

VILLAGE OF GERMANTOWN
N112 W17001 MEQUON ROAD
GERMANTOWN, WI 53022

MEETING: REGULAR MEETING OF THE VILLAGE BOARD

DATE AND TIME: MONDAY, MAY 1, 2017 7:00 p.m.

LOCATION: Germantown Village Hall Board Room

I. CALL TO ORDER: *This meeting has been given public notice in accordance with Section 19.83 and 19.84, Wis. Stats, in such form that will apprise the general public and news media of subject matter that is intended for consideration and action.*

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE

IV. PRESIDENT'S REPORT

V. APPOINTMENTS

A.	1.	Board of Review	
		Member	Kim Leukert 05/01/2017 – 04/30/2022
		Alternate Member	Vacant 05/01/2017 – 04/30/2022
	2.	Board of Zoning Appeals	
		Alternate Member	Jeff Knop 05/01/2016 – 04/30/2021
	3.	Economic Development Committee	
		Member	Deborah Reinbold 05/01/2017 – 04/30/2020
	4.	Ethics Board	
		Member	Vacant 05/01/2017 – 04/30/2020
		Alternate member	Vacant 05/01/2016 – 04/30/2019
		Alternate Member	Vacant 05/01/2015 – 04/30/2018
	5.	Historic Preservation Commission	
		Citizen Member	Phillip Fritsche 05/01/2017 – 04/30/2020
		Citizen Member	Vacant 05/01/2017 – 04/30/2020

VI. ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST
/COMMITTEE REPORTS:

The following individuals will be given the opportunity to make announcements of future municipal activities: Village President, Village Board Members, Village Administrator, Village Attorney and Village Clerk.

VII. CITIZEN INPUT/PUBLIC APPEARANCE on items not subject to a public hearing:

Please be advised per §19.84(2), information will be received from the public. It is the policy of this municipality that there be a three (3) minute time period, per person, with time extension per the Chief Presiding Officer's discretion; be further advised that there may be limited discussion on the information received, however, no action will be taken under public comments. (15 minutes)

VIII. CONSENT AGENDA:

- A. Approval of Minutes: February 6, 2017, March 20, 2017 and April 17, 2017, Regular Village Board Meetings
- B. Accounts payable/payroll
 - 1. April 18, 2017 Payroll (hourly) \$ 206,265.80
 - 2. April 25, 2017 Accounts Payable \$ 222,607.85
 - 3. April 28, 2017 Payroll (salary) \$ 84,238.62
- C. Operator Licenses: May 1, 2017 to June 30, 2017: Amber Pintar
[Recommended Approval]

IX. UNFINISHED BUSINESS: None

X. PUBLIC HEARINGS – 7:00 P.M. OR LATER: *The purpose of said hearing(s) is to hear any and all parties, their attorneys or agents, for or against the application(s) filed by the petitioner(s).* None

XI. NEW BUSINESS:

- A. Consideration and Decision to Keep, Change Date or Cancel the July 3, 2017 and/or September 4, 2017 Village Board Meetings Due To Related Holidays
- B. Haupt Strasse Park Pickleball Court Resurfacing Project Approval
- C. Request Approval of 2017 Firework's Contract with Wolverine Firework's Company
- D. Waiver of Conflict of Interest-Accurate Appraisal LLC

XII. ADJOURNMENT

The next Village Board meeting will be on May 15, 2017 at 7:00 p.m.

UPON REASONABLE NOTICE, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For Additional information or to request this service please contact the Village Clerk at (262)250-4740 at least 2 days prior to the meeting.

**VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
February 6, 2017**

CALL TO ORDER: The meeting was called to order at 7:00 p.m. by President Wolter.

ROLL CALL: President Wolter, Trustees Baum, Campbell, Hughes, Kaminski, Miller, Myers, Warren and Zabel. Also present: Attorney Sajdak, DPW Director Ratayczak, CDD/Planner Retzlaff, Wastewater Superintendent Zimmerman, Fire Chief Weiss and Clerk Goeckner

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

PRESIDENT'S REPORT:

Attended the Germantown Fire Department awards banquet. Four full time fire fighters sworn in. Fire Chief Weiss spoke at this point – received a send Lucas Device from the Alchemy Corporation – a \$15,775 donation. Have trained nearly 2,000 in Germantown on CPR using this device.

ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST/COMMITTEE REPORTS: Trustees provided information on upcoming meeting dates and times.

CITIZEN INPUT/PUBLIC APPEARANCE on items not subject to a public hearing: None.

CONSENT AGENDA:

- A. Approval of Regular Village Board Minutes for December 19, 2016 and January 16, 2017
- B. Accounts payable/payroll

1. January 10, 2017	Accounts Payable	\$ 939,948.07
2. January 13, 2017	Payroll (salary)	\$ 85,622.90
3. January 25, 2017	Accounts Payable	\$1,291,716.54
4. January 24, 2017	Payroll (hourly)	\$ 206,451.83
5. January 31, 2017	Payroll (salary)	\$ 84,795.81
6. January 2017	Accounts Payable	\$ 49,071.21
- C. Operator Licenses: February 7, 2017 to June 30, 2017:
Jamie E. Bellow; Kayla N. Goudy; Verlynette A.J. Graves; Thomas J. Provost Jr
[Recommended Approval]

The following items were forwarded from the Public Safety Committee with a unanimous recommendation:

- D. Authorization to Purchase of (2) 2017 Ford SUV Police Interceptors from Ewald Ford for \$28,102 Each and (1) Unmarked 2017 Ford SUV Interceptor for Detective Bureau from Ewald for \$27,898, along with \$41,338 in Funds for Squad Equipment and Changeover Costs, Total of \$125,440 to be Allocated from Acct.#10-521-570-8100 [Recommended Approval]
- E. Authorization to Purchase Pro Phoenix Enhancements – Citizen Services and a Court Interface to be Added to the Current Pro Phoenix Software for an Amount of \$17,000 to be Allocated from the 2016 Budget Acct. #40-521-570-8440 [Recommended Approval]
- F. **RESOLUTION NO. 03-17**, Amending the Fee Schedule for Ambulance and EMT Services to Add a Charge of \$250 to Cover Ongoing Costs with the Addition of the Lucas 3 CPR Device [Recommended Approval]

