

**VILLAGE OF GERMANTOWN  
N112 W17001 MEQUON ROAD  
GERMANTOWN, WI 53022**

**MEETING:           REGULAR MEETING OF THE VILLAGE BOARD**

**DATE AND TIME:   MONDAY, JANUARY 20, 2014 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.    **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.
- VI.   **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)
- VII.   **CONSENT AGENDA:**
- A.   Minutes – January 6, 2014
- B.   Accounts payable/payroll
1.   January 10, 2014                      Accounts payable                      \$ 574,124.96
2.   January 14, 2014                      Payroll (hourly & salary)           \$ 289,922.96
- C.   Operator Licenses: January 21, 2014 – June 30, 2014  
        Mark A. Eskowski and Samantha O. Stewart
- The following items were forwarded from the Public Safety Committee with a unanimous recommendation:
- D.   Operator's License for Alysia K. Mayfield [Recommended Denial]
- E.   New "Class B" Intoxicating Liquor and Fermented Malt Beverage License –  
        Florian Park, Inc., d/b/a Florian Banquet Center, N111 W18611 Mequon Road,  
        Ryan Rahl, Agent, 311 Preserve Way, Colgate, WI 53017 [Recommended Approval]

**CONSENT AGENDA - continued:**

- F. Purchase of Police Dept. squad from low bidder [Recommended Approval]  
The following items were forwarded from the Public Works Committee with a unanimous recommendation:
- G. Change Order Request for VISU Sewer Interceptor Sewer Lining existing contract in the amount of \$11,900 to perform rehab of manhole #SA274-001 in place [Recommended Approval with funds to be allocated from account #60-830-530-8313]
- H. An Ordinance Amending Chapter 8 of the Municipal Code of Germantown to Make Certain Technical Changes and to Create Section 8.09 Relating to Stormwater Drainage Conveyances [Recommended Approval]
- I. 2014 Village Labor and Equipment Rates for Public Works [Recommended Approval as presented]

**VIII. UNFINISHED BUSINESS:** None

**IX. 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).***

- A. NOTE: BASED UPON PLAN COMMISSION ACTION REQUESTING REVISED PLANS, THE PLANNED PUBLIC HEARING FOR Continental 246 Fund LLC, Agent for Riversbend Country Club, Inc., Property Owner: N96 W18034 County Line Road, Tax Key No. 333-965; Permits & Approvals needed for the Golf Course and Restaurant Redevelopment HAS BEEN POSTPONED TO A LATER DATE

**X. NEW BUSINESS:**

- A. Contract with Graef for Traffic Study on Intersection of Freistadt & Maple Roads
- B. Contract with American Leak Detection for Water System Leak Detection Survey
- C. Future Business Park Development – Potential locations, acquisition(s) of property, and the creation and establishment of funding (including potential TIF) and operational aspects of future business park. The Village Board may enter into closed session as per Wis. Stat. §19.85(1)(e) for the purpose of 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 then re-enter open session to take such action as it deems appropriate.
- D. Agreement with Ehlers to Provide Financial and Advising Services for Proposed Tax Incremental District No. 6 Creation
- E. Offer to Purchase for land(s) in and related to the Germantown Business Park. The Village Board may enter into closed session as per Wis. Stat. §19.85(1)(e) for the purpose of deliberating or negotiating, when competitive or bargaining reasons require a closed session and then re-enter open session to take such action as it deems appropriate.

**NEW BUSINESS - continued**

- F. Individual Non-Union Employee Compensation Increases. The Village Board may enter into closed session per Wis. Stat. §19.85(1)(c) for the purposes of considering the compensation and/or performance evaluation data of any individual non-union public employee over which the governmental body has jurisdiction or exercises responsibility and then re-enter open session to take such action as it deems appropriate.

**XI. ADJOURNMENT**

The next Village Board meeting will be on February 3, 2014 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  
JANUARY 6, 2014**

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

**ROLL CALL:** President Wolter, Trustees Baum, Daniels, Ewert, Hughes, Kaminski, Werderman and Zabel. Trustee Vanderheiden was absent and excused. Also present: Administrator Schornack, Attorney Sajdak and Clerk Goeckner.

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was recited.

