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Bond provided herein.

Section 21. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the Village Board or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Adopted, approved and recorded November 5, 2012.

Carl Krueger
President

ATTEST:

Russell Van Gompel
Village Clerk

(SEAL)

EXHIBIT A

Official Notice of Sale

To be provided by Robert W. Baird & Co. Incorporated and incorporated into the Resolution.

(See Attached)

DRAFT

EXHIBIT B

Bid Tabulation

To be provided by Robert W. Baird & Co. Incorporated and incorporated into the Resolution.

(See Attached)

DRAFT

EXHIBIT C

Winning Bid

To be provided by Robert W. Baird & Co. Incorporated and incorporated into the Resolution.

(See Attached)

DRAFT

EXHIBIT D-1

Pricing Summary

To be provided by Robert W. Baird & Co. Incorporated and incorporated into the Resolution.

(See Attached)

DRAFT

EXHIBIT D-2

Debt Service Schedule and Irrepealable Tax Levies

To be provided by Robert W. Baird & Co. Incorporated and incorporated into the Resolution.

(See Attached)

DRAFT

[EXHIBIT MRP]

Mandatory Redemption Provision

The Bonds due on April 1, _____, _____, _____ and _____ (the "Term Bonds") are subject to mandatory redemption prior to maturity by lot (as selected by the Depository) at a redemption price equal to One Hundred Percent (100%) of the principal amount to be redeemed plus accrued interest to the date of redemption, from debt service fund deposits which are required to be made in amounts sufficient to redeem on April 1 of each year the respective amount of Term Bonds specified below:

For the Term Bonds Maturing on April 1, _____

<u>Redemption Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____
_____	_____ (maturity)

For the Term Bonds Maturing on April 1, _____

<u>Redemption Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____
_____	_____ (maturity)

For the Term Bonds Maturing on April 1, _____

<u>Redemption Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____
_____	_____ (maturity)

For the Term Bonds Maturing on April 1, _____

<u>Redemption Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____
_____	_____ (maturity)]

EXHIBIT E

(Form of Bond)

REGISTERED UNITED STATES OF AMERICA DOLLARS
STATE OF WISCONSIN
MILWAUKEE COUNTY
NO. R-___ VILLAGE OF BROWN DEER \$_____
TAXABLE GENERAL OBLIGATION REFUNDING BOND

MATURITY DATE: ORIGINAL DATE OF ISSUE: INTEREST RATE: CUSIP:
April 1, _____ November 26, 2012 _____% _____

DEPOSITORY OR ITS NOMINEE NAME: CEDE & CO.

PRINCIPAL AMOUNT: _____ THOUSAND DOLLARS
(\$_____)

FOR VALUE RECEIVED, the Village of Brown Deer, Milwaukee County, Wisconsin (the "Village"), hereby acknowledges itself to owe and promises to pay to the Depository or its Nominee Name (the "Depository") identified above (or to registered assigns), on the maturity date identified above, the principal amount identified above, and to pay interest thereon at the rate of interest per annum identified above, all subject to the provisions set forth herein regarding redemption prior to maturity. Interest is payable semi-annually on April 1 and October 1 of each year commencing on April 1, 2013 until the aforesaid principal amount is paid in full. Both the principal of and interest on this Bond are payable to the registered owner in lawful money of the United States. Interest payable on any interest payment date shall be paid by wire transfer to the Depository in whose name this Bond is registered on the Bond Register maintained by the Village Clerk or Village Treasurer (the "Fiscal Agent") or any successor thereto at the close of business on the 15th day of the calendar month next preceding the semi-annual interest payment date (the "Record Date"). This Bond is payable as to principal upon presentation and surrender hereof at the office of the Fiscal Agent.

For the prompt payment of this Bond together with interest hereon as aforesaid and for the levy of taxes sufficient for that purpose, the full faith, credit and resources of the Village are hereby irrevocably pledged.

This Bond is one of an issue of Bonds aggregating the principal amount of \$5,480,000, all of which are of like tenor, except as to denomination, interest rate, maturity date and redemption provision, issued by the Village pursuant to the provisions of Section 67.04,

Wisconsin Statutes, for the public purpose of refunding certain outstanding obligations of the Village, all as authorized by resolutions of the Village Board duly adopted by said governing body at meetings held on October 15, 2012 and November 5, 2012. Said resolutions are recorded in the official minutes of the Village Board for said dates.

The Bonds maturing on April 1, 2023 and thereafter are subject to redemption prior to maturity, at the option of the Village, on April 1, 2022 or on any date thereafter. Said Bonds are redeemable as a whole or in part, and if in part, from maturities selected by the Village and within each maturity, by lot (as selected by the Depository), at the principal amount thereof, plus accrued interest to the date of redemption.

[The Bonds maturing in the years _____, _____ and _____ are also subject to mandatory redemption by lot as provided in the resolution awarding the sale of the Bonds at the redemption price of par plus accrued interest to the date of redemption and without premium.]

