

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

MEETING: REGULAR MEETING OF THE VILLAGE BOARD

DATE AND TIME: MONDAY, MARCH 3, 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 - February 3rd and February 17th, 2014

B. Accounts payable/payroll

1.	February 25, 2014	Accounts payable	\$1,351,396.44
2.	February 25, 2014	Payroll (hourly)	\$ 216,242.16
3.	February 28, 2014	Payroll (salary)	\$ 75,424.07
4.	February 2014	Accounts payable	\$ 31,898.36

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

C. Renewal of the Investment Advisory Agreement with Ehlers Investment Partners and to continue on an annual review date [Recommended Approval]

D. AT&T ISDN PRI State Contract renewal for a three year period [Recommended Approval]

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).*

X. NEW BUSINESS:

- A. Consideration of Resolution No. 2014-__ An Initial Resolution Regarding Industrial Development Revenue Bond Financing for Ultra Tool & Mfg., Inc. Project. Information with respect to the job impact of the project will be available at the time of consideration of the Initial Resolution
- B. Consideration to cancel meeting of April 21st for Village Board
- C. 2014 Salary Resolution Amendment Adding Part Time Deputy Fire Chief Pay During Weekend Shifting
- D. Recommendation by Statewide Services, Inc., Regarding Claim of 2/7/2014, Tammi Birdsall, W160N10586 Old Farm Road, Germantown WI 53022
- E. Developers Agreement Continental 246 Fund LLC
- F. Memorandum of Understanding between Cambridge Major, Washington County and the Village relating to Development Incentives. 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 may re-enter open session to take such action as it deems appropriate
- G. Offer to Purchase for Parcels GTNV 252970 and GTNV 252971 (Lots 41 & 42 of CSM #6488) in 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 may re-enter open session to take such action as it deems appropriate.

XI. ADJOURNMENT

The next Village Board meeting will be on **March 17, 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 BOARD OF
VILLAGE OF GERMANTOWN, WISCONSIN

RESOLUTION NO. 2014 - _____

**INITIAL RESOLUTION REGARDING
INDUSTRIAL DEVELOPMENT REVENUE BOND
FINANCING FOR ULTRA TOOL & MFG., INC. PROJECT**

WHEREAS, Section 66.1103 of the Wisconsin Statutes (the "Act") authorizes the Village of Germantown, Wisconsin (the "Issuer"), to authorize the issuance and sale of bonds by the Issuer to construct, equip, re-equip, acquire by gift, lease or purchase, install, reconstruct, rebuild, rehabilitate, improve, supplement, replace, maintain, repair, enlarge, extend or remodel industrial projects; and

WHEREAS, Ultra Tool & Mfg., Inc., a Wisconsin corporation, and/or Ultra Joint Venture, LLP, a Wisconsin limited liability partnership, and/or Ultra Properties, LLC, a Wisconsin limited liability company, and/or a limited liability entity to be formed (collectively, the "Borrower"), desires to complete a project to be owned by the Borrower consisting of financing the (i) purchase of land, (ii) acquisition and rehabilitation of an existing approximately 41,805 square foot facility located at W194 N11811 McCormick Drive in the Village of Germantown, Wisconsin (the "Facility") which will be used by Ultra Tool & Mfg., Inc. to manufacture precision metal components, (iii) acquisition and installation of equipment at the Facility and (iv) payment of certain professional costs and costs of issuance (collectively, the "Project"), all of which would contribute to the well-being of the Village of Germantown, Wisconsin; and

WHEREAS, the cost of the Project is presently estimated to be \$9,000,000 and the amount proposed to be financed with one or more issues or series of tax-exempt and/or taxable industrial development revenue bonds (the "Bonds") issued under the Act does not exceed \$9,000,000; and

WHEREAS, it is the public interest of the Issuer to promote, attract, stimulate, rehabilitate and revitalize commerce, industry and manufacturing, to promote the betterment of the economy of the Issuer; and

WHEREAS, the Borrower has requested that the Issuer now approve an initial resolution (the "Initial Resolution") providing for the financing of the Project in an amount not to exceed \$9,000,000; and

WHEREAS, the Issuer is a municipality organized and existing under and pursuant to the laws of the State of Wisconsin, and is authorized to enter into revenue agreements with eligible participants with respect to the Project whereby eligible participants agree to cause said Project to be constructed and to pay the Issuer an amount of funds sufficient to provide for the prompt payment when due of the principal and interest on said industrial development revenue bonds.