**PRESIDENT'S REPORT** – None.

**ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST & COMMITTEE REPORTS:** Upcoming meetings were announced.

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

**CONSENT AGENDA:**

- A. Minutes – December 16, 2013
- B. Accounts payable/payroll
  - 1. December 17, 2013 Payroll (hourly) \$222,433.31
  - 2. December 25, 2013 Accounts payable \$914,932.28
  - 3. December 30, 2013 Payroll (hourly & salary) \$294,943.05
  - 4. December, 2013 Accounts payable \$ 35,927.56
- C. Operator Licenses: January 7, 2014 – June 30, 2014  
Ashalea B. Banks, Caitlin L. Dillon, Austin J. Geiger, Vincent J. Pardo, Nicole M. Peplinski, and Miesha J. Robinson.

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

- D. Approval of Agreement Between Washington County and The Village of Germantown for Voting Equipment Cost Share

**MOTION (Zabel/Ewert) to approve Consent Agenda items A-D, by roll call vote, carried unanimously.**

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

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

- A. **MOTION (Baum/Hughes) to disallow the claim of 9/20/2013, Bruce Kressin, 398 Pheasant Run, Colgate, WI, as recommended by Statewide Services Inc., carried unanimously.**
- B. Non-Union Employee Compensation Increases  
Administrator Schornack – Non-union employee compensation increases discussed at General Government and Finance (GGF) Committee. Trustees have

**NEW BUSINESS continued:**

had some discussion this should have been in closed session because they wanted to talk about individual employee increases rather than across the board increases. However, the discussion at GGF was for across the board non-union increases. This is the 5<sup>th</sup> year non-union employees did not have any cost of living increase. Pay for Performance Plan Adopted late in 2013 will have process to set goals first part of 2014 and evaluate them on that through the year and work with Dept. Directors and Board to consider increases to be awarded. **MOTION (Zabel/Baum) to go into closed session at January 20<sup>th</sup> Village Board meeting to discuss the employee's evaluations for performance.** Discussion on statutory requirements for a closed session. Cannot discuss issue for a group of people in closed session but can discuss individuals. Discussion of Pay for Performance Plan procedures adopted in 2013 and that to be used to set goals for non-union employees and to work toward that plan and its procedures and criteria in 2014 for 2015 increase consideration. Further discussion on what is to be brought forward on January 20<sup>th</sup> for discussion so it is prepared for the meeting. Trustee Kaminski – did not say cost of living or other previously, but I strongly feel it is time to give them a raise. Discussion of number of non-union employees (34), possible process, evaluations and who has them, raise considerations based on past performance not future expectations. Attorney Sajdak stated he had asked about this agenda item and it needed to be done in open session. Statutes require all meetings be open to the public with limited exceptions (19.85(c)). The Attorney General's office has said that the subsection does not cover to be applied to a position of employment in general. It allows for you to do that performance review in a closed session. General discussions cannot be done in a closed session. Those would have to be done in open session. **All in favor of the motion, carried unanimously.**

- C. **MOTION (Zabel/Ewert) to go into closed session at 7:34 p.m. for Future Business Park Development – Potential locations, acquisition(s) of property, and the creation and establishment of funding (including potential TIF) and operational aspects of future business park, per Wis. Stats. §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 allow representatives from MLG Commercial to remain, by roll call vote, carried unanimously.**

**MOTION (Kaminski/Baum) to go back into open session at 8:56 p.m., carried unanimously.**

**MOTION (Kaminski/Baum) to direct staff to work with the appropriate individuals to identify the specifics and authorize the Village President to execute the contract with MLG for the purposes of moving forward, subject to Attorney Sajdak's review and approval, by roll call vote, 7 in favor, 1 abstained (Zabel), motion carried.**

**NEW BUSINESS continued:**

D. **MOTION (Ewert/Zabel), at 7:35 p.m., to then go into closed session for The International Association of Firefighters Local 3879 negotiations per Wis. 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, when competitive or bargaining reasons require a closed session, by roll call vote, carried unanimously.**

D. **MOTION (Kaminski/Zabel) to go back into closed session at 8:59 p.m. for The International Association of Firefighters Local 3879 negotiations per Wis. 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, when competitive or bargaining reasons require a closed session, by roll call vote, carried unanimously.**

**MOTION (Kaminski/Ewert) to go back into open session at 9:12 p.m., carried unanimously.**

**MOTION (Hughes/Kaminski) to direct staff to approve the agreement with the Village of Germantown Local 4854 of the IAFF of a successor agreement and to authorize the appropriate signatures, 7 in favor, 1 opposed (Baum), motion carried.**

There being no further business, the meeting was adjourned at 9:17 p.m.