In the event the Bonds are redeemed prior to maturity, as long as the Bonds are in book-entry-only form, official notice of the redemption will be given by mailing a notice by registered or certified mail, overnight express delivery, facsimile transmission, electronic transmission or in any other manner required by the Depository, to the Depository not less than thirty (30) days nor more than sixty (60) days prior to the redemption date. If less than all of the Bonds of a maturity are to be called for redemption, the Bonds of such maturity to be redeemed will be selected by lot. Such notice will include but not be limited to the following: the designation, date and maturities of the Bonds called for redemption, CUSIP numbers, and the date of redemption. Any notice provided as described herein shall be conclusively presumed to have been duly given, whether or not the registered owner receives the notice. The Bonds shall cease to bear interest on the specified redemption date provided that federal or other immediately available funds sufficient for such redemption are on deposit at the office of the Depository at that time. Upon such deposit of funds for redemption the Bonds shall no longer be deemed to be outstanding.

It is hereby certified and recited that all conditions, things and acts required by law to exist or to be done prior to and in connection with the issuance of this Bond have been done, have existed and have been performed in due form and time; that the aggregate indebtedness of the Village, including this Bond and others issued simultaneously herewith, does not exceed any limitation imposed by law or the Constitution of the State of Wisconsin; and that a direct annual irrepealable tax has been levied sufficient to pay this Bond, together with the interest thereon, when and as payable.

This Bond is transferable only upon the books of the Village kept for that purpose at the office of the Fiscal Agent, only in the event that the Depository does not continue to act as depository for the Bonds, and the Village appoints another depository, upon surrender of the Bond to the Fiscal Agent, by the registered owner in person or his duly authorized attorney, upon surrender of this Bond together with a written instrument of transfer (which may be endorsed

hereon) satisfactory to the Fiscal Agent duly executed by the registered owner or his duly authorized attorney. Thereupon a new fully registered Bond in the same aggregate principal amount shall be issued to the new depository in exchange therefor and upon the payment of a charge sufficient to reimburse the Village for any tax, fee or other governmental charge required to be paid with respect to such registration. The Fiscal Agent shall not be obliged to make any transfer of the Bonds (i) after the Record Date, (ii) during the fifteen (15) calendar days preceding the date of any publication of notice of any proposed redemption of the Bonds, or (iii) with respect to any particular Bond, after such Bond has been called for redemption. The Fiscal Agent and Village may treat and consider the Depository in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes whatsoever. The Bonds are issuable solely as negotiable, fully-registered Bonds without coupons in the denomination of \$5,000 or any integral multiple thereof.

No delay or omission on the part of the owner hereof to exercise any right hereunder shall impair such right or be considered as a waiver thereof or as a waiver of or acquiescence in any default hereunder.

IN WITNESS WHEREOF, the Village of Brown Deer, Milwaukee County, Wisconsin, by its governing body, has caused this Bond to be executed for it and in its name by the manual or facsimile signatures of its duly qualified President and Village Clerk; and to be sealed with its official or corporate seal, if any, all as of the original date of issue specified above.

VILLAGE OF BROWN DEER,
MILWAUKEE COUNTY, WISCONSIN

By: _____
Carl Krueger
President

(SEAL)

By: _____
Russell Van Gompel
Village Clerk

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

(Name and Address of Assignee)

(Social Security or other Identifying Number of Assignee)

the within Bond and all rights thereunder and hereby irrevocably constitutes and appoints _____, Legal Representative, to transfer said Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

(e.g. Bank, Trust Company
or Securities Firm)

(Depository or Nominee Name)

NOTICE: This signature must correspond with the name of the Depository or Nominee Name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

(Authorized Officer)



REQUEST FOR CONSIDERATION

COMMITTEE:	Finance/Public Works Committee
ITEM DESCRIPTION:	2012 State Trust Fund Loan
PREPARED BY:	Bridget M. Souffrant, Treasurer / Comptroller
REPORT DATE:	October 29, 2012
MANAGER'S REVIEW/COMMENTS:	<input checked="" type="checkbox"/> No additional comments to this report. <input type="checkbox"/> See additional comments attached. 
RECOMMENDATION:	To recommend approval to the Village Board the formal application for a State Trust Fund Loan to the Board of Commissioners of Public Lands no more than \$301,122.
EXPLANATION:	<p>Attached please find the formal application for the 2012 State Trust Fund Loan for \$301,122. Again this loan will cover the new phone system for Village Hall, DPW, and the Library, a new general ledger accounting software, and an endloader for the Department of Public Works. This is a five year loan at 2.50%.</p> <p>This formal application will go to the Board of Commissioners of Public Lands for approval and then the Village will request disbursement of the funds.</p> <p>If you have any questions please feel free to give me a call. Thank you!</p>



Douglas La Follette, Secretary of State
Kurt Schuller, State Treasurer
J.B. Van Hollen, Attorney General
Tia Nelson, Executive Secretary

101 E. Wilson Street
2nd Floor
PO Box 8943
Madison, WI 53708-8943

608 266-1370 INFORMATION
608 266-0034 LOANS
608 267-2787 FAX
bcpl.wisconsin.gov

Managing Wisconsin's trust assets for public education

BCPL WORKSHEET MUNICIPAL LOAN APPLICATION REQUEST

DATE

September 25, 2012

MUNICIPALITY

Village of Brown Deer

Please include type of municipality (e.g. Town of Newbold, Village of Prairie du Sac, Bayfield County)