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

1. Based upon representations of the Borrower, it is the finding and determination of the Village Board that the Project is a qualified "project" within the meaning of the Act and that the Borrower is an "eligible participant" within the meaning of the Act. The Issuer shall:

(a) Finance the Project in an amount not to exceed \$9,000,000; and

(b) Issue industrial development revenue bonds in one or more series of tax-exempt and/or taxable bonds (the "Bond(s)"), in an amount not to exceed \$9,000,000 in order to finance costs of the Project.

2. The aforesaid plan of financing contemplates, and is conditioned upon, the following:

(a) The Bonds shall never constitute an indebtedness of the Issuer within the meaning of any state constitutional provision or statutory limitation;

(b) The Bonds shall not constitute or give rise to a pecuniary liability of the Issuer or a charge against its general credit or taxing powers;

(c) The Project shall be subject to property taxation in the same amount and to the same extent as though the Project were not financed with industrial development revenue bonds;

(d) The Borrower shall find a purchaser for all of the Bonds; and

(e) The Village's out-of-pocket costs, including but not limited to legal fees and Trustee's fees, in connection with the issuance and sale of the Bonds shall be paid by the Borrower; and

(f) A notice of public hearing required by federal law for purposes of Section 147(f) of the Internal Revenue Code, as amended, shall be published in a newspaper of general circulation in the Village of Germantown and a public hearing shall be held to provide interested individuals or parties the opportunity to testify as to the Project and the issuance of the Bonds.

3. The aforesaid plan of financing shall not be legally binding upon the Issuer nor be finally implemented unless and until:

(a) The details and mechanics of the same are authorized and approved by a further resolution of the Village Board which shall be solely within the discretion of the Village Board;

(b) The Village Clerk shall cause notice of adoption of this Initial Resolution, in the form attached hereto as Exhibit A, to be published once in a newspaper of general circulation in the Village of Germantown, and the electors of the Village of Germantown shall have been given the opportunity to petition for a referendum on the matter of the aforesaid Bond issue, all as required by law;

(c) Either no such petition shall be timely filed or such petition shall have been filed and said referendum shall have approved the Bond issue;

(d) The Village Clerk shall have received an employment impact estimate issued under Section 560.034 of the Wisconsin Statutes;

(e) All documents required to consummate the financing have been duly authorized and delivered; and

(f) The Issuer and the Borrower have resolved all land use and special use issues with respect to the affected property and the Project.

4. Pursuant to the Act, all requirements that the Project be subject to the contracting requirements contained in Section 66.1103 are waived, the Borrower having represented that it is able to negotiate satisfactory arrangements for completing the Project and that the Issuer's interests are not prejudiced thereby.

5. The Village Clerk is directed, following adoption of this Initial Resolution (i) to publish notice of such adoption not less than one time in the official newspaper of the Village of Germantown, Wisconsin, such notice to be in substantially the form attached hereto as Exhibit A and (ii) to file a copy of this Initial Resolution, together with a statement indicating the date the Notice to Electors was published, with the Wisconsin Economic Development Corporation within twenty (20) days following the date of publication of such notice.

6. This Initial Resolution is an "initial resolution" within the meaning of the Act and official action toward issuance of the Bonds for purposes of Sections 103 and 144 of the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder. Furthermore, it is the reasonable expectation of the Issuer that proceeds of the Bonds may be used to reimburse expenditures made on the Project prior to the issuance of the Bonds. The maximum principal amount of debt expected to be issued for the Project on the date hereof is \$9,000,000. This statement of official intent is made pursuant to Internal Revenue Code §1.150-2.

Passed and adopted at a regular meeting of the Village Board of the Village of Germantown, Wisconsin this 3rd day of March, 2014.