CONSENT AGENDA continued:

The following items were forwarded from the Public Works Committee with a unanimous recommendation:

- G. Authorization to Purchase One Pickup Truck for the Water Utility Department from Ewald Chevy in the Amount of \$41,913.00 and Allow the Remainder of Budgeted Funds to be Used for Additional Equipment for a Total Cost Not to Exceed the Budgeted Amount of \$45,000. Funds to be Allocated from Acct. #50-180-185-3920 [Recommended Approval]
- H. Authorization to Purchase One Pickup Truck for the Waste Water Utility Department from Ewald Automotive Group for an Amount not to Exceed \$33,220.00 and Remaining Budgeted Funds to be Used for Additional Equipment for a Total Cost not to Exceed the Budgeted Amount of \$37,000.00. Funds to be Allocated from Acct. #60-180-185-3730 [Recommended Approval]
- I. Authorization to Pay Invoice to CTW Corp. for the Emergency Repair of Motor Bearings at Well #11, in the Amount of \$6,344.00 [Recommended Approval]
- J. Approval to Enter into a One Year Contract with TAPCO to Provide Maintenance of 15 Controlled Intersections Under Village Jurisdiction at a cost of \$2,250.00 with Funds to be Allocated from Acct. #10-542-530-3540 [Recommended Approval]
- K. Approval to Contract with Carpet City for an Amount not to Exceed \$12,597.00 for the Flooring Replacement in Various 1st Floor Areas of the Police Department and Approval to Use the Remaining \$2,403 in Budgeted Funds for Additional Flooring at the Police Department for a Total Budgeted Amount Not to Exceed \$15,000.00. Funds to be Allocated from Acct. #10-519-570-8221 [Recommended Approval]
- L. Approval of the Proposed 2017 Village Labor and Equipment Rates as Presented by Staff [Recommended Approval]
- M. Authorization to Proceed with Recommended List of Streets for the Purpose of Bidding and Eventual Construction of the Village's 2017 Road Improvement Project – Streets are: Old Farm Subdivision, Park Avenue, Parkhill/Oak Lane, Concord Area, Lover's Ln/Century

Request to remove December 19, 2017 Minutes from Item A as they have not been distributed. **MOTION (Baum/Myers) to approve Consent Agenda items A-M, excepting the minutes from December 19, 2017, roll call vote, carried.**

UNFINISHED BUSINESS:

ORDINANCE NO. 01-17, Creating a Conditional Use Permit (CUP) Allowance for Extended hours for Late-Night Outdoor Entertainment Uses

No other motion on the table. Discussion: Attorney Sajdak – consider standard distance we use for notices and other items. Only one establishment eligible with 200' setback, 3 eligible with 100' setback. Don't see the need for Item A. **MOTION (Miller/Myers) to adopt the ordinance with the removal of Item 'A'.** Further discussion: Restrictions that could be considered in Conditional Use Permit, working off Plan Commission ordinance recommendation which was revised from Public Safety. 200' was usual in other communities checked. Applying for CUP has no guarantee it will be approved when paid for. Should be consistent with neighbors, not for approving ordinance that only some are eligible for, application could cover one time or forever. Is there a permit to allow them to go beyond 10 p.m.? Ordinance limitation is 10 p.m. and that is what is enforced. Temporary use permits, special events, noise ordinance limitations. **All opposed, motion fails.**

PUBLIC HEARINGS – 7:00 P.M. OR LATER: None.

NEW BUSINESS:

A. 2017 Capital Projects Review

Finance Director Rath – 2017 Capital Projects are as presented at GGF, with no changes. **MOTION (Baum/Hughes) to table Items A & B until Ehlers is here to present, carried.**

Meeting moved on to Item C.

7:50 p.m. **MOTION (Baum/Myers) to take Items A & B off the table, carried.**

MOTION (Baum/Kaminski) to approve the capital funds as presented. Roll call vote, 6 in favor, 3 opposed (Baum, Zabel, Wolter), carried.

B. RESOLUTION NO. 02-17 Resolution Authorizing the Borrowing of not to Exceed \$3,140,000; and Providing for the Issuance and Sale of General Obligation Promissory Notes Therefore

Jim Mann of Ehlers presented information on the borrowing resolution. Added small refunding to save \$40K over 10 years, only amount being borrowed above and beyond projects. Discussion. **MOTION (Baum/Zabel) to not refinance the \$500,000+ and pull the money to pay off those notes from existing accounts as indicated by Director Rath. Discussion. Carried.**

MOTION (Baum/Zabel) to approve Resolution 02-17 for the issuance and sale of the \$2.835 million General Obligation Promissory Notes, by roll call vote, carried. 8 in favor, 1 opposed (Zabel).

C. Request to Purchase Replacement Squad Using Insurance and Budgeted Funds
MOTION (Hughes/Baum) to approve as requested, roll call vote, carried.

D. MLG Development, Agent for MLG Germantown Investment LLC, Property Owner of 118.7 Acres Located in TID #6 East of Appleton Avenue and South of Lannon Road (Parcel GTNV#294-998, 321-981, 321-984, 321-985, 321-991 & 321-999); 2-Lot Certified Survey Map (CSM)

MOTION (Baum/Myers) to approve as presented, with Plan Commission recommendation with 2 conditions and change the cul de sac from Nimitz to Willow Creek Way. Discussion: Outlot 1, well sites, easements not currently in CSM to allow such. **Carried.**

E. Memorandum of Understanding (MOU) between Washington County Geographic Information Services (GIS) Division & Village of Germantown Community Development Department; Zoning Data & Mapping Maintenance Services;
MOTION (Miller/Baum) to approve as presented, carried.

F. CONDITIONAL USE PERMIT Scott Bence, Agent for Heritage Place Joint Venture, Property Owners and Developer of Saxony Village (GTVN#224-992); Request to Extend

Deadline to Commence Use/Activity Granted under CUP #01-16 (Wetland Alterations & Development within 25' Wetland Setback)

NEW BUSINESS continued:

MOTION (Kaminski/Myers) to approve as presented. Discussion of deadline date of April 22nd, extension would give more room to work within, asking for 12 months which is allowable. Further discussion of what extension term should be, grant just came through, work authorized to be done in the 25' setback for wetland. Also seeking extension of site plan approval that will be requested of Plan Commission. **Carried. 8 in favor, 1 opposed (Zabel)**

G. Request to Fill Vacancy of Deputy Clerk Position

Motion Baum/Kaminski), to approve as presented, carried.