COUNTY

Milwaukee

CLERK NAME

Russell Van Gompel

Phone # 414-371-3050

E-MAIL ADDRESS

rvg@browndeerwi.org

MAILING ADDRESS

4800 West Green Brook Drive
Brown Deer, WI 53223

FINANCE DIR/TREASURER

Bridget Saffrant

Phone # 414-371-3040

E-MAIL ADDRESS

bsaffrant@browndeerwi.org

FINANCIAL ADVISOR/FIRM

N/A

Phone # _____

E-MAIL ADDRESS

LOAN PURPOSE:

Fund Capital Expenditures: Phone system,

AMOUNT OF LOAN:

301,122

End loader,

TERM OF LOAN:

5 Years

Accounting Software

ESTIMATED DATE THAT FUNDS WILL BE NEEDED:

November 30, 2012

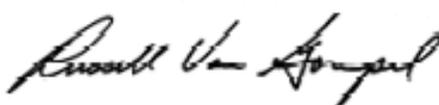
DATES OF NEXT TWO BOARD/COUNCIL MEETINGS:

Oct 15th + Nov. 19th

CLERK SIGNATURE



REQUEST FOR CONSIDERATION

COMMITTEE:	Village Board
ITEM DESCRIPTION:	Requests for Extended Holiday Hours by various Retailers – American TV, Bath & Body, Burlington Coat Factory, hhGregg, Old Navy, Walgreen’s
PREPARED BY:	Matthew Janecke, Assistant Village Manager
REPORT DATE:	November 1, 2012
MANAGER'S REVIEW/COMMENTS:	<input type="checkbox"/> No additional comments to this report. <input type="checkbox"/> See additional comments attached. 
RECOMMENDATION:	<p>(1) To approve the special request from American TV for extended Holiday hours as identified in their October 16th request.</p> <p>(2) To approve the special request from Bath & Body for extended Holiday hours as identified in their October 17th request.</p> <p>(3) To approve the special request from Burlington Coat Factory for extended Holiday hours as identified in their October 24th request.</p> <p>(4) To approve the special request from hhGregg for extended Holiday hours as identified in their November 1st request.</p> <p>(5) To approve the special request from Old Navy for extended Holiday hours as identified in their October 24th.</p> <p>(6) To approve the special request from Walgreen’s for extended Holiday hours as identified in their October 9th request.</p>
EXPLANATION:	<p>The Village has received six written requests for variances to the Ordinance in the 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. The requests are in response to my letter dated October 6, 2012, asking businesses to submit their requests for special holiday hour changes by October 26th. Futhermore, all the requesters for extended holiday hours were individually informed of the recently adopted ordinance Sec. 14-2 (7) (e), stating they must reimburse the Village for the cost to provide increased public safety measures due to their request.</p> <p>American TV’s regular operating hours are 10:00 a.m. to 9:00 p.m. Monday through Saturday, and 10:00 a.m. to 7:00 p.m. on Sunday. They are requesting to be open until midnight on November 22nd (Thanksgiving Day), and reopen at 5:00 a.m the next day. American has also requested an officer be present at their location from 5:00 p.m. on November 22nd until 8:00 a.m. on November 23rd.</p>

Bath and Body Works regular operating hours are 10:00 a.m. to 9:00 p.m. Monday through Friday, 10:00 a.m. to 7:00 p.m. on Saturday, and 11:00 a.m. to 6:00 p.m. on Sunday. Their only request is to open at 12:00 a.m. on November 23rd.

Burlington Coat Factory's regular operating hours are 10:00 a.m. to 9:00 p.m. Monday through Saturday, and 11:00 a.m. to 7:00 p.m. on Sunday. They are requesting to be open from 5:00 a.m. to 12:00 a.m. midnight, from November 23rd through December 24th.

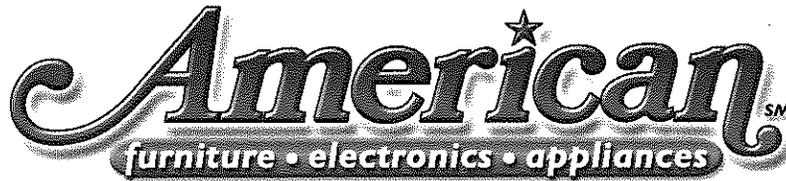
h.h.Gregg's regular operating hours are 10:00 a.m. to 9:00 p.m. Monday through Saturday, and 10:00 a.m. to 7:00 p.m. on Sunday. Their only request is to open at 12:00 a.m. on November 23rd.

Old Navy's regular operating hours are 9:30 a.m. to 9:00 p.m. Monday through Saturday, 9:00 a.m. to 9:00 p.m. on Saturday, and 10 a.m. to 6:00 p.m. on Sunday. They are requesting to open at 12:00 a.m. on November 23rd and remain open until midnight from December 14 through December 23rd.

Walgreen's regular closing time is 10:00 p.m., and they are requesting to remain open until 12:00 a.m. midnight from December 10th through December 24th.

Staff has no concerns with any of the requests.

Please contact me with any questions or concerns.