APPROVED:

Dean Wolter, Village President

ATTEST:

Barbara K.D. Goeckner, Village Clerk

EXHIBIT A

NOTICE TO ELECTORS OF THE VILLAGE OF GERMANTOWN, WISCONSIN

TAKE NOTICE that the Village Board of the Village of Germantown, Wisconsin (the "Issuer"), at a regular meeting held at Village Hall, N112 W17001 Mequon Road, Germantown, Wisconsin, on March 3, 2014, adopted an Initial Resolution pursuant to Section 66.1103 of the Wisconsin Statutes, as amended, expressing the intention to issue not to exceed \$9,000,000 of industrial development revenue bonds of the Issuer (the "Bonds") on behalf of Ultra Tool & Mfg., Inc., a Wisconsin corporation, and/or Ultra Joint Venture, LLP, a Wisconsin limited liability partnership, and/or Ultra Properties, LLC, a Wisconsin limited liability company, and/or a limited liability entity to be formed (collectively, the "Borrower"). The Borrower desires to complete a project consisting of financing the (i) purchase of land, (ii) acquisition and rehabilitation of an existing approximately 41,805 square foot facility located at W194 N11811 McCormick Drive in the Village of Germantown, Wisconsin (the "Facility") which will be used by Ultra Tool & Mfg., Inc. to manufacture precision metal components, (iii) acquisition and installation of equipment at the Facility and (iv) payment of certain professional costs and costs of issuance (collectively, the "Project"). The Borrower has represented that the net number of full-time equivalent jobs which the Project is expected to create on the Project site is 10.

Pursuant to the terms of Section 66.1103 of the Wisconsin Statutes, all requirements that the Project be subject to the contracting requirements contained in Section 66.1103 are waived, the Borrower having represented that it is able to negotiate satisfactory arrangements for completing the Project and that the Issuer's interests are not prejudiced thereby.

THE BONDS SHALL NEVER CONSTITUTE AN INDEBTEDNESS OF THE ISSUER, NOR SHALL THE BONDS GIVE RISE TO ANY PECUNIARY LIABILITY OF THE ISSUER, NOR SHALL THE BONDS BE A CHARGE AGAINST THE GENERAL CREDIT OR TAXING POWERS OF THE ISSUER. RATHER, THE BONDS SHALL BE PAYABLE SOLELY FROM THE REVENUES AND OTHER AMOUNTS TO BE DERIVED PURSUANT TO THE REVENUE AGREEMENT RELATING TO SAID PROJECT TO BE ENTERED INTO BETWEEN THE ISSUER AND THE BORROWER.

The Initial Resolution may be inspected in the office of the Village Clerk at N112 W17001 Mequon Road, Germantown, Wisconsin, during business hours.

TAKE FURTHER NOTICE THAT THE ELECTORS OF THE VILLAGE OF GERMANTOWN MAY PETITION FOR A REFERENDUM ON THE QUESTION OF THE BOND ISSUE. Unless within thirty (30) days from the date of the publication of this Notice a petition signed by not less than five percent (5%) of the registered electors of the Village of Germantown is filed with the Village Clerk requesting a referendum on the question of the issuance of the Bonds, the Issuer will issue the Bonds without submitting the proposition for the electors' approval. If such petition is filed as aforesaid, then the Bonds shall not be issued until approved by a majority of the electors of the Village of Germantown voting thereon at a general or special election.

Barbara K.D. Goeckner, Village Clerk
Village of Germantown, Wisconsin

X-C

RESOLUTION NO. R - 14

**2014 SALARY RESOLUTION AMENDMENT
ADDING PART TIME DEPUTY FIRE CHIEF PAY DURING WEEKEND SHIFTING**

WHEREAS, the Village of Germantown approved a 2014 Salary resolution at the February 3, 2104 Village Board Meeting, and;

WHEREAS, the Village Board had authorized a higher yearly stipend for the Part Time Deputy Fire Chief's while Fire Department personnel are working full weekend shifts, and the change was not reflected in the previous salary resolution, and

NOW THEREFORE BE IT RESOLVED that the attached Amended Salary and Compensation Schedule for fiscal year January 1 through December 31, 2014 is approved with a separate line to reflect a yearly stipend of \$7,800 or \$650.00 per month for the part time Deputy Fire Chief's, while Fire Department personnel are working full weekend shifts.