H. Request to Award of Contract for Windsor Court, Castle Drive and Squire Drive Water Main Relay

MOTION (Baum/Kaminski) to approve as requested, in the amount of \$281,795.41. Discussion: contractor recommendations, water breaks in area, easements to be agreed on, this was part of 2016 budget. **MOTION (Warren/Myers) to amend to award to the second lowest bidder, UPI.** Discussion of Trustee Warren concerns, experience with company, Director and Engineer's comfort working with them, legal consequences for taking second lowest bid. **8 opposed, 1 in favor (Warren), amendment fails. Roll call vote on original motion, 7 in favor, 2 opposed (Warren, Zabel), carried.**

I. **MOTION (Baum/Myers) to enter into closed session at 8:30 p.m. Per Wi. Stats. §19.85(1)(E) For The Purpose Of Deliberating Or Negotiating The Purchase Of Public Properties, The Investing Of Public Funds, Or Conducting Other Specified Public Business, Whenever Competitive Or Bargaining Reasons Require A Closed Session And May Re-Enter Open Session To Take Such Action As It Deems Appropriate, for Christian Tscheschlok From Economic Development Washington County to Present Information on (Project Advance) And a Potential Development Incentive, and include Christian Tscheschlok, EDWC and Joshua Schoemann, Washington County Administrator, roll call vote, carried.**

J. **MOTION (Baum/Myers) to go into Closed Session at 8:30 p.m. Per Wi. §19.85(1)(E) Deliberating Or Negotiating The Acquisition Of Public Property, The Investing Of Public Funds, Or Conducting Other Specified Public Business, Whenever Competitive Or Bargaining Reasons Require A Closed Session And May Re-Enter Open Session To Take Such Action As it Deems Appropriate for Business Park Marketing Strategy And Future Business Park Development. Include MLG members, by roll call vote, carried.**

ADJOURNMENT

There being no further business, the meeting adjourned at 10:00 p.m.

Barbara K. D. Goeckner MMC/WCPC
Village Clerk

VIII. - A

**VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
March 20, 2017**

CALL TO ORDER: The meeting was called to order at 7:00 p.m. by President Wolter.

ROLL CALL: President Wolter, Trustees Baum, Campbell, Hughes, Kaminski, Myers, and Zabel. Absent and excused: Trustee Miller and Trustee Warren. Also Present: Attorney Sajdak, DPW Director Ratayczak, Engineer Lanning and Clerk Goeckner

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

PRESIDENT'S REPORT: President Wolter reported the Village of Germantown will host the Mid-Moraine Dinner meeting, on March 23rd at Barley Pop Pub and hopes all Trustees will be able to attend for representation. The Chamber's annual awards banquet dinner will be held on March 29th and hopes to also see all Trustees in attendance at this event.

ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST/COMMITTEE REPORTS: Trustees provided information on upcoming meeting dates and times.

CITIZEN INPUT/PUBLIC APPEARANCE on items not subject to a public hearing: None

CONSENT AGENDA:

- A. Accounts payable/payroll
- | | | |
|-------------------|------------------|---------------|
| 1. February 2017 | Accounts Payable | \$ 24,949.31 |
| 2. March 10, 2017 | Accounts Payable | \$ 515,847.19 |
| 3. March 8, 2017 | Payroll (hourly) | \$ 204,340.97 |
| 4. March 15, 2017 | Payroll (salary) | \$ 89,589.00 |
- B. Operator Licenses: March 21, 2017 to June 30, 2017:
Julia M. Allen, Joshua A. Biesel, Mark E. Brent, Perez G. Cibicue, Colleen M. Hettiger, Rebecka J. Seflow [Recommended Approval]

The following items were forwarded from the Public Safety Committee with a unanimous recommendation:

- C. Request Approval to Purchase 36 S&W M&P 2.0 9mm Handguns, with Night Sights at \$399 Per Gun from Buds Police Supply for a Total of \$14,364 for the Initial Purchase. A Credit Will be Received for trade-ins in the amount of \$9,180. Funds to be allocated

The following items were forwarded from the Public Works Committee with a unanimous recommendation:

- D. Request Approval to Contract with Integrity Roofing to Provide Labor and Materials to Roof the Following Locations, For A Cost Not to Exceed: DPW (\$4,785), Bell Museum (\$18,850) And Police Dept. (\$22,550). Funding to Be Allocated from The Following Budgeted Accounts: DPW (\$5,000) 10-519-570-8242, Bell Museum (\$20,000) 10-519-570-8425 And P.D. (25,000) 10-519-570-8221 [Recommended Approval]
- E. Request Authorization to Purchase Two Kubota ZD1211 R60R 60" Zero Turn Lawn Mowers from Lochen Equipment in The Amount Not to Exceed \$26,160.00. Funds to Be Allocated from Acct. #10-553-570-8100. [Recommended Approval]
- F. Request Authorization to Purchase One Western Star Patrol Truck from Truck Country for An Amount Not to Exceed \$187,550.25. Funds to Be Allocated from Acct. #40-542-570-8520. [Recommended Approval]

CONSENT AGENDA continued:

- G. Request Authorization to Purchase One 3/4 Ton Pickup Truck from Ewald Automotive for An Amount Not to Exceed \$38,825.00 And Allow the Remainder of Budgeted Funds to Be Used for Additional Equipment for A Total Cost Not to Exceed the Budgeted Amount Of \$40,000.00. Funds to Be Allocated from Acct. 40-553-570-8520 [Recommended Approval]
- H. Request Approval to Contract Colorful Concrete Solutions for An Amount Not to Exceed \$6,367.00 For the Installation of An Epoxy Floor in The Kinderberg Park Pavilion. Funds to Be Allocated from Acct. #10-553-570-8100 [Recommended Approval]
- I. Request Approval to Contract Mr. Holland's Heating and Air for An Amount Not to Exceed \$22,000 For the Replacement of Four Furnaces and Air Conditioner Units at Village Hall. Funds to Be Allocated from Acct. #10-519-570-8201 [Recommended Approval]
- J. Request Approval to Contract Cintas For the Inspection of Alarms, Extinguishers, And Fire Flow at A Cost Of \$6,952.75. Funds to Be Allocated from The Building Acct. Where the Building Location for Inspection or Work Is Being Done. [Recommended Approval]
- K. Request Approval to Contract Wachtel Tree Science to Provide Specific Consultation Services as It Relates to The Handling of The Emerald Ash Borer (EAB) At A Cost Not to Exceed \$15,000. Funds to Be Allocated from Acct. #10-553-530-5290 [Recommended Approval]
- L. Request Approval of the 2016 MMSD Chapter 13 Annual Report and Authorize Signature by The Village President for Submission To MMSD.
- M. Request Authorization to Adopt the **ORDINANCE NO. 03-17** Revision for Chapter 27.07(1) "Post-Construction Stormwater Management" To Reflect MMSD Current Rainfall Distribution Requirements [Recommended Approval]