October 16, 2012

Mr. Russell Van Gompel, Village Manager
Office of the Village Manager
4800 W. Green Brook Drive
Brown Deer, WI 53223

Dear Mr. Van Gompel and Matt Janecke

Thank you once again for allowing American to open early last year on the day after Thanksgiving. After permission was granted from the village, our store opened at 5:00 A.M. successfully to over 500 customers who had waited in line to shop at that early hour.

This year American and it's competitors will once again be opening early. Therefore I am formally requesting a variance from ordinance 07-03 regarding open business hours in Brown Deer. I am requesting permission to open the American Store at 6700 W. Brown Deer Road and 5 A.M. on the day after Thanksgiving; Friday, November 23, 2012.

We have also learned that some competitors will be opening on Thanksgiving. I am also requesting to open at 8pm Thursday the 22nd of November closing at Midnight.

Thank your for your consideration in this matter.

Sincerely,

Jason Sedovic
Store Manager
Brown Deer American Tv.

A handwritten signature in black ink, appearing to read "Jason Sedovic".

AMERICAN OF BROWN DEER
6700 W. Brown Deer Road • Brown Deer, Wisconsin 53223
(414) 362-1000
www.americantv.com

Jason.Sedovic@Americantv.com

[Inbox](#) [Compose](#) [Address Book](#) [Folders](#) [Forms](#) [Batch Approvals](#)

Read Message

From SARAH M FABER **Date** Oct 17, 12:22 PM
To SARAH M FABER,AMANDA K LEPPHEN
Cc
Subject Fw: Village of Brown Deer

[Reply](#) [Reply All](#) [Forward](#) [Prev](#) [Next](#) [Delete](#) [Close](#)

From: SARAH M FABER
 Sent: Oct 17, 12:19 PM
 To: AMANDA K LEPPHEN,SARAH M FABER
 Subject: Village of Brown Deer

Date: October 17, 2012
 To: Matt Janecke & Steven C. Rinzel
 From: Sarah Faber, Store Manager
 Subject: Bath and Body Works Extended Holiday Hours

Thank you for the reminder of sending in our extended hours of operation.
 Enclosed is a schedule of our pending hours. I would like to highlight Friday 11/23/2012. We are following Old Navy and opening at midnight.
 Weekdays we wish to open early one hour, 9:00am, and close at current time, 9:00pm. This begins Monday 12/3/2012 and ends Wednesday 12/26/2012.
 The following Saturdays 12/8 and 12/15 open at 9:00am and close 9:00pm. Saturday 12/22 open at 8:00am and close 9:00pm.
 Monday 12/24 open at 8:00am and close at 5:00pm.

Please send me a letter back when these requests have been reviewed.

Thank you for your time,

Sarah Faber
 Store Manager
 (414)371-9413

[Reply](#) [Reply All](#) [Forward](#) [Prev](#) [Next](#) [Delete](#) [Close](#)

2012 HOLIDAY SCHEDULE

NAME: BATH & BODY WORKS

9096 N. GREEN BAY RD 53209

TOP SELLING DAYS AVAILABLE FOR WORK

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
11am 6pm	10am 9pm	10a 9p	10a 9p	10a 9p	10a 9p	10a 7pm

Hours
OF
OPERATION

EXTENDED HOURS OF OPERATION

Sun. 11/18	Mon. 11/19	Tues. 11/20	Wed. 11/21	Thurs. 11/22 (Closed) Thanksgiving 	Fri. 11/23 12am - BLACK FRIDAY 9pm.	Sat. 11/24
Sun. 11/25	Mon. 11/26	Tues. 11/27	Wed. 11/28	Thurs. 11/29	Fri. 11/30	Sat. 12/1
Sun. 12/2	Mon. 12/3 9am 9pm	Tues. 12/4 9am 9pm	Wed. 12/5 9am 9pm	Thurs. 12/6 9am 9pm	Fri. 12/7 9am 9pm	Sat. 12/8 9am 9pm
Sun. 12/9 	Mon. 12/10 9am 9pm	Tues. 12/11 9am 9pm	Wed. 12/12 9am 9pm	Thurs. 12/13 9am 9pm	Fri. 12/14 9am 9pm	Sat. 12/15 9am 9pm
Sun. 12/16 11am 7pm	Mon. 12/17 9a- 9p	Tues. 12/18 9a 9p	Wed. 12/19 9am 9pm	Thurs. 12/20 9am 9pm	Fri. 12/21 9am 9pm	Sat. 12/22 8:00am SUPER SATURDAY 9:00pm
Sun. 12/23 11am 7pm	Mon. 12/24 8:00am -  5:00pm	Tues. 12/25 (Closed) CHRISTMAS DAY 	Wed. 12/26 9am 9pm.	Thurs. 12/27	Fri. 12/28	Sat. 12/29

 TOP SELLING DAYS

*DATES SUBJECT TO CHANGE

Remember to check the schedule on ACES/ETM through <https://associateresources.limitedbrands.com> or posted in the store for exact dates and times you are working.