Introduced by: _____

Adopted: _____

Vote: Ayes: _____ Nays: _____

Dean M. Wolter President

ATTEST:

Barbara Goeckner, Village Clerk

2014 SALARY AND COMPENSATION SCHEDULE

1. Legislative		
a. Village President	\$8,000	annually
b. Village Trustees	5,500	annually
2. Village Offices - General		
a. Public Works Secretary	\$21.61	per hour
b. Deputy Treasurer	23.15	per hour
3. Administrative & Related		
a. Village Administrator	\$97,248	annually
b. Village Clerk	63,750	annually
c. Village Finance Director	70,489	annually
4. Public Works		
a. Director of Public Works	\$90,598	annually
b. Village Engineer	74,448	annually
c. Superintendent Highways, Parks & Bld.Ground	63,756	annually
d. Superintendent Water	63,756	annually
e. Foreman - Hwy, Parks, Bldg., Grds	62,100	annually
f. Superintendent Wastewater	63,756	annually
g. Community Development Director/Planning	72,427	annually
h. Part-time Public Works Dept		
Range - low	8.74	per hour
Range - high	12.00	per hour
5th Year -- Recycling Aids ONLY	11.23	per hour
i. Summer Intern - Engineering	10.50	per hour
5. Public Safety		
a. Police Chief	\$93,458	annually
b. Police Captain	85,604	annually
c. Police Lieutenant	81,833	annually
d. Communications Supervisor	55,087	annually
e. Police Secretary	22.09	per hour
f. Fire Chief - TBD	-	annually
g. P.T. Deputy Fire Chief	3,904	annually
During Weekend Staffing	7,800	annually
h. P.T. Fire Dept. Captain	1,853	annually
i. P.T. Fire Dept Lieutenants	1,111	annually
5a. Telecommunicators		
a. Start	\$17.73	per hour
b. One Year	18.54	per hour
c. Two Year	19.38	per hour
d. Three Year	20.21	per hour
e. Four Year	21.02	per hour
f. Five Year	21.84	per hour
g. Seven Year	22.67	per hour
6. Parks, Recreation & Senior Center		
a. Recreation Director - Eff 4/22/14	\$58,650	annually
b. Recreation Supervisor	48,466	annually
c. Recreation Supervisor II	43,844	annually
d. Senior Program Coordinator	34,515	annually
7. Board, Commissions & Election Workers		
a. Plan Commission (limit 2 mtgs./month)	\$20.00	per mtg.
b. Police & Fire Commission Member	20.00	per mtg.
c. Police & Fire Commission Chairperson	25.00	per mtg.
d. Police & Fire Commission Secretary	22.00	per mtg.
(paid for max of 12 mtgs./year)		
e. Board of Zoning Appeals	20.00	per mtg.
f. Board of Zoning Appeals - Chairman	25.00	per mtg.
(paid for max of 12 mtgs./year)		
g. Park & Recreation Commission Member	20.00	per mtg.
h. Park & Recreation Commission Chairperson	25.00	per mtg.
(paid for max of 12 mtgs./year)		
i. Library Board Member	20.00	per mtg.
j. Library Board Chairperson	25.00	per mtg.
(paid for max of 12 mtgs./year)		
k. Election Inspectors	8.50	per hour
l. Election Inspectors Chairperson	10.00	per hour
m. Board of Review	50.00	per day
9. Mileage - Expense		
Per IRS Schedule for official approved use of private auto		

See attached Park & Recreation Seasonal Salary Schedule

**BUSINESS OF THE VILLAGE BOARD
VILLAGE OF GERMANTOWN**

MEETING DATE: March 3, 2014

AGENDA ITEM: New Business

ITEM TITLE: Recommendation by Statewide Services, Inc., Regarding
Claim of 02/07/2014, Tammi Birdsall, W160N10586 Old
Farm Road, Germantown WI 53022

SUBMITTED BY: Barbara K. D. Goeckner, Village Clerk

SUMMARY EXPLANATION:

On February 7, 2014 Tammi Birdsall of W160N10586 Old Farm Road, Germantown WI 53022 reported a claim for damage to her vehicle, occurring on May 13, 2013. The claim stated: *Driving over pot holes on Old Farm Road & Donges Bay Road caused damage to the vehicle.*

The claim was submitted to the Village's League of Wisconsin Municipalities Insurance Plan. The Statewide Services Claim Division investigated the claim and determined there was no negligence on the Village of Germantown and is recommending the Village disallow this claim pursuant to the Wisconsin Statute for disallowance of claim 893.80(1g).