MOTION (Baum/Myers) to approve Consent Agenda Items A-M, roll call vote, carried.

UNFINISHED BUSINESS: None

PUBLIC HEARINGS – 7:00 P.M. OR LATER: None

NEW BUSINESS:

- A. **RESOLUTION NO. 10-17** A Resolution Authorizing the Director of Public Works to Apply for an Urban Nonpoint Source & Stormwater management Program Planning Grant
Resolution required as part of grant application. Discussion: Village cost \$50,000 combined for 2018, 2019 & 2020 budgets. Grant application due mid-April. Village not locked into anything, resolution authorizes DPW Director to do grant and sign grant application. Further discussion on maintenance of drainage ponds. **MOTION (Baum/Zabel) to approve Resolution No. 10-17 as presented, carried.**
- B. **Request Authorization to Award Contract for Park Avenue Sanitary Sewer**
MOTION (Zabel/Myers) to award contract for Park Avenue Sanitary Sewer work to American Sewer with a bid amount of \$194,377.50. Discussion: 10% contingency for flexibility of issues that arise during project. **Roll call vote, carried.**

NEW BUSINESS continued:

C. Amendment to Saxony Village Development Agreement

Changes presented by DPW Director Ratayczak. Project not started, due to wait on approve from DNR. Dealing with sidewalk phasing on page 8 and wanting to do it in 2 phases with building 6 first. Section 1.09 dealing with sidewalks pathways, changes to dates, signature pages at end, updated impact fees. Same document approved September 19th with new changes. Was passed on to Developer for review and he agrees. **MOTION (Baum/Kaminski) to amend Saxony Village Development Agreement as presented, carried (6 in favor, 1 opposed - Zabel)**

D. **MOTION (Baum/Myers) to Enter Closed Session at 7:25 p.m., Per Wi. Stats. §19.85(1)(E) For the Purpose of Deliberating or Negotiating the Purchase of Public Properties, The Investing of Public Funds, Or Conducting Other Specified Public Business, Whenever Competitive or Bargaining Reasons Require a Closed Session and May Re-Enter Open Session to Take Such Action as It Deems Appropriate, for the purpose of discussion and action regarding information provided by Christian Tscheschlok From Economic Development Washington County - (Project Advance) And Potential Development Incentive, roll call vote, carried.**

MOTION (Kaminski/Myers) to re-enter open session at 8:50 p.m., carried.

MOTION (Baum/Myers) to direct Village Administrator and Village President to act as discussed in closed session, carried. (6 in favor, 1 opposed - Kaminski)

ADJOURNMENT

There being no further business, the meeting adjourned at 8:55 p.m.

Barbara K. D. Goeckner MMC/WCPC
Village Clerk

**VILLAGE OF GERMANTOWN
VILLAGE BOARD MEETING MINUTES
April 17, 2017**

CALL TO ORDER: The meeting was called to order at 7:00 p.m. by Village Board President Wolter.

ROLL CALL: President Wolter, Trustees Baum, Campbell, Kaminski, Miller, Myers, Warren and Zabel. Trustee Hughes was absent and excused. Also present: Administrator Schornack, Attorney Sajdak, Public Works Director Ratayczak, Fire Chief Weiss, Chief of Police Hoell, Communications Supervisor Schmidt, and Clerk Goeckner

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited.

PRESIDENT'S REPORT: President Wolter welcomed Scouts present from Troop 67 working on a badge. Clerk Goeckner spoke regarding the election turn out for April 4, 2017 Spring Election and thanked all Election Inspectors and Chief Inspectors for a job well done and reminded all the Village will be seeking additional Inspectors for the 2018 April and November elections. President Wolter presented the Proclamation "Parents Who Host, Lose the Most: Don't be a party to underage drinking month" to representatives from the Germantown Youth Futures, the Prevention Network of Washington County and Elevate Inc.

APPOINTMENTS

A. Standing Committees of the Village Board

1. General Government & Finance

Chair	Trustee	Arthur Zabel	04/18/2017 – 04/17/2018
	Trustee	Terri Kaminski	04/18/2017 – 04/17/2018
	Trustee	David Baum	04/18/2017 – 04/17/2018
	Trustee	Rick Miller	04/18/2017 – 04/17/2018

2. Public Safety

Chair	Trustee	Jeff Hughes	04/18/2017 – 04/17/2018
	Trustee	Alan Campbell	04/18/2017 – 04/17/2018
	Trustee	Robert Warren	04/18/2017 – 04/17/2018
	Trustee	Dennis Myers	04/18/2017 – 04/17/2018

3. Public Works & Highways

Chair	Trustee	Terri Kaminski	04/18/2017 – 04/17/2018
	Trustee	Alan Campbell	04/18/2017 – 04/17/2018
	Trustee	Robert Warren	04/18/2017 – 04/17/2018
	Trustee	Arthur Zabel	04/18/2017 – 04/17/2018

B. Commissions/Boards/Committees

1. Administrative Appeals Review Board

Trustee	Terri Kaminski	04/18/2017 – 04/17/2018
Member	Dan Campbell	04/18/2017 – 04/20/2020

2. Board of Review

Member	Vacant	05/01/2017 – 04/30/2022
Alternate Member	Kim Leukert	05/01/2017 – 04/30/2022
Alternate Member	Ralph Simoneau	05/01/2017 – 04/30/2022

3. Board of Zoning Appeals

Member	Jeffrey Schleif	05/01/2018 – 04/30/2021
Alternate Member	Vacant	05/01/2016 – 04/30/2021