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**Barbara K. D. Goeckner MMC/WCPC**  
**Village Clerk**

## STATE OF WISCONSIN     VILLAGE OF GERMANTOWN     WASHINGTON COUNTY

ORDINANCE NO. \_\_\_\_-14

AN ORDINANCE AMENDING CHAPTER 8 OF THE MUNICIPAL CODE OF  
GERMANTOWN TO MAKE CERTAIN TECHNICAL CHANGES AND TO CREATE  
SECTION 8.09 RELATING TO STORMWATER DRAINAGE CONVEYANCES

WHEREAS, the Village Board previously adopted Chapter 8 of the Municipal Code of Germantown, which established certain regulations pertaining to matters concerning public works; and

WHEREAS, changes to the relevant sections of the Wisconsin Administrative Code caused the Village Engineer to recommend certain changes to Chapter 8 to bring the Village Code into compliance with the State regulations and to address certain other substantive matters to improve the effectiveness of the regulations; and

WHEREAS, it is in the interests of the public's health, safety and welfare that the Village Board regulate public works matters;

NOW, THEREFORE, the Village Board of the Village of Germantown, Wisconsin, do ordain as follows:

SECTION I:

Section 8.02(4) of the Municipal Code of Germantown is hereby amended to read as follows (NOTE: Additions are Underlined; Deleted Text is ~~Struckthrough~~):

(4) **DEFINITIONS.** For the purpose of this section, the following definitions shall be used:

- (a) *Pathway.* A specific area designated for the movement of pedestrian or bicycle traffic which may be constructed of asphalt, concrete, permeable surfacing, stone or wood chips, and located in Village easements, parks or parkways.
- (b) *Sidewalk.* A specific area designated for the movement of pedestrian or bicycle traffic, which is constructed of ~~either~~ asphalt, ~~or~~ concrete, or permeable surfacing, and is located within the right-of-way of Village streets.

SECTION II:

Section 8.09 of the Municipal Code of Germantown is hereby created to read as follows:

**8.09 DRAINAGE CONVEYANCE**

**(1) DEFINITIONS.**

- (a) **PRIVATE STORM SEWERS, DITCHES AND SWALES** means man-made exterior sewer and surface runoff management systems intended to directly drain runoff from privately-owned buildings, driveways, parking lots, lawns, etc. These systems are typically created by site plans associated with subdivision plats of survey, certified survey maps, or individual lot plats of survey.
- (b) **PUBLIC STORM SEWERS, DITCHES AND SWALES** means man-made exterior sewer and surface runoff management systems intended to directly drain runoff from Village-owned buildings, streets, parks, lawns, etc. These systems are typically situated on Village-owned buildings and grounds, Village-owned outlots, and Village-owned rights-of-way.

**(2) DESIGN CRITERIA.**

- (a) Design Storm. In this chapter, the Village of Germantown design storm shall be based on SEWRPC Technical Report No. 40, Rainfall Frequency in the Southeastern Wisconsin Region (latest edition.)
- (b) Storm Sewers.
  - 1. Piping. Storm sewers shall be designed to convey at a minimum the 10-year design storm. In cases in which buildings are prone to flooding and overland relief is unavailable to adequately reduce risk of such flooding, public storm sewers shall be designed to convey the 100-year design storm.
  - 2. Overland Relief. Overland relief shall be designed to convey the 100-year design storm in a manner that reduces risk of flooding buildings.
- (c) Ditches and Swales. Ditches and swales shall be designed to convey the 100-year design storm in a manner that reduces risk of flooding buildings.

**(3) MAINTENANCE.**

- (a) Public Storm Sewers, Ditches and Swales. The Department of Public Works shall maintain public storm sewers, ditches and swales.
- (b) Private Storm Sewers, Ditches and Swales. Private property owner(s), or homeowners or neighborhood associations, shall maintain private storm sewers, ditches and swales. In event private storm sewers, ditches and swales are overlain by public easements, maintenance remains responsibility of the private property owner(s) or association.

**SECTION III:**

The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION IV:

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

SECTION V:

This ordinance shall take effect and be in full force upon its passage and the day after publication.

Introduced by \_\_\_\_\_ on \_\_\_\_\_, 2014.