ATTACHMENT: ORDINANCE _____ RESOLUTION _____ OTHER __X__

RECOMMENDATION:

Motion by the Village Board to disallow the claim filed by Tammi Birdsall on 2/7/2014, as recommended by Statewide Services, Inc., Village insurance provider.

RECEIVED

FEB - 7 2014

OFFICE OF VILLAGE CLERK
VILLAGE OF GERMANTOWN



NOTICE OF:

☒ CLAIM (Submitted for consideration of payment)
☐ INCIDENT NOTICE (Record of purpose may develop into claim)

INSURED: Village of Germantown					
Contact Person: Barbara K. D. Goeckner			Title/Position: Village Clerk		
Address: N112 W17001 Mequon Road			Phone #: 262-250-4740		
Email Address: bgoeckner@village.germantown.wi.us			Fax #: 262-253-8255		
Date Reported		Policy Number 66131		Policy Term	
COVERAGE TYPE:	General Liability ☐	Police Liability ☐	Public Officials Liability ☐	Auto Liability ☐	Auto Physical Damage ☐
LOSS INFORMATION - DESCRIBE HOW LOSS OCCURRED (ATTACH ADDITIONAL COPIES AS NEEDED) DRIVING OVER POT HOLES on old Farm Rd & Donges Bay Road Caused damage to vehicle					
REPORTED TO (POLICE OR FIRE DEPT.)			REPORT #		
N/A			N/A		
LOCATION OF CLAIM/INCIDENT		DATE OF CLAIM/INCIDENT		TIME	
N/A		May 13, 2013		☐ A.M. ☐ P.M.	
Department ☐ Admin/General Operations ☐ Other ☐ Electric Utility ☐ Police ☐ EMS ☐ Public Works ☐ Fire Dept. - Paid ☐ Public Works - Park & Rec. ☐ Fire Dept. - Volunteer ☐ Public Works - Streets-Snow/Maintenance ☐ Public Works - Solid Waste ☐ Public Works - Tree Care ☐ Sanitary Sewer Utility ☐ Water Utility ☐ Other					
INSURED VEHICLE AUTO LOSS INFORMATION					
VEH. NO.	YEAR, MAKE, MODEL		VIN (VEHICLE IDENTIFICATION NUMBER)		
	RAV 4 2013		[REDACTED]		
DRIVER'S NAME			RESIDENCE PHONE (A/C No.)	BUSINESS PHONE (A/C, No., Ext.)	
Tammi Birdsall					
DESCRIBE DAMAGE		DATE OF BIRTH	DRIVER'S LICENSE #	PURPOSE OF USE	
Damage to tire					
ESTIMATE AMOUNT		WHERE CAN VEHICLE BE SEEN?			
INSURED PROPERTY LOSS INFORMATION					
LOCATION OF LOSS			POLICE OR FIRE DEPT. TO WHICH REPORTED		
KIND OF LOSS (Fire, Wind, Explosion, Etc.)			PROBABLE AMOUNT ENTIRE LOSS		
DESCRIPTION OF LOSS & DAMAGE (Use reverse side, if necessary)					

OVER

PROPERTY OF OTHERS LOSS INFORMATION						
DESCRIBE PROPERTY (If auto, year, make, model, plate #)		OTHER VEH/PROP. INS? ☐ YES ☐ NO		COMPANY OR AGENCY NAME & POLICY NO.		
OWNER'S NAME & ADDRESS		BUSINESS PHONE (A/C, No., Ext.)		RESIDENCE PHONE (A/C, No.)		
DESCRIBE DAMAGE		ESTIMATE AMOUNT		WHERE CAN DAMAGE BE SEEN?		
INJURED						
NAME & ADDRESS		PHONE (A/C, No.)		PED	INS. VEH.	OTHER VEH.
				☐	☐	☐
WITNESSES						
NAME & ADDRESS		BUSINESS PHONE (A/C, No., Ext.)		RESIDENCE PHONE (A/C, No.)		