Burlington Coat Factory

WAREHOUSE CORPORATION

(609) 387-7800
FAX: (609) 589-2955

1830 Route 130 N, Burlington, New Jersey 08016-3020

October 24, 2012

Office of the Village Manager
4800 West Green Brook Drive
Brown Deer, Wisconsin 53223

Re: Holiday Hours

Dear Sir,

We are writing to ask that our store at 9040 North Green Bay Rd., Brown Deer be granted permission to have extended Holiday Hours. The hours would be from 5AM to 12AM (tentatively). The Hours would start the week end of Thanksgiving November 22nd and run through December 24th. We appreciate your consideration of this request. Please feel free to call at 609-387-7800 ext 2323 for any further information. Thank you for your help.

Sincerely,



Kathleen Poulson
Tax Compliance Analyst

Matt Janecke

From: Larry Pagelsdorf <Larry.Pagelsdorf@hhgregg.com>
Sent: Thursday, November 01, 2012 12:15 PM
To: mjanecke@browndeerwi.org
Cc: *ST--Store302 ALL
Subject: Holiday Hours

Our hours on Black Friday will be 12:00 midnight to 10:00 that evening 10/23/12. We will be open until 10:00 most evenings during the Holiday shopping season. We are planning two evenings until 11:00 as of now those dates are not set. Please send me a confirmation e-mail upon receipt.

Thanks.

Larry Pagelsdorf
Appliance Sales Manager
Brown Deer #302

OLD NAVY

October 24, 2012

4800 West Green Brook Drive
Brown Deer, Wisconsin 53223

Village of Brown Deer Board:

Submitted for your approval are the holiday hours the Old Navy store at 9094 N Green Bay Road would like to operate. We would begin our extended hours on November 23rd and continue running them through December 26th. Enclosed is a calendar that shows the hours we would like to run on each date. We believe these hours will benefit our customers by allowing them more time to shop during the busy holiday season. If you would like someone from our store available when you consider our hours at your meeting please let us know. Thank you for considering our request. If you have any questions feel free to contact myself or Angie Daniels, our operations manager.

Sincerely,

A handwritten signature in black ink, appearing to read 'Barry Niesen', with a long horizontal line extending to the right.

Barry Niesen
Store Manager, Old Navy
Brown Deer, Wisconsin
414-365-3057

Holiday Hours

Thursday 11/22: 9am-8pm
Friday 11/23: midnight-11pm-
Saturday 11/24: 7am-11pm
Sunday 11/25: 9am-10pm
Monday 11/26: 9am-10pm
Tuesday 11/27: 9am-10pm
Wednesday 11/28: 9am-10pm
Thursday 11/29: 9am-10pm
Friday 11/30: 9am-10pm
Saturday 12/1: 7am-11pm
Sunday 12/2: 9am-10pm
Monday 12/3: 9am-10pm
Tuesday 12/4: 9am-10pm
Wednesday 12/5: 9am-10pm
Thursday 12/6: 9am-10pm
Friday 12/7: 9am-11pm
Saturday 12/8: 7am-11pm
Sunday 12/9: 9am-11pm
Monday 12/10: 9am-11pm
Tuesday 12/11: 9am-11pm
Wednesday 12/12: 9am-11pm
Thursday 12/13: 9am-11pm
Friday 12/14: 9am-midnight-
Saturday 12/15: 7am-midnight
Sunday 12/16: 9am-midnight
Monday 12/17: 9am-midnight
Tuesday 12/18: 9am-midnight
Wednesday 12/19: 8am-midnight
Thursday 12/20: 8am-midnight
Friday 12/21: 8am-midnight
Saturday 12/22: 7am-midnight
Sunday 12/23: 7am-midnight-
Monday 12/24: 7am-7pm
Tuesday 12/25: closed
Wednesday 12/26: 5am-11pm
Thursday 12/27: reg. hours
Friday 12/28: reg. hours
Saturday 12/29: reg. hours
Sunday 12/30: reg. hours
Monday 12/31: 10am-7pm
Tuesday 1/1: reg. hours

Matt Janecke

From: Store Manager 12524 <mgr.12524@store.walgreens.com>
Sent: Tuesday, October 09, 2012 11:16 AM
To: Store Manager 12524; mjanecke@browndeerwi.org
Subject: extended hours

Matt:

Walgreens would like to request extended hours for the Christmas selling season.

Walgreens would like to remain open until midnight from December 10th thru Decemember 24th.

This would be very similar to previous years and would only be for the December 2012 season.