Adopted: \_\_\_\_\_, 2014      Vote: Ayes:      Nays:      Absent:

\_\_\_\_\_  
Dean M. Wolter, Village President

ATTEST:

Approved as to form:

\_\_\_\_\_  
Brian C. Sajdak, Village Attorney  
Published: \_\_\_\_\_

\_\_\_\_\_  
Barbara K. D. Goeckner, Village Clerk

X-A

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

MEETING DATE: January 20, 2014

AGENDA ITEM: NEW BUSINESS

ITEM TITLE: Award of Contract – Freistadt/Maple Traffic Study

SUBMITTED BY: Brionne R. Bischke, P.E., Village Engineer 

SUMMARY EXPLANATION:

Police Chief Hoell expressed concerns to Highway Superintendent Olszewski about apparent high incidents of crashes at the subject intersection. In response, the Village Engineer sent requests for letter proposals to three traffic engineering consultants to perform a traffic study and recommend improvements intended to reduce crash rates. Results follow:

- \$13,450.00 R.A. Smith National
- \$12,481.00 Traffic Analysis & Design
- \$7,500.00 Graef

The Village Engineer called Graef to confirm scope and the cost estimate, which Graef did confirm.

ATTACHMENTS: None

RECOMMENDATION:

After the Public Works & Highway Committee's January 7, 2014 meeting, staff was unable to find funds available to cover the \$7,500.00; therefore, staff recommends that "Dangerous Intersection" signs be temporarily posted in both directions of Freistadt Road and that monies be budgeted in the Year 2015 budget for the study and resultant construction project.

COMMITTEE ACTION:

During their January 7, 2014 meeting, the Public Works & Highway Committee unanimously recommended that the Village Board award the traffic study contract to Graef not-to-exceed \$7,500.00.

Proper parliamentary procedure to deny a request is to have a motion made in the affirmative and by voting NAY would deny the request if a majority vote.

X-B

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

MEETING DATE: January 20, 2014

AGENDA ITEM: New Business

ITEM TITLE: Recommendation of Leak Survey Proposal - American Leak Detection

SUBMITTED BY: Dan Ludwig, Public Works Director

SUMMARY EXPLANATION:

The PSC requires Class AB water utilities to achieve no more than 15% water loss during the year. If greater than 15% water loss is reported, a water loss control plan must be submitted to the Commission. PSC rules allow the Commission to require a water utility to conduct a leak detection study of its distribution system if the utility's water loss exceeds the standard for three consecutive years.

In 2012 the Germantown Water Utility reported a 24% water loss. In 2011 the water utility reported a 26% water loss. In 2010 the water utility reported a 25% water loss.

Two companies were contacted to provide proposals to locate leaks in the water main system but when informed that our system is primarily plastic pipe one refused to provide a quote due to difficulty locating leaks within a plastic system. The two companies contacted were: Water Leak Locators, LLC, Platteville and American Leak Detection of Wisconsin, Sussex.

ATTACHMENT: ORDINANCE\_\_\_\_ RESOLUTION\_\_\_\_ OTHER X

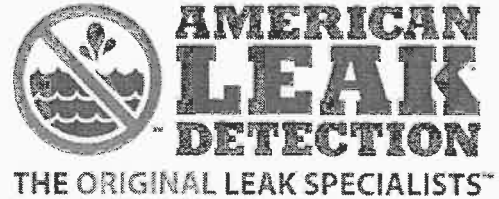
Proposal from American Leak Detection of Wisconsin.

RECOMMENDATION:

The Public Works Committee recommends the Village Board approve American Leak Detection of Wisconsin to investigate water loss within the Village's water distribution system for \$17,400 to be taken from account 50-712-530-6140.

BOARD ACTION:

Proper parliamentary procedure to deny a request is to have a motion made in the affirmative and by voting NAY would deny the request if a majority vote.



November 29, 2013

Village of Germantown  
Mr. Jim Driver  
N122 W17177 Fond du Lac Avenue  
Germantown, WI 53022

Dear Jim,

Thank you for the opportunity to provide a quote for the leak survey of approximately 120 miles of distribution lines consisting of primarily PVC. We would be able to start any time after December 10, 2013. An off-season discount of 5% is available should the survey be accomplished in between Dec 10th -- Mar 30th. This same quote is applicable for 2013 and early 2014 if the bid is accepted in 2013.

The following price is based on information provided. Should actual footage significantly differ it may be necessary to adjust our rate accordingly.

| Survey Area           | Total Miles | Approximate Days | Cost        |
|-----------------------|-------------|------------------|-------------|
| Village of Germantown | 120         | 24               | \$17,400.00 |
| Total Cost            |             |                  | \$17,400.00 |

This project includes approximately 24 days of work (8hr/day) dependent upon number of leaks requiring pinpointing. This project may run on Saturdays and may not be completed on consecutive days.