Tammi & Robert Birdsall
 W160 N10586 old Farm Rd
 German town, WI 53022

Requesting payment for Damage
Done ^{to my vehicle} by Pot holes. Streets Old Farm
Road & Donges Bay Road.

Reported Numerous times to
Public Works & Village President
went un Repaired until
approximately November 2013.

Reported in Dec. 2012, Jan 2013.
Again in October 2013.

I have emails from both making
excuses and yet still no
Repair until I got all Public
Works members involved. Finally filed
in Nov 2013

Proof of Negligence has been
proven. They were aware and did
not fix almost 1 year to fix.

Gammie Birdall


I have emails to support my concerns.
Call Records I'm sure I can get also when I
need the needed Repairs.

No. 2291

RICKS CAR CARE #0422
6121 W MEQUON RD
MEQUON, WI 53092
262.242.5791
05/15/2013 04:47 PM

WE ACCEPT ALL COMPETITOR COUPONS

Customer	Vehicle
MR. ROB BIRDSALL (REP) W160 N10586 OLD FARM RD GERMANTOWN, WI 53022	2003 TOYOTA RAV4 Present Mileage: 121,573

Description	Quantity	Lubricant	Part #	Taxable	Price
MISC TAXABLE		325/60R16 DUNLOP		\$149.95	\$149.9
LABOR		MT/BAL 1 TIRE		\$14.95	\$14.9
MISC TAXABLE		HUB/BEARING		\$439.80	\$439.8
LABOR		REPL R/R BEARING		\$170.00	\$170.0
MISC TAXABLE		SUP/ENV		\$22.40	\$22.4
Non-Taxable					
SubTotal				\$0.00	\$797.10
Tax (5.600%)					\$44.6
TOTAL (MASTER CARD)					\$841.7

Techs: GG (Upper) GG (Lower)

Please retain this receipt. It will provide a record of the date and mileage for warranty purposes.

Customer Signature

Wisconsin Customers: Motor vehicle repair practices are regulated by chapter ATCP 132 Wis. Acn. Code, administered by the Bureau of Consumer Protection, Wisconsin Dept. of Agriculture, Trade and Consumer Protection, P.O. Box 8911, Madison, Wisconsin 53708-8911. Any claims for faulty workmanship must first be presented to the store manager before any refunds or reimbursement will be honored. You must first call the store manager before performing work on your vehicle if you expect reimbursement.

Statewide Services, Inc.

Claim Division

1241 John Q. Hammons Dr.
P.O. Box 5555
Madison, WI 53705-0555
877-204-9712

February 18, 2014

Tammi Birdsall
W160 N10586 Old Farm Road
Germantown WI 53022

Our Insured: Village of Germantown
Date of Loss: 05/13/2013
Claim #: WM000661310142

Dear Ms. Birdsall,

Statewide Service Inc. administers the liability claims for the League of Wisconsin Municipalities Mutual Insurance which insures the Village of Germantown. We are in receipt of the above mentioned claim.

We have recommended that the Village of Germantown deny your claim. Our denial is based on the fact that the investigation has found no negligence on the Village of Germantown. The Village performed pothole patching from January 3, 2013 through May 1st, 2013 and from June 19th through July 30, 2013. Donges Bay Road was inspected and no areas of road with more than 1" to 2" depths were found. Since no full depth potholes were discovered, the Village had no notice of the pothole at issue prior to the occurrence of your damage. Therefore, the municipality should be granted immunity from liability for your damage.

Sincerely,
Abby Weiss
Statewide Services Inc
Claims Adjuster
PO Box 5555
Madison, WI. 53507

CC: Village of Germantown

Statewide Services, Inc.