Thank You
Mike Klamerus
Store Manager
Walgreens
6020 W Brown Deer Rd.
365-3608



REQUEST FOR CONSIDERATION

COMMITTEE:	Village Board
ITEM DESCRIPTION:	Joint Municipal Court
PREPARED BY:	Bridget M. Souffrant, Treasurer/Comptroller
REPORT DATE:	October 31, 2012
MANAGER'S REVIEW/COMMENTS:	<p><input checked="" type="checkbox"/> No additional comments to this report.</p> <p><input type="checkbox"/> See additional comments attached.</p> <p><i>R V - Souffrant</i></p>
RECOMMENDATION:	To adopt 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.
EXPLANATION:	<p>In September, the Village Board discussed the topic of consolidating the Glendale and Brown Deer municipal courts. Staff was asked to provide more information regarding the analysis that took place regarding the concept of a consolidated court.</p> <p>Both Brown Deer and Glendale provided information to the Village Attorney regarding caseload statistics, citation totals, monthly financial reports, and monthly reconciliations. This proved to be a troubling task because Brown Deer was not able to provide any statistics prior to February 2011 because the prior Court software is unable to generate any of those searches. We were able to determine that the existing court software, TIPSS in both Brown Deer and Glendale is capable of tracking and producing separate reports for each community using the police department on the ticket as the identifying factor.</p> <p>After reviewing the data I held a conference call with multiple individuals from TIPSS. We discussed the comparisons of Mid Moraine and Lake Country courts to Brown Deer and Glendale combined court. The main difference to keep in mind is that all of the communities involved in these consolidated courts began as a consolidated court with TIPSS at the same time versus our current situation of trying to combine multiple communities with existing history in TIPSS. All seven of the North Shore communities are currently using TIPSS so we would need to combine the databases into one.</p> <p>We used the assumption that Glendale's existing database would be the host database for all of the Courts. Essentially, we discussed three different levels of conversion options ranging from \$5,850 - \$25,150. Option 1 would convert over the offense codes, streets, and officers' names leaving everything else all open and closed citations to be manually entered into the joint database. Option 2 would convert over the offense codes, streets,</p>

officer's names, all of the traffic citations and 25% Brown Deer's open municipal citations. The rest of the citations would need to be manually entered. Option 3 would convert everything.

The Brown Deer Court is still working in the prior software because there was no conversion into TIPSS. This would mean that if the Courts consolidated there would need to be a connection to the Brown Deer Police Department server in order to access that information which is being entered manually into TIPSS, thus it would be advised to have a full conversion with TIPSS. In addition to that, throughout 2010 and 2011 the Brown Deer Court staff devoted extra time to entering in older citations into the Department of Revenue's Tax Intercept Program in an effort to intercept more revenue owed to the Village. Should a consolidation happen Brown Deer would have to cancel these debts and re-certify them which would mean the Village would essentially lose their place and have to go to the back of the line for collection purposes.

The proposed conversion cost would be applicable to each community that wants to consolidate. After further review it was determined that this would deter the smaller communities from wanting to consolidate the court operations at this time. Staff will continue to monitor this topic as well as the technology infrastructure to see if there are any other options in the future.

MEMORANDUM

TO: Village of Brown Deer Board

FROM: John F. Fuchs

RE: Combined Municipal Court

DATE: October 10, 2012

When we last discussed the combined Municipal Court, Trustee Springman raised questions as to the Court Administrative Committee, and Trustee Weddle-Henning raised questions as to the Clerk. I did not change the Agreement in either respect. As to the Court Administrative Committee, with multiple communities, I prefer to just leave it to the community who they pick and for how long. For example, in Brown Deer, Bridget would likely be the first representative in terms of merger and cost considerations. Thereafter, the Chief or his court officer or executive assistant might be the more likely candidate.

As to removing the reference to merger of the clerks, I remain of the opinion that since the Clerks will initially be the employee of the respective member communities, and the entire purpose of this Court is to find ways of merging resources and eventually cutting costs, the Ordinance should anticipate a merger of those functions. It opens the door for the cost savings approach, and it precludes the need to amend the Ordinance at a later date. It is contemplated those functions will one day be merged.

cc: Mr. Russell Van Gompel
Attorney Rebecca Boyle

AN ORDINANCE TO CREATE AND ESTABLISH
A JOINT MUNICIPAL COURT PURSUANT TO SECTION 755.01(4)
AND SECTION 66.0301 WISCONSIN STATUTES

The Village Board of Trustees of the Village of Brown Deer do ordain as follows:

SECTION 1. Chapter 36 of the Municipal Code of the Village of Brown Deer is hereby repealed and recreated to provide as follows:

Chapter 36 - MUNICIPAL COURT.

Sec. 36 - 1. Municipal Court Created.

There is hereby created and established a Municipal Court under the provisions of Chapter 755 of the Wisconsin Statutes to be designated as North Shore Municipal Court as to those Municipalities which enact an Ordinance identical to this Ordinance pursuant to Sec. 755.01(4) Wis. Stats., and enter into a joint agreement pursuant to Section 66.0301 Wisconsin Statutes.

Sec. 36 - 2. Municipal Judge.

Such Court shall be under the jurisdiction of and presided over by a Municipal Judge, who shall be an attorney licensed to practice law in Wisconsin, and who shall reside in one of the following Municipalities: City of Glendale or the Village of Brown Deer, or those Municipalities which enact an Ordinance identical to this Ordinance and enter into an agreement pursuant to Sec. 66.0301 Wis. Stats. for the joint exercise of the power granted under 755.01 Wis. Stats. Such Municipal Judge shall be elected at large in the spring election for a term of three (3) years commencing on May 1. The first Municipal Judge of this Court shall be elected for a term commencing May 1, 2013. All candidates for the position of Municipal Judge shall be nominated by nomination papers as provided in Section 8.10, Wis. Stats., and selection at a primary election if such is required to be held as provided in Section 8.11, Wis. Stats. If three (3) or more candidates file nomination papers for such position of Municipal Judge as provided in Section 8.11(1)(a) Wis. Stats., such primary election shall be held on the third Tuesday of February as provided in Section 5.02(22) Wis. Stats. The term of office shall be three (3) years.

Sec. 36 - 3. Elections.