In order to remain within the quoted costs, it is necessary that the Village perform some preparation for our service in order to prevent stand-by time. This would include having maps available detailing all hydrants, valves, and service lines. Valve boxes should be made accessible and cleaned-out in order to facilitate testing. This quote is effective for 90 days from date of this proposal and will require re-evaluation after that date.

If this proposal is acceptable please contact us for our leak survey agreement.

Sincerely,

Michael Tews  
American Leak Detection of Wisconsin

## Leak Detection Service Agreement

November 29, 2013

Village of Germantown  
N122 W17177 Fond du Lac Avenue  
Germantown, WI 53022

**American Leak Detection of Wisconsin** will perform leak detection services for the Village of Germantown Water Department in the Village of Germantown to begin in 2013/2014.

We understand that accuracy of leak locating is in direct correlation with the type, size, and location of the pipeline and will be based on the field information and maps supplied as being accurate.

- ✓ Contact points need to be clean and accessible for sensor connections. (i.e. valves, hydrants)
- ✓ Pipeline must be under constant pressure (maximum variation) to the leakage pressure, i.e. a continuous noise.
- ✓ Personnel from the water authority need to be available for the operation of any valves, service stops, and/or hydrants as needed.

**American Leak Detection** will be paid in full for actual time and expenses if no leak indications are found, or if any of the above criteria are not met, **American Leak Detection** will not be responsible for any charges accrued by outside work crews or equipment.

**American Leak Detection** agrees to Survey and Correlate the leak areas on the entire length of water main for \$725 per day. These costs will be exceeded only with the authorization of the Germantown Water Utility.

Neither party hereto shall assume any liability for any injury (including death) to any person, or any damage to any property arising out of the acts or omissions of the agents, employees or representatives of the other party, and each party hereby agrees to indemnify and save the other party harmless from and against any and all liabilities, claims, demands, losses, damages or expenses (including reasonable attorney's fees) arising out of any said acts or omissions on the part of the other party, its agents, partners, officers, servants, employees or representatives in the performance of the work under this agreement.

The terms of this document will be governed by the laws of the principal place of business of **American Leak Detection**. The Client and **American Leak Detection** respectively, bind themselves, their partners, successors, assigns and legal representatives to the other party without written consent of the other. All claims, disputes, matters in question between the parties arising out of or resulting from this agreement, or the breach thereof shall be decided by arbitration in accordance with the Construction Rules of the American Arbitration Association.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Name (Printed) \_\_\_\_\_ PO# \_\_\_\_\_

**EHLERS**  
LEADERS IN PUBLIC FINANCE

January 13, 2014

David Schornack  
Administrator  
Village of Germantown  
N112 W17001 Mequon Road  
Germantown, WI 53022

**RE: Proposed Project: Tax Incremental District No. 6 Creation**

Dear Mr. Schornack:

In accordance with your request, we are herewith transmitting our Agreement to provide Tax Incremental Financing Services. Please have one copy signed and returned to our office.

Ehlers has been involved in the evaluation, creation and amendment of more tax increment districts than any other firm in the state, which makes Ehlers the right choice to guide the Village through this process. Throughout the evaluation and creation process, it is important to have a partner that is not driven by potential future fees guiding you through the process. This means that the advice given is free of any conflicts and is based on a fiduciary duty to you, the client.

Please note that our contract is divided into phases. A breakdown of the services to be provided by phase has been outlined in this agreement. The Village would have the right to terminate the project at the conclusion of each phase. At this time, Ehlers is prepared to begin the Feasibility Analysis. Should the Village decide to move forward with this project, following the completion of the analysis, Ehlers is prepared to begin all other phases outlined.

Ehlers & Associates has been providing tax increment assistance to Wisconsin municipalities since the tool was developed in the 1970's. We look forward to the opportunity to work with the Village on this important project. If you have any questions regarding the agreement feel free to contact me at any time.

Sincerely,

**EHLERS & ASSOCIATES, INC.**

James A. Mann, CIPFA  
*Senior Financial Advisor - Vice President*

cc: Paula Czaplewski, TIF & Continuing Disclosure Coordinator, Ehlers

[www.ehlers-inc.com](http://www.ehlers-inc.com)

**EHLERS**  
LEADERS IN PUBLIC FINANCE

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## Agreement to Provide Tax Incremental Financing Services

Date of Agreement: January 13, 2014  
Client: Village of Germantown, WI  
Proposed Project: Tax Incremental District No. 6 Creation (the "Project")

This Agreement is between the Village of Germantown (the "Client") and Ehlers & Associates, Inc. ("Ehlers"). Ehlers agrees to provide the following scope of services for the above Project:

### Scope of Services

#### Phase I – Feasibility Analysis

The purpose of Phase I is to determine whether or not the Project is a statutorily and economically feasible option to achieve the Client's objectives. This phase begins upon your authorization of this engagement, and ends on completion and delivery of a feasibility analysis report. As part of Phase I services, Ehlers will:

- Consult with appropriate Client officials to identify the Client's objectives for the Project.
- Provide feedback as to the appropriateness of using Tax Incremental Financing in the context of the "but for" test.
- If the Project includes creation of or addition of territory to a district, identify preliminary boundaries and gather parcel data from Client. Determine compliance with the following statutory requirements as applicable:
  - Equalized Value test.
  - Purpose test (industrial, mixed use, blighted area, or in need of rehabilitation or conservation).
  - Vacant land test.
  - Newly platted residential land use test.
- Prepare feasibility analysis report. The report will include the following information, as applicable:
  - Identification of the type or types of districts that may be created.
  - A description of the type, maximum life, expenditure period and other features corresponding to the type of district proposed.
  - A summary of the development assumptions used with respect to timing of construction and projected values.
  - Projections of tax increment revenue collections to include annual and cumulative present value calculations.



- Qualification of the district as a donor or recipient of shared increment, and projected impact of any allocations of shared increment.
  - Qualification of the district for distressed, or severely distressed, status and the projected impact of that designation.
  - If debt financing is anticipated, a summary of the sizing, structure and timing of proposed debt issues.
  - A cash flow *pro forma* reflecting annual and cumulative district fund balances and projected year of closure.
  - A draft time table for the Project.
  - Identification of how the creation date may affect the district's valuation date, the base value, the number of revenue collection periods, compliance with the equalized value test, and the ability to capture current year construction values and changes in economic value.
  - When warranted, evaluate and compare options with respect to boundaries, type of district, project costs and development levels.
  - Ehlers will provide guidance on district design within statutory limits to creatively achieve as many of the Client's objectives as possible, and will provide liaison with State Department of Revenue as needed in the technical evaluation of options.
- Present the results of the feasibility analysis to the Client's staff, Plan Commission or governing body.

## Phase II – Project Plan Development and Approval

If the Client elects to proceed following completion of the feasibility analysis, the Project will move to Phase II. This phase includes preparation of the Project Plan, and consideration by the Plan Commission<sup>1</sup>, governing body, and the Joint Review Board. This phase begins after receiving notification from the Client to proceed, and ends after the Joint Review Board takes action on the Project. As part of Phase II services, Ehlers will:

- Based on the goals and objectives identified in Phase I, prepare a draft Project Plan that includes all statutorily required components.
- We will coordinate with your staff, engineer, planner or other designated party to obtain a map of the proposed boundaries of the district, a map showing existing uses and conditions of real property within the district, and a map showing proposed improvements and uses in the district.
- Submit to the Client an electronic version of the draft Project Plan for initial review and comment.
- Coordinate with Client staff to confirm dates and times for the meetings indicated below and on the following. Ehlers will ensure that selected dates meet all statutory timing requirements, and will provide documentation and notices as indicated.

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<sup>1</sup> If Client has created a Redevelopment Authority or a Community Development Authority, that body may fulfill the statutory requirements of the Plan Commission related to creation or amendment of the district.