Claim Division

1241 John Q. Hammons Dr.
P.O. Box 5555
Madison, WI 53705-0555
877-204-9712

February 18, 2014

Village of Germantown
Attn: Barbara Goeckner
N112 W17001 Mequon Road
Germantown WI 53022

Program: League of Wisconsin Municipalities Mutual Insurance
Our Insured: Village of Germantown
Date of loss: 05/13/2013
Our Claim # WM000661310142
Claimant: Tammi Birdsall
W160 N10586 Old Farm Road
Germantown WI 53022

Dear Ms. Goeckner,

Statewide Services, Inc. administers the claims for the League of Wisconsin Municipalities Mutual Insurance which insures the Village of Germantown. We are in receipt of the claim submitted by Ms. Birdsall for damage to her vehicle.

We have reviewed the matter and recommend that the Village of Germantown deny this claim pursuant to the Wisconsin statute for disallowance of claim 893.80(lg). The disallowance will shorten the statute of limitations period to six (6) months.

Our denial is based on the fact that the investigation revealed that the Village performed pot hole repairs from January 3, 2013 through May 1, 2013 and between June 19, 2013 and July 30, 2013. The Village was not aware of any full depth pot holes on Donges Bay Road at the time of this incident. Therefore, we do not find any negligence on the Village of Germantown.

Please submit the disallowance directly to the claimant at the above address. The disallowance should be sent certified or registered mail and must be received by the claimant within 120 days after you receive Notice of Claim. Please send a copy of the disallowance to Statewide Services Inc. Claims.

Sincerely,

Abby Weiss
PO Box 5555
Madison, WI. 53705-0555
855-291-0271
aweiss@statewidesvcs.com

CC: Rick Kalscheuer

Barbara K.D. Goeckner

From: Robert Birdsall [REDACTED]
Sent: Wednesday, February 26, 2014 9:24 AM
To: Barbara K.D. Goeckner
Cc: Chris Micka
Subject: Re: Claim - Damage to Car Ville of Germantown Wi

I'm resending this only because I didn't get an auto response that you received this. I would like notification that you have.

I also want it noted that although some potholes were fixed on Donges Bay between Division and just past Fondulac on Tuesday 2/25/14 not all were fixed.

I also want to add that the email that Dan sent to me in about Pot holes needing fixing is listed below. Pretty darn interesting that there was a list of pot holes? Yet not only were the ones I addressed added to the list they were not all addressed? The list I'm sure was also items that I reported in May, and January also.. I just wanted the exact wording Dan used and for the understanding unfortunately not all were addressed. They should have been when they were reported in January and May.

I also want it noted that I'm really an understanding person but when something is reported and not taken care of it is very irritating for sure when damage is done to a vehicle that could have been prevented.

Jay,

Please address the pot holes identified in this email along with the pot holes on your list.

Dan

From: Robert Birdsall [REDACTED]
To: "bgoeckner@village.germantown.wi.us" <bgoeckner@village.germantown.wi.us>
Sent: Tuesday, February 25, 2014 11:48 PM
Subject: Re: Claim - Damage to Car Ville of Germantown Wi

Attention:

Barbara Goeckner

Village Clerk of Germantown. Wi

Ref: Claim # WM000661310142- Damage done by poor road/pot holes on Old Farm Road and Pothole Donges Bay Road

I received a letter from State Wide Services on Monday, February 24 advising that they were suggesting the Village deny my claim of vehicle damage based on information that Jay Olszewski provided.

What he provided was

"The village performed pothole patching from 1/3/13 through 5/1/13 and from 1/19/13-7/30/13 and no areas of road with more than 1"-2" depths were found. Since the village was not made aware of no full depth potholes were discovered, and the Village had no notice of the pothole at issue prior to the occurrence of your damage. Therefore the municipality should be granted immunity from liability for your damage."

I will try to make this short and to the point however based on the history it maybe longer and I want this noted that this information provided by Jay is far from the truth. Furthermore I have witnesses of the numerous times that I have reported issues on Old Farm Road and Donges Bay Road that have gone to deaf ears. On the report that Jay provided he didn't mention anything on Old Farm Road.