V. APPOINTMENTS continued:

4. *Building Construction Oversight Committee*

Chair/Trustee	David Baum	04/18/2017 – 04/20/2020
Trustee	Robert Warren	04/18/2017 – 04/20/2020

5. *Economic Development Committee*

Chair/Trustee	Jeffrey Hughes	04/18/2017 – 04/20/2020
Trustee	Rick Miller	04/18/2017 – 04/20/2020
Member	Lynn Grgich	04/18/2017 – 04/20/2020
Member	Vacant	04/18/2017 – 04/20/2020

6. *Ethics Board*

Member	Jeffrey Knop	05/01/2017 – 04/30/2020
Member	Rosemarie Matheus	05/01/2017 – 04/30/2020
Alternate member	Vacant	05/01/2016 – 04/30/2019
Alternate Member	Vacant	05/01/2015 – 04/30/2018

7. *Historic Preservation Commission*

Chair/ Trustee	Rick Miller	04/18/2017 – 04/20/2020
Citizen Member	Vacant	05/01/2017 – 04/30/2020
Citizen Member	Vacant	05/01/2017 – 04/30/2020

8. *Library Board*

Member	Joyce Nelson	07/01/2017 – 06/30/2020
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9. *Park & Recreation Commission*

Trustee	Rick Miller	04/18/2017 – 04/16/2018
Member	Wendy Knop	05/01/2017 – 04/30/2020

10. *Plan Commission*

Chair	Dean Wolter	04/18/2017 – 04/16/2018
Trustee	David Baum	04/18/2017 – 04/16/2018
Member	William Shadid	05/01/2017 – 04/30/2020

11. *Police & Fire Commission*

Member	Homer Jack Daniels	05/01/2017 – 04/30/2022
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12. *Senior Center Advisory Committee*

Non-Senior Club Member	Norine Janzen	05/01/2017 – 04/30/2019
Trustee	Arthur Zabel	04/18/2017 – 04/20/2020

13. *Utility Advisory Committee*

Chair/Trustee	Robert Warren	04/18/2017 – 04/17/2018
Alternate/Member	Jeff Schleif	05/01/2017 – 04/30/2020
Financial Acct. Member	Lindsay Rehlau	05/01/2017 – 04/30/2020

C. *Weed Commissioner*

Planning/Zoning Adm.	Jeff Retzlaff	04/18/2017 – 04/17/2018
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D. *Mid-Moraine Legislative Committee*

Trustee Representative	Arthur Zabel	04/16/2017 – 04/17/2018
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E. *Official Posting Places*

Village Hall - N112 W17001 Mequon Road
 Public Library - N112 W16957 Mequon Road
 Village Website

MOTION (Myers/Zabel) to approve all appointments as listed for items A-E. President Wolter mentioned vacancies and looking for persons to fill them, especially on Historic Preservation where Hoinacki's are retiring after 12 years on committee. **Carried.**

ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST/COMMITTEE REPORTS: Trustees provided information on upcoming meetings and events.

CITIZEN INPUT/PUBLIC APPEARANCE on items not subject to a public hearing:

Chris Yatchak, N116W15041 Brownstone Court, Germantown – Announced Mai Fest will be held this year in Friedenfeld Park, with opening ceremonies on May 20th at 11:30 a.m. With a special invitation to President Wolter to be the honorary Burgermeister again this year, which he accepted.

CONSENT AGENDA:

- A. Approval of Minutes: February 6, 2017, March 6, 2017 and March 20, 2017 Regular Village Board Meetings
- B. Accounts payable/payroll
- | | | |
|-------------------|------------------|---------------|
| 1. March 21, 2017 | Payroll (hourly) | \$ 201,955.65 |
| 2. March 25, 2017 | Accounts Payable | \$ 326,409.87 |
| 3. March 31, 2017 | Payroll (salary) | \$ 83,273.51 |
| 4. March 2017 | Accounts Payable | \$ 25,572.49 |
| 5. April 4, 2017 | Payroll (hourly) | \$ 212,841.03 |
| 6. April 10, 2017 | Accounts Payable | \$ 555,145.40 |
| 7. April 13, 2017 | Payroll (salary) | \$ 86,900.55 |
- C. Operator Licenses: April 18, 2017 to June 30, 2017:
Aryeonna E Bowyer, SeQuora K Brent, Jaymee K Harvey Willms, Matthew Levesley, Teresa L Schmitz, Emily A Tarlo, Rachel M Trimmer, Michael L Williams
[Recommended Approval]

The following items were forwarded from the Public Works Committee with a unanimous recommendation:

- D. Request of Allocation in the Form of a Blanket Purchase Order, Not to Exceed \$20,000 to Adaptor Inc., for the Continued Purchase of Internal/External Manhole Chimney Seals and Extensions to be Utilized for 2017 Road Projects and Other Areas, on a Time and Need Basis, with Funds to be Allocated from Acct. #60-83-530-8313 [Recommended Approval]
- E. Request of Allocation in the Form of a Blanket Purchase Order, not to Exceed \$32,000, to Ferguson Waterworks for Purchase of Miscellaneous Manhole Repair Materials, with Funds to be Allocated from Acct. #60-830-530-8313 [Recommended Approval]
- F. Request of Allocation in the Form of a Blanket Purchase Order, Not to Exceed \$12,800, to HD Supply Waterworks for Purchase of Ladtech HDPE Manhole Adjusting Rings and Misc. Materials, with Funds to be Allocated from Acct. #60-830-530-8313 [Recommended Approval]
- G. Request to End the Practice of Selling Commercial Recycling Permits for Germantown Recycling [Recommended Approval]
- H. Request to purchase a 2017 Towmaster T-40TA Trailer from Ditch Witch for an Amount not to Exceed \$24,475.00, with Funds to be Allocated from Acct. #10-542-570-8530 [Recommended Approval]
- I. Request Authorization to Purchase Crack Filling Material for Village Roads from Sherwin Industries at a Cost of \$.4640 per Pound not to Exceed \$21,000 with Funds to be Allocated from Acct. #10-542-530-3505 [Recommended Approval]

CONSENT AGENDA continued:

- J. Request Authorization to Allow Staff to Contract with Washington County Highway Dept. to Paint Center Lines and Edge Lines on Village Streets, with Funds to be Allocated from Acct. #10-542-530-3540 [Recommended Approval]
- K. Request Approval of Village's Commitment of approximately 2,500 Tons of Road Salt for 2017-2018 Season as Part of WDOT Salt Bid Process [Recommended Approval]
- L. Request Authorization for Staff to Contract with Cintas for an Amount not to Exceed \$5,718.78 to Perform Fire Suppression System Flushing at Fire Station No. 2. [Recommended Approval]
- M. Request Authorization to Purchase Video Detection Equipment from TAPCO in an Amount not to Exceed \$17,413 for Traffic Signal Upgrades at Intersection of Appleton Avenue and County Line Road [Recommended Approval]
- N. Request to Award 2017 Road Improvements Project to Payne And Dolan, Inc. For an Amount of \$1,457,576.00 Plus 2.5% Contingency with Any Remaining Budgeted Funds to Be Used for Additional Road Improvements, With Funds to Be Allocated from Acct. #40-452-570-8810 [Recommended Approval]

The following items were forwarded from the Public Safety Committee with a unanimous recommendation:

- O. Request to Purchase 3 Console Computers/Monitors for Dispatch Center, Including Hardware, Software, Setup and Installation, from Schultz Bernstein, in the Amount of \$7,521 to be Allocated from Acct. #40-521-570-8460 [Recommended Approval]
- P. Request to Purchase 67 Portable Radios from Harris Corporation: 42 for the Police Department at a cost of \$151,095.00 with Funds Allocated from Acct. #40-521-570-8460 and 25 for the Fire Department at a Cost of \$97,674.00 with Funds Allocated from Acct. #50-522-570-8460, for a Total Cost of \$248,769.00. Pricing Includes Discount Offered by Harris Corporation Who Would Purchase the Police Department Radios to be Used by the US Open Security Staff for One Week in June, In Exchange for a 3-Year Warranty at No Cost, Valued at \$8,400.00. Radios will be Reprogrammed at no Charge. [Recommended Approval]

The following items were forwarded from the General Government and Finance Committee with a unanimous recommendation:

- Q. Request Authorization to Purchase Used Mini-Van/SUV for the Park & Recreation Department in an Amount Not to Exceed \$15,000 With Funding Allocated from Account 40-552-570-8520 [Recommended Approval]
- R. Request Approval to Change Pay Grade Assignment for the Deputy Fire Chief-Career to Distinguish Between that Position and the Deputy Fire Chief that is Paid On-Call [Recommended Approval]

MOTION (Myers/Miller) to approve Consent Agenda Items B-R, roll call vote, carried. Item 'A', minutes, not approved as they are not complete at this time.

UNFINISHED BUSINESS: None

PUBLIC HEARINGS – 7:00 P.M. OR LATER: None

NEW BUSINESS:

- A. Request Approval of Public Grant Application - Germantown Community Scholarship Fund, Inc. MudSplash Run for Funds

MOTION (Miller/Baum) to approve Public Grant for Germantown Community Scholarship Fund, Inc. as requested, carried.

- B. Clerk Department Request for Temporary Staff for Records Management Work

MOTION (Baum/Warren) to approve as requested. Zabel – believes with everything slowing down he thinks it can be done internally so voted against this at committee.

Roll call vote, carried. (7 in favor, 1 opposed – Zabel and 1 absent)

- C. Request Approval of Agreement Between the Village and Gehl's

DPW Director Ratayczak provided agreement with Gehl's to Trustees prior to the meeting. Agreements have been reached by email. Agreement is agreed to with Gehl's stipulation that amount is agreed to. Requesting document approval at Village Board prior to approving the project.

Cost of the project as bid is \$693,000. Gehl's will cover all but \$304,400, with Village covering that amount. Gehl's will be increasing their capacity as needed for their flow changes on product lines. At committee vote was unanimous to award bid to Kruczek Construction and bring both items to Village Board for discussion and approval.

MOTION (Zabel/Warren) to approve the contract with Gehl's. Discussion: #5 of agreement and payments, project start date in relation to July 4th parade. **Carried.**

- D. Request to Award Contract for Main Street Sanitary Sewer Relay

DPW Director Ratayczak reviewed map provided in documents regarding location of pipes, pipe size. Contractor Kruczek Construction with a bid amount of \$693,000 discussed at meeting. Reputable contractor, verified by references contacted. Recommend award of bid to Kruczek Construction with bid amount of \$693,000 and an additional contingency of 10% or \$69,300 for approval. Discussion. **MOTION (Zabel/Myers) to accept bid as presented by staff, with a contingency we don't sign this agreement until we have the agreement with Gehl's signed first.** Discussion of additional capacity, which lift it goes through and venting smells. **Roll call vote, carried.**

ADJOURNMENT

There being no further business, the meeting adjourned at 7:30 p.m.

Barbara K. D. Goeckner MMC/WCPC
Village Clerk

**BUSINESS OF THE VILLAGE BOARD
GERMANTOWN, WI**

MEETING DATE: Monday, May 1, 2017

AGENDA ITEM: New Business

ITEM TITLE: Haupt Strasse Park Pickleball Court Project

SUBMITTED BY: Mark Schroeder, Park & Recreation Director

SUMMARY EXPLANATION:

Monies were included in the CIP Budget to resurface the two tennis courts at Haupt Strasse Park. In general, outdoor courts need to be re-surfaced/color coated every 7-10 years depending on drainage, court location, weather, and type of use. The Haupt Strasse Park courts were last re-surfaced in 2005. At the February 22, 2017 meeting, the Park & Recreation Commission approved converting the 2 tennis courts into 4 pickleball courts. The scope of work includes cleaning, patching, crack filling, installation of the Amor Crack Repair system, installation of four sets of net posts, two coats of resurfacing material, two coats of color, and court lining.

Four companies that specialize in this type of work reviewed project plans, with two companies, Frank Armstrong Enterprises, and Munson, Inc. submitting a bid for this project as follows:

- | | |
|-------------------------------|----------|
| • Frank Armstrong Enterprises | \$31,441 |
| • Munson, Inc. | \$36,511 |

ATTACHMENT: ORDINANCE____ RESOLUTION____ OTHER X

RECOMMENDATION:

At the April 26th, 2017 Park and Recreation Commission Meeting, a motion was made by Commissioner Stapelman, seconded by Commissioner Medved, to send forth a positive recommendation to the Village Board to award the contract to Frank Armstrong Enterprises, in an amount not to exceed \$31,441, for materials and labor to complete the Haupt Strasse Park Pickleball Court Project. Motion carried unanimously. Monies to come from CIP Budget Account #40-552-570-8310.