| Meeting                        | Ehlers Responsibility                                                                                                                                                                                                                                                                                                                              | Client Responsibility                                                                                                                                                                                                                                                                    |
|--------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Initial Joint Review Board     | <p>Prepare Notice of Meeting and transmit to Client's designated paper.</p> <p>Mail meeting notice, informational materials, and draft Project Plan to overlapping taxing jurisdictions.</p> <p>Provide agenda language to Client.</p> <p>Attend meeting to present draft Project Plan.</p>                                                        | <p>Post or publish agenda and provide notification as required by the Wisconsin Open Records Law.</p> <p>Prepare meeting minutes.</p> <p>Designate Client Joint Review Board representative.</p> <p>Identify and recommend Public Joint Review Board representative for appointment.</p> |
| Plan Commission Public Hearing | <p>Prepare Notice of Public Hearing and transmit to Client's designated paper.</p>                                                                                                                                                                                                                                                                 | <p>Post or publish agenda and provide notification as required by the Wisconsin Open Records Law.</p>                                                                                                                                                                                    |
| Plan Commission Public Hearing | <p>For districts created on the basis of blight elimination, or on the basis of properties in need of conservation or rehabilitation, provide a format for the required individual property owner notification letters.</p> <p>Attend hearing to present draft Project Plan.</p>                                                                   | <p>Prepare and mail individual property owner notices (only for districts created on the basis of blight elimination, or on the basis of properties in need of conservation or rehabilitation).</p> <p>Prepare meeting minutes.</p>                                                      |
| Plan Commission                | <p>Provide agenda language to Client.</p> <p>Attend meeting to present draft Project Plan.</p> <p>Provide approval resolution for Plan Commission consideration.</p>                                                                                                                                                                               | <p>Post or publish agenda and provide notification as required by the Wisconsin Open Records Law.</p> <p>Distribute Project Plan &amp; resolution to Plan Commission members in advance of meeting.</p> <p>Prepare meeting minutes.</p>                                                  |
| Governing Body Action          | <p>Provide agenda language to Client.</p> <p>Attend meeting to present draft Project Plan.</p> <p>Provide approval resolution for governing body consideration.</p>                                                                                                                                                                                | <p>Post or publish agenda and provide notification as required by the Wisconsin Open Records Law.</p> <p>Provide Project Plan &amp; resolution to governing body members in advance of meeting.</p> <p>Prepare meeting minutes.</p>                                                      |
| Joint Review Board Action      | <p>Mail meeting notice and copy of final Project Plan to overlapping taxing jurisdictions.</p> <p>Prepare Notice of Meeting and transmit to Client's designated paper.</p> <p>Provide agenda language to Client.</p> <p>Attend meeting to present final Project Plan.</p> <p>Provide approval resolution for Joint Review Board consideration.</p> | <p>Post or publish agenda and provide notification as required by the Wisconsin Open Records Law.</p> <p>Prepare meeting minutes.</p>                                                                                                                                                    |

- Throughout the meeting process, provide drafts of the Project Plan and related documents in sufficient quantity for the Client's staff, Plan Commission, governing body and Joint Review Board members.
- Provide advice and updated analysis on the impact of any changes made to the Project Plan throughout the approval process.

### Phase III – State Submittal

This phase includes final review of all file documents, preparation of filing forms, and submission of the base year or amendment packet to the Department of Revenue. This phase begins following approval of the district by the Joint Review Board, and ends with the submission of the base year or amendment packet. As part of Phase III services, Ehlers will:

- Assemble and submit to the Department of Revenue the required base year or amendment packet to include a final Project Plan document containing all required elements and information.
- Provide the Client with an electronic copy of the final Project Plan (and up to 15 bound hard copies if desired).
- Provide the municipal Clerk with a complete electronic and/or hard copy transcript of all materials as submitted to the Department of Revenue for certification.
- Act as a liaison between the Client and the Department of Revenue during the certification process in the event any questions or discrepancies arise.

### Compensation

In return for the services set forth in the "Scope of Services," Client agrees to compensate Ehlers as follows:

|              |                  |
|--------------|------------------|
| Phase I      | \$ 5,200         |
| Phase II     | \$ 7,300         |
| Phase III    | \$ 1,500         |
| <b>Total</b> | <b>\$ 14,000</b> |

### Payment for Services

For all compensation due to Ehlers, Ehlers will invoice Client for the amount due at the completion of each Phase. Our fees include our normal travel, printing, computer services, and mail/delivery charges. The invoice is due and payable upon receipt by the Client.

### Client Responsibility

The following expenses are not included in our Scope of Services, and are the responsibility of Client to pay directly:

- Services rendered by Client's engineers, planners, surveyors, appraisers, assessors, attorneys, auditors and others that may be called on by Client to provide information related to completion of the Project.
- Preparation of maps necessary for inclusion in the Project Plan.
- Preparation of maps necessary for inclusion in the base year or amendment packet.
- Publication charge for the Notice of Public Hearing and Notices of Joint Review Board meetings.
- Legal opinion advising that Project Plan contains all required elements (normally provided by municipal attorney).
- Preparation of District metes & bounds description (needed in Phase III)
- Department of Revenue filing fee and annual administrative fees. The current Department of Revenue fee structure is:

| Current Wisconsin Department of Revenue Fee Schedules |           |
|-------------------------------------------------------|-----------|
| Base Year Packet                                      | \$1,000   |
| Amendment Packet with Territory Addition              | \$1,000   |
| Amendment Packet                                      | No Charge |
| Distressed or Severely Distressed Designation         | \$500     |
| Annual Administrative Fee                             | \$150     |

## Execution and Authority

By executing this Agreement, the person signing on behalf of Client represents that he/she has the authority to execute agreements of this type on behalf of Client and that this Agreement constitutes a binding obligation of Client enforceable in accordance with its terms/

The above Contract is hereby accepted

by the Village of Germantown, Wisconsin,

by its authorized officer this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

By: \_\_\_\_\_ Title: \_\_\_\_\_

Ehlers & Associates, Inc.