I have been told the damage caused to my car was due to repeatedly going over rough uneven road/potholes on a daily basis as well as hitting potholes. Both would result from driving on Old Farm road and Donges Bay. I reported on 1/28/13, 5/3/13 and again in October and November 2013 numerous phone calls and emails the road on Old Farm Road

potholes uneven surface. Also the pothole that was hit on May 8 and May 13th of 2013 was also the same pothole that was reported on May 3rd via phone left a message that stated that it was Janice public works....and then again in October. In May it was a big pot hole on Donges bay and many on Old Farm and they continued to keep growing bigger and bigger and finally were not fixed until I had to not only call but send an email to the trustees in November or December.

I actually had been copied on the email that Dan sent to a team member stating fix all the pot holes. The pothole was finally fixed on Donges bay in October but the potholes on Old Farm Road were not. The Village President and Dan were also made aware and yet still the potholes were not fixed. I also mentioned ones on Donges Bay just east of Fondulac those including the ones on Old Farm were also not fixed. The only way I ended up getting the potholes fixed was by emailing all the Trustees finally in November or December 2013 they were finally fixed within 2-3days of that email going to the trustee's. I also have emails from high ranking officials with in the Village stating they traveled over Donges bay and Old Farm road and neglected to report the pot holes. Now it was not said he didn't report them but in the same token he knew they were there and if they were reported why did they not get fixed???

Furthermore I have pictures and I also have witnesses, witnesses to prove the calls were made and also witnesses to prove that the pothole on Donges Bay and Old Farm Road were not as Jay has reported.

Furthermore as I send this there was a huge pot hole road missing just East of Fondulac on Donges bay 3 weeks ago also a hole or pot hole going West just past Fondulac. There are also numerous ones East of Fondulac. Anyways the road missing one was fixed others were not. It's 3 weeks later and now the road missing one is back and I counted today that not only are the ones previously still there but there are at least 15 or more big potholes from Division to just east of Fondulac. Granted I realize weather is an issue however I feel the city is negligent for knowing that Donge's Bay is an issue and there is an issue on Old Farm Road but yet they are looking the other way and I have a bill of \$841 to prove their negligence. The interesting thing is tonight when I came home some of the potholes are fixed some are not. It's amazing that when I talked to Abbey about my feelings and issues that have not been fixed all of a sudden one phone call or email she sends action is taken why??????? It wasn't 3 weeks ago? I am appreciative though.

I will say though that my faith and respect for the village of Germantown has gone down the drain. I'm appalled that higher ups are looking the other way and that I even have to call in a pothole. Worse than that when it's called in it takes from 8-10months to fix???????????? or maybe not at all.

I'm also disheartened to feel that these officials feel it's ok for someone to have damage done to their car and then lie about what was done or not done. I'm also disheartened to have these officials treat me with disrespect and brush me off. I'm asking for general maintenance to be kept up and frankly I shouldn't have to.

Who holds who accountable? Who is holding Public works accountable? The stupid thing out of all of this is if the potholes would have been fixed I wouldn't be emailing you right now. That old saying is how many people does it take to change a light bulb. How long does it take to fill a pothole????? I guess Germantown has no standards. Also one on Rivercrest road right by the stop light going South??? Not sure if this is public or private but how come I can report them but the village has no clue and that has been there forever?

Lastly the funny thing out of all of this is..... I wouldn't have filed a claim until Public Works told me to. I also wouldn't be filing this had when I called in January and May the road would have been repaired and pot holes fixed. I called to prevent me or another person's car from being damaged. Yet Germantown neglected my report. It's a shame that higher up officials are not following up on their workers they are trusting the possible work they are doing but clearly they are not checking what they have done. They fill out a report that is not truthful.

On a side note when are the piled up barriers signs going to be removed from Donges Bay, metal pieces sticking out looks like a dumping zone. I realize there are other major things going on don't get me wrong but my point I'm making is finish a job and don't do it half The things I have seen with this department and what they have said to me. If I did half the things they have done and officials have done I would be fired from my job.

In closing, I'm counting on the fact that you will do the right thing and reimburse me the money that we had to pay for the damage on our vehicle. The good news is that neither I or any of my family members were injured or killed but based on the damage it was very possible. I request a response to this within 14-21 business days.