XI.C.

**BUSINESS OF THE VILLAGE BOARD
GERMANTOWN, WI**

MEETING DATE: Monday, May 1, 2017

AGENDA ITEM: New Business

ITEM TITLE: 2017 Fireworks Contract – Wolverine Fireworks

SUBMITTED BY: Mark Schroeder, Park & Recreation Director 

SUMMARY EXPLANATION:

At the November 21st, 2016 meeting, the Village Board approved the contract with Bartolotta's Fireworks for the 2017 Fourth of July Display. In March 2017, staff was informed that Bartolotta was closing, and had been purchased by Wolverine Fireworks. Staff has requested a new contract and certificate of insurance from Wolverine, copies of which are attached. Staff has also forwarded the contract and COI to village legal counsel for review.

The 2017 contract amount, including the 2.5% material handling fee remains the same at \$14,862.50. The Kiwanis Club has contributed \$7,431 by paying the deposit before January 1, 2017, with the village paying the remaining 50% with the July 2017 payables.

ATTACHMENT: ORDINANCE____ RESOLUTION____ OTHER X

RECOMMENDATION:

Staff recommends that the Village Board approve the 2017 fireworks contract with Wolverine Fireworks Company in an amount of \$14,500, plus the 2.5% material handling fee. It is also recommended that the board approve the village's \$7,431 expenditure for July 2017 so the invoice can be paid within the 10 days outlined in the contract and avoid a 1.5% late fee.

WOLVERINE FIREWORKS DISPLAY, INC.

205 W. Seidlers Road
Kawkawlin, Michigan 48631
Phone: (989) 662-0121
Fax: (989) 662-0122

WISCONSIN WAREHOUSE: (262) 968-4178

CONTRACT

This contract entered into this 12th day of April, 2017, by and between WOLVERINE FIREWORKS DISPLAY, INC., hereinafter referred to as "**WOLVERINE**" A Michigan Company, duly licensed by the BATFE, and Village of Germantown, hereinafter referred to as "Sponsor".

1. Wolverine agrees to furnish Sponsor, in accordance with the terms and conditions set forth herein, One (1) fireworks display as per this signed and accepted contract. This will include trained and qualified Pyrotechnicians to deliver, setup, execute and take down the pyrotechnic display.
2. Wolverine agrees to provide insurance coverage of Ten Million Dollars, Bodily Injury and Property Damage and the statutory limits for Worker's Compensation Insurance. The Sponsor will be named as additional insured on the certificate. This insurance covers the operations of Wolverine only and does not extend to any other aspect of the event.
3. The date of this display is: July 4th, 2017 at: _____ pm. In the event of inclement weather, the display will be rescheduled for the next night July 5th, 2017 at no additional cost to the Sponsor (dates around the 4th of July are excluded unless approved by Wolverine). In the event the display is rescheduled to a date not the next night, there will be an additional 15% cost added to the contract amount to cover additional expenses involved. In the event the Sponsor does not choose to reschedule another date or cannot agree to a mutually convenient date, the Sponsor shall pay the Contractor an amount equal to 40% to cover Wolverine's cost, damages, and expenses.
4. The cost of the display is: **\$14,500.00**. A deposit in the amount of: **\$7250.00** shall be made at the time of signing this agreement. The balance due shall be paid to Wolverine within 10 days following the display. A 2.5% Hazardous Material Handling fee will be added to the invoice (based on the display cost) along with any permit fees paid by Wolverine. There will be a 1.5% late charge added to the invoice on any outstanding amount not paid in full by the agreed upon date.
5. Sponsor, at Sponsor's expense, agrees to provide Wolverine with a suitable display site that meets the guidelines as set forth in NFPA 1123 and meeting the approval of Wolverine. All permits necessary for the display shall be the responsibility of the Sponsor. All necessary police, fire, and other appropriate protection necessary for proper crowd control, automobile parking, and display site security will be the responsibility of the Sponsor and in accordance with the provisions of NFPA 1123.
6. After the display, Wolverine will conduct a post display search of the area/fallout zone for any unexploded fireworks. Sponsor explicitly acknowledges that an early morning first light search of the Display Site as defined in NFPA 1123 is of utmost importance and the search will be conducted by the

Sponsor. If any unexploded shells or devices are found, Wolverine will be contacted immediately to properly disposed of said material. Wolverine will be responsible for the removal of all equipment provided by Wolverine. Sponsor will be responsible for any remaining cleanup that may be required after the display.

7. Sponsor agrees to defend and hold Wolverine harmless from and against all claims and any penalties, damages, and costs made against and/or incurred by Wolverine in the event (1) the display does not commence on the date and time contemplated by this contract, or is otherwise disrupted as a result of equipment or product malfunction or failure, and/or (2) Sponsor's breach of its obligations under the contract.
8. The laws of the State of Wisconsin shall govern this contract. Nothing in this contract shall be construed as forming a partnership between the Sponsor and Wolverine. Neither party shall be held responsible for any agreements nor obligations not expressly provided for herein, and shall be severally responsible for their own separate debts and obligations.
9. This contract constitutes the entire agreement between the parties and shall be binding on the parties, their heirs, executors, administrators, successors, and assigns.
10. Any Additional Provisions:

WOLVERINE FIREWORKS DISPLAY, INC.