By: \_\_\_\_\_

Title: \_\_\_\_\_

Dated: \_\_\_\_\_

VILLAGE OF GERMANTOWN, WI  
TAX INCREMENTAL DISTRICT NO. 6 CREATION  
Proposed Timetable - 1/13/14

| <u>ACTION DATE</u> | <u>STEP</u>                                                                                                                                                                                                                                                                                                                                                                                                                        |
|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Jan.               | Village will provide Ehlers with a list of the parcel tax key #'s within the District, pertinent parcel information, the maps, list of projects and costs, etc.                                                                                                                                                                                                                                                                    |
| Jan. – Feb.        | Ehlers will prepare & provide the Village with a feasibility analysis report, options, and/or draft project plan document                                                                                                                                                                                                                                                                                                          |
| Feb. 10            | Plan Commission makes a motion to call for a public hearing (optional)                                                                                                                                                                                                                                                                                                                                                             |
| Feb. 11            | Ehlers' will send a Notice to Official Village Newspaper of organizational JRB meeting & public hearing. (cc: Village)<br>Ehlers will send notification letters, along with required enclosures, to overlapping taxing jurisdictions of JRB organizational meeting & public hearing, as well as the agenda - to be posted by the Village. (cc: Village & attorney) <i>(Letters must be postmarked prior to first publication).</i> |
| Feb. – Mar.        | Ehlers will provide Village, overlapping taxing entities, and/or Village Attorney with [revised] draft Project Plan document, if not yet provided and/or necessary, as well as agenda language (Village to post) & resolution for first meetings, and will also request legal opinion of the plan.                                                                                                                                 |
| Feb. 20            | First Publication of Public Hearing & JRB Meeting Notice <i>(Week prior to second notice &amp; at least 5 days prior to JRB meeting)</i>                                                                                                                                                                                                                                                                                           |
| Feb. 27            | Second Publication of Public Hearing & JRB Meeting Notice. <i>(At least 7 days prior to public hearing)</i>                                                                                                                                                                                                                                                                                                                        |
| Mar. 10            | Joint Review Board meets to review plan, appoint chairperson and public member and set next meeting date. <i>(Prior to public hearing)</i><br>Plan Commission Public Hearing on Project Plan and approval of TID boundary. <i>(Within 14 days after second publication)</i><br>Plan Commission reviews plan & approval of District Project Plan and boundaries.                                                                    |
| March              | Ehlers will provide Village & Village Attorney with revised draft Project Plan, if necessary, as well as agenda language (Village to post) & resolution for Village Board meeting.                                                                                                                                                                                                                                                 |
| Apr. 7             | Village Board reviews Plan & adopts resolution approving District Project Plan and boundaries. <i>(at least 14 days after hearing)</i>                                                                                                                                                                                                                                                                                             |
| April 9            | Ehlers' will send a Class 1 Notice to Official Village Newspaper of JRB meeting. (cc: Village)<br>Ehlers will send notices & required attachments to JRB of the final meeting, along with the Agenda (Village to post). (cc: Village & Attorney) <i>(Letters must be postmarked prior to publication).</i>                                                                                                                         |
| April 17           | Publication of JRB Meeting Notice <i>(At least 5 days prior to meeting)</i>                                                                                                                                                                                                                                                                                                                                                        |
| April 22 – May 7   | Joint Review Board consideration.<br><i>(Within 30 days of notification of meeting / receipt of Plan Commission &amp; Village Board resolutions)</i>                                                                                                                                                                                                                                                                               |
| May – Oct.         | Ehlers will gather, prepare, and submit state forms & required documents to the state, once the <b>2014</b> assessed parcel values available (following the BOR) & we receive all remaining maps, legal descriptions, parcel information, documents, etc. from the Village. <b>DOR filing deadline October 31.</b>                                                                                                                 |

Plan Commission meets 2<sup>nd</sup> Monday @ 6:30 p.m.  
Village Board meets 1<sup>st</sup> & 3<sup>rd</sup> Monday @ 7:30 p.m.  
Germantown NOW publishes on Th. Deadline Wed. Via Legal@JRN.Com