The Municipal Clerk of each Municipality shall see to the compliance with Statutes 5.58(1c), 8.10(6)(a), 5.60(1)(b), 5.60(2), 7.10(1)(a), 7.60(4)(a) and to provide for the election of a Municipal Judge under S.755.01(4).

Sec. 36 - 4. Oath and Bond

The Judge shall, after his or her election or appointment to fill a vacancy, take and file the official oath as prescribed in Section 757.02(1), Wis. Stats., and at the same time execute and file an official bond in the amount of \$5,000.00. The Judge shall not act until his or her oath and bond have been filed as required by Section 19.01(4)(c) Wis. Stats. and compliance with the requirements of Section 755.03(2) Wis. Stats.

Sec. 36 - 5. Salary

The salary and any other compensation in the form of benefits of the Municipal Judge shall be fixed by the governing bodies of the Municipalities that are members of the Municipal Court. No salary shall be paid

for any time during his or her term during which such Judge has not executed his or her official bond or official oath, as required by Section 755.03, Wis. Stats., and filed pursuant to Section 19.01(4)(c) Wis. Stats. The Municipalities may by separate Ordinances, Resolutions, or through the budget process, allocate funds for the Administration of the Municipal Court pursuant to Section 66.0301.

Sec. 36 - 6. Jurisdiction

The Municipal Judge of the Municipal Court shall have such jurisdiction as provided by Sections 755.045 and 755.05 Wis. Stats., and as otherwise provided by State Law. The Municipal Judge is authorized to issue inspection warrants under Chapter 66 Wis. Stats.

Sec. 36 - 7. Filling of Vacancy in Office

Pursuant to the provisions of Wis. Stats. § 8.05(4)(fm), a permanent vacancy in the office of the Municipal Judge may be filled by temporary appointment of the municipal governing bodies. The office shall then be permanently filled by special election, held concurrently with the next spring election following the occurrence of the vacancy, except that a vacancy occurring during the period after December 1 and on or before the date of the spring election shall be filled at the second succeeding spring election, and no such election may be held after the expiration of the term of office nor at the time of holding the regular election for the office.

Sec. 36 - 8. Location and Hours

The Municipal Court shall be held in such locations as designated by the Member Municipalities through a Court Administrative Committee. The Municipal Court shall be open at such times as determined by the Municipal Judge.

Sec. 36 - 9. Fines and Forfeitures

The Municipal Judge may impose punishment and sentences as provided by Section 800.09, Wis. Stats., and as provided in the ordinances of the Member Municipalities. All forfeitures, fees, penalty assessments and costs shall be paid to the Treasurer of the Municipality within which the case arose within 14 days after receipt of the money by the Municipal Judge or other Court Personnel. At the time of the payment, the Municipal Court shall report to the Treasurer the title of the action, the offense for which forfeiture was imposed and the total amount of the forfeiture, fees, penalty assessment and costs, if any, or the amount of any terms imposed.

Sec. 36 - 10. Municipal Court Authority to Impose Alternative Juvenile Dispositions and Sanctions.

- a) Pursuant to Wis. Stats. §938.17(2)(cm), the Municipal Court, upon finding that a juvenile has violated a Municipal Ordinance, is authorized to impose any of the dispositions listed in Wis. Stats. §§938.343 and 938.344, in accordance with the provisions of those statutes.
- b) Pursuant to Wis. Stats. §938.17(2)(cm), the Municipal Court, upon finding that a juvenile has violated a Municipal Ordinance and a subsequent condition of a Dispositional Order of the Municipal Court issued under Wis. Stats. §§938.343 and 938.344, is authorized to impose any of the sanctions listed in Wis. Stats. §938.355(6)(d), in accordance with the provisions of those statutes.

Sec. 36 - 11. Stipulations and Deposits in Municipal Court

The Municipal Court herein established shall be operated pursuant to and in compliance with the provisions of Chapter 800 Wis. Stats., and, where applicable, other provisions of the Wis. Stats. as referred to herein. The Municipal Judge shall establish in conjunction with a Court Administrative Committee and in accordance with Section 800.03(3) Wis. Stats., a schedule of deposits for violations of

City, Village and Town Ordinances, Resolutions and By-laws, except traffic regulations which are and shall be governed by Chapter 345.27 Wis. Stats., and boating violations which are, and shall be governed by Chapter 23.67 Wis. Stats. Such deposit schedule shall be posted in the office of the Municipal Court Clerk and the Police Departments of all participating Municipalities.

Sec. 36 - 12. Statutes Adopted by Reference.

Chapters 755 and 800, Wis. Stats., are hereby adopted by reference.

Sec. 36 - 13. Procedure in Municipal Court.

The procedure in Municipal Court shall be as provided by this Ordinance and State Law including, but not excluding because of enumeration Chapter 66, 345, 751, 755, 7575 and 800 of the Wis. Stats.