VILLAGE OF GERMANTOWN

By: _____

By: _____

Date Signed: ____/____/____

Date signed ____/____/____

Address: 205 W. Seidlers Road
Kawkawlin, MI 48631

Address: Po Box 337
Germantown, WI 53022

Phone: 262-250-4715

Email: Mark Schroeder

mschroeder@village.germantown.wi.us



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

4/13/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER The Partners Group Ltd 11225 SE 6th St., Suite 110 Bellevue WA 98004		CONTACT NAME: Roxanna Jessen PHONE (A/C, No, Ext): 425-467-3161 FAX (A/C, No): 425-455-6727 E-MAIL ADDRESS: rjessen@tpgrp.com		
INSURED 14347 Wolverine Fireworks Display, Inc. 205 West Seidlers Road Kawkawlin MI 48631		INSURER(S) AFFORDING COVERAGE		NAIC #
		INSURER A: T.H.E. Insurance Company		12866
		INSURER B:		
		INSURER C:		
		INSURER D:		
		INSURER E:		
INSURER F:				

COVERAGES**CERTIFICATE NUMBER:** 1963342719**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR	WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY ☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR ☐ \$2,000 Deductible GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC	Y		CPP0104907-02	2/1/2017	2/1/2018	EACH OCCURRENCE	\$1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$100,000
							MED EXP (Any one person)	\$Excluded
							PERSONAL & ADV INJURY	\$1,000,000
							GENERAL AGGREGATE	\$N/A
							PRODUCTS - COMP/OP AGG	\$2,000,000
								\$
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ALL OWNED AUTOS ☐ HIRED AUTOS ☐ SCHEDULED AUTOS ☐ NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident)	\$
							BODILY INJURY (Per person)	\$
							BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (Per accident)	\$
								\$
A	UMBRELLA LIAB ☒ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED ☒ RETENTION \$N/A			ELP0011932-02	2/1/2017	2/1/2018	EACH OCCURRENCE	\$9,000,000
							AGGREGATE	\$9,000,000
								\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				WC STATUTORY LIMITS	OTH-ER
							E.L. EACH ACCIDENT	\$
							E.L. DISEASE - EA EMPLOYEE	\$
							E.L. DISEASE - POLICY LIMIT	\$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

The following are Additional Insured on General Liability as their interest may appear as respects to operations performed by or on behalf of the Named Insured, as required by written contract:

Show Date: July 4th, 2017 Rain Date: July 5th, 2017
Show Location: Fireman's Park- Germantown
Additional Insured(s): Village of Germantown, Kiwanis Club

CERTIFICATE HOLDER**CANCELLATION**

Village of Germantown
N112 W17001 Mequon Road
Germantown WI 53022

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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BUSINESS OF THE VILLAGE BOARD
GERMANTOWN, WI

XI.D.

MEETING DATE: May 1, 2017

AGENDA ITEM: New Business

ITEM TITLE: Waiver of Conflict of Interest-Accurate Appraisal LLC

SUBMITTED BY: Dave Schornack, Village Administrator

SUMMARY EXPLANATION:

Attached is a request from the law firm of von Briesen & Roper s.c., who the Village uses in labor negotiations and other labor matters, to sign a Waiver of Conflict of Interest to allow them to represent Accurate Appraisal LLC in a matter involving the Village of Germantown. The letter is self-explanatory. It does not, however, explain the nature of the matter, but most likely involves Accurate's billings to the Village for last year.

ATTACHMENT: ORDINANCE____ RESOLUTION____ OTHER X

- Letter from von Briesen & Roper s.c. dated April 19, 2017

RECOMMENDATION:

As desired

TAGLaw International Lawyers

Kyle J. Gulya
Direct Telephone
608-316-3177
kgulya@vonbriesen.com

April 19, 2017

VIA EMAIL

Mr. David Schornack, Village Administrator
Attorney Brian Sajdak, Village Attorney
Village of Germantown
P.O. Box 337
Germantown, WI 53022-0337

Re: Waiver of Conflict of Interest – Accurate Appraisal LLC

Dear Mr. Schornack and Attorney Sajdak:

As a follow-up to our recent conversations, one of my colleagues has represented Accurate Appraisal LLC (“Accurate Appraisal”) for many years. Accurate Appraisal has asked my colleague to represent it with regard to negotiations in a matter involving it and the Village of Germantown. The work my colleague has been asked to do for Accurate Appraisal is completely unrelated to both the past and present work I and von Briesen & Roper, s.c. have done for the Village. Village Attorney Brian Sajdak is advising the Village in this matter.

This presents a conflict of interest or potential conflict of interest given von Briesen & Roper, s.c.’s current representation of the Village in other matters. Nevertheless, we believe that we could represent both entities if the Village and Accurate Appraisal were to consent to such representation and waive the existing and/or potential conflict. We believe that our representation will not compromise our relationship with the Village and that we will be able to continue to provide competent and diligent representation to the Village on those matters we are handling for it.

Pursuant to the Wisconsin Rules of Professional Responsibility, a law firm is required to obtain informed client consent where the representation of a client would be adverse to another current client, even if the representations are on unrelated matters. The primary reason for obtaining this client consent is that no client should have to be concerned that its lawyers may have divided loyalties or that its confidential information might be used against it. In asking for this consent, we assure you that von Briesen & Roper, s.c. will not use client information obtained in representation of one client against another and that our representation of you will not be affected in any other respect.

Mr. David Schornack, Village Administrator
Attorney Brian Sajdak, Village Attorney
April 19, 2017
Page 2

Our firm respects its relationship with the Village. If this matter involving Accurate Appraisal and the Village requires litigation in the courts, then our firm will not serve as counsel in that litigation in the courts on this matter for Accurate Appraisal without further consent from the Village. Our firm may continue to represent Accurate Appraisal on unrelated matters.

I respectfully request the Village consider and sign below acknowledging the following waiver:

The Village of Germantown hereby waives any and all conflicts of interest which may now exist, or which may arise in the future, concerning von Briesen's representation of Accurate Appraisal regarding assisting Accurate Appraisals with negotiations relating to the litigation, and the Village consents to von Briesen's representation of Accurate Appraisals in such matters. This means that no matter what adversity exists or may develop between the Village and Accurate Appraisals relating to the above-described matters, the Village will not seek, nor will it be able to, disqualify von Briesen from continued representation of Accurate Appraisals in the matters described above. This waiver does not include a waiver of any conflicts with Accurate Appraisals in the event of litigation involving the Village.

Dated this ____ day of April, 2017.

VILLAGE OF GERMANTOWN

By: _____

If the Village is prepared to execute this waiver and fully understands this waiver, then please sign this letter in the space indicated above and return a copy to me. If you have any questions or comments concerning the scope of the waiver and its ramifications, please do not hesitate to contact me.

Thank you.

Very truly yours,

von BRIESEN & ROPER, s.c.



Kyle J. Gulya