- a) The Municipal Court shall be open as determined by the Municipal Judge.
- b) The Municipal Judge shall keep his or her office and hold court in such places as shall be made available by the participating Municipalities.
- c) If the Municipal Judge is temporarily absent, sick or disabled, the provisions of Sec. 800.06(1), Wis. Stats., shall apply, and if the Municipal Judge becomes incompetent, unable to fails to act, or in the event of a vacancy, the provisions of Sec. 800.06(2), Wis. Stats., shall apply. Any substitute Municipal Judge designated or assigned hereunder shall be compensated as authorized by the Court Administrative Committee, the Chief Judge of Milwaukee County, or any controlling state statute.
- d) Upon the proper and timely written request for substitution of the Municipal Judge, the provisions of Sec. 800.05, Wis. Stats., shall apply.
- e) The procedures of the Municipal Court shall be in accord with the applicable Wisconsin Statutes and City Ordinances. The Court shall abide by the Wisconsin Rules of Evidence and shall abide by the Uniform State Traffic Deposit Schedule. For non-traffic matters, the Statutory Attorney for a Member Municipality shall draft a bond schedule, which shall become effective upon approval by the Court Administrative Committee and Municipal Judge. No bond shall exceed the maximum penalty which could be imposed for the ordinance violation.

Sec. 36 - 14. Contempt Procedures.

- a) The Municipal Judge may impose a sanction authorized under Section 800.12(2) for contempt of court, as defined in Section 785.01(1) Wis. Stats., in accordance with the procedures under Section 785.03 Wis. Stats.
- b) The Municipal Judge may impose a forfeiture for contempt under Section 800.12(1) Wis. Stats, in an amount not to exceed \$50 or, upon nonpayment of the forfeiture and the penalty assessment under Section 165.87, Wis. Stats., a jail sentence not to exceed 7 days.
- c) No person shall be punished for contempt until he or she has been given an opportunity to be heard in his or her defense and for that purpose the Municipal Judge may, if the offender is not present, issue a warrant to bring the offender before the Court.

Sec. 36 - 15. Abolition

The Municipal Court hereby established shall not be abolished while any agreement under Sections 66.0301 and 755.01(4) Wis. Stats. is in effect.

SECTION 2. All Ordinances or parts of Ordinances contravening or inconsistent with the provisions of this Ordinance be and they are hereby repealed.

SECTION 3. This Ordinance shall take effect and be in full force and effect from and after its passage and publication as required by law.

Approved: _____
Date

By: _____
Village President

Attest:

Village Clerk



REQUEST FOR CONSIDERATION

COMMITTEE:	Village Board
ITEM DESCRIPTION:	Appoint Jill Kenda-Lubetski as Interim Village Clerk
PREPARED BY:	Russell Van Gompel, Village Manager 
REPORT DATE:	November 1, 2012
EXPLANATION:	<p>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.</p> <p>The Village Board has agreed to retain an interim Village Manager on a limited and part-time basis. To carry out the statutory duties of issuing licenses, signing minutes, resolutions, and ordinances and other miscellaneous clerk duties, I am recommending that the Village Board appoint Jill- Kenda Lubetski as the official Village Clerk until such time as the Village Board hires a new Village Manager.</p> <p>Ms. Kenda-Lubetski has served as Deputy Clerk for the past 14 plus years. She is very knowledgeable in the duties of municipal clerk and is certified by the State and International Municipal Clerks Associations.</p> <p>I am further recommending that Jill receive an additional \$100 per pay period during the time she serves as Village Clerk.</p>

Resolution of Appreciation
for Russell Van Gompel

Resolution No. 12-

WHEREAS, Russell Van Gompel was hired on January 19, 1998 to serve as Village Manager for the Village of Brown Deer Park; and,

WHEREAS, Russell Van Gompel has served the Village of Brown Deer faithfully for close to 15 years; and,

WHEREAS, Russell Van Gompel has always been dedicated to managing and carrying out the policies of the Village of Brown Deer and has contributed greatly of his time and talents; and,

WHEREAS, Russell Van Gompel has worked diligently to ensure the operation of a full-service community while maintaining expenditures in an effort to keep the tax rates for Village residents at acceptable levels; and,

WHEREAS, Russell Van Gompel was active in pursuing and encouraging the use of various information technologies and technology infrastructure by the Village, including the implementation of the Village’s first website; and,

WHEREAS, Russell Van Gompel always saw merit in and supported cooperative efforts between the Village of Brown Deer and other governmental bodies, as demonstrated by his active involvement with the Brown Deer School District, and North Shore communities; and,

WHEREAS, Russell Van Gompel was active with the Brown Deer Foundation, including the promotion of The Deer Run 5K/10K Run/Walk and Served as the Secretary of the Foundation; and,

WHEREAS, Russell Van Gompel has always served in the best interest of the citizens of Brown Deer.

NOW, THEREFORE, BE IT RESOLVED, by the Village of Brown Deer Board of Trustees, proclaim their appreciation and publicly express their gratitude to Russell Van Gompel, thank him for his years of service to the Village of Brown Deer, and extend to him best wishes in his future endeavors.

PASSED AND ADOPTED by the Village Board of the Village of Brown Deer this 5th day of November, 2012.

Carl Krueger, Village President

Terry Boschert, Village Trustee

Jeff Baker, Village Trustee

Bob Oates, Village Trustee

Gary Springman, Village Trustee

Andrea Weddle-Henning, Village Trustee

Tim Schilz, Village Trustee

Russell Van Gompel, Village Clerk/Manager