

**Village of Egg Harbor**  
**Administration Committee Meeting Minutes**  
**Tuesday, April 9<sup>th</sup>, 2019 –3:00 P.M.**  
**Donald & Carol Kress Pavilion Great Hall**  
**7845 Church Street, Egg Harbor, Wisconsin**

**1. Call to Order**

Heise called the meeting to order at 3:00 p.m. Those in attendance were John Heller via Skype, Paula Cashin, Ryan Heise, and Megan Vandermause. Also in attendance from Davis Kuelthau Attorneys at Law were Attorney James Kalny, Attorney Robert Burns, Attorney Tony Steffek, and Attorney Thomas Rohan.

**2. Adopt Agenda**

Cashin moved to approve the agenda, second by Heller, motion carried.

**3. Approve Minutes from January 11<sup>th</sup>, 2019 Meeting**

Cashin moved to approve the January 11<sup>th</sup>, 2019 meeting minutes, second by Heller, motion carried.

**4. Open Session**

**5. Interview with Davis & Kuelthau Attorneys at Law**

- Each attorney representing Davis & Kuelthau introduced themselves and provided some of their background information.
- All of the attorneys work together on general questions with municipal clients and private sector clients.
  - Q: You have served a wide variety of communities, what do you believe are the most important issues facing a Village Attorney?  
A: It is most important for a Village attorney to remain neutral and provide a Village based legal view while avoiding the politics that can come up.
  - Q: Responsive, thorough, and concise legal advice is an important aspect of a good Village attorney. The ability to communicate and respond to issues via phone, email, and in person in a timely manner is expected. How do you plan on being responsive and thorough in meeting the legal needs of the Village of Egg Harbor? What do you consider a good response time as it relates to a municipal need being acknowledged.  
A: Absolutely no reason that the client shouldn't have a response in 24 hrs. and the way the team meets these objectives is that items are teamed out. There will also always be a backup. Someone is always available to get back to the client in the same work day. With technology today there is the opportunity to get the response in the same day. Three of the attorneys share the same assistant who is very good at communicating client needs to the appropriate team member. Sometimes firms can have situations

with lawyers who feel proprietary about clients that they have brought into the firm, Davis & Kuelthau works together as a team regardless of who brought the client to the firm.

- Q: How do you keep your municipal clients apprised of changes in the law that may impact their municipality?

A: The firm has a tremendous resource that works out of the Milwaukee office that is a legal librarian that keeps the firm up to date on municipal changes. The firm uses a proactive approach when there is a change in law is there a proactive approach. The firm does quite a bit of client advisory/client alerts that are sent out for new cases or new legislation. The firm also hosts an annual public officials' conference to speak on a variety of topics including legislation change.

- Q: Who handles your correspondence? Do you type your own letters? Agreements, etc'?

A: Larger contracts might go through one of the secretaries, but most emails are done by the attorneys themselves this is more efficient because there is less back and forth.

- Q: From time to time a Village attorney will find themselves at odds with a Trustee member of staff member with regard to legal advice that is being rendered. Tell us how you have navigated or negotiated your way through this situation?

A: A couple of clients are in a little bit of a conflicted situation because of a complete flip of a council. New council won't necessarily be in favor of what was done. A way to handle this is to be consistent in what is best for the community and sometimes it is nice to be the calming influence for a community. You can't take decisions that are made opposite of your legal advice personally.

- Q: The Trustees are about to decide a significant matter that has drawn the attention of the media and public. The President has asked you to be in attendance at their next meeting; however a conflict on your schedule develops. How did you respond? What did you do?

A: This would depend on the nature of conflict but Attorney Kalny wouldn't feel bad about asking another attorney to attend the meeting. If Attorney Kalny couldn't cover he would feel very comfortable handing the item off to another member of the team.

- Q: The Village will potentially be exploring Conservation and Rehabilitation Tax Incremental Financing, please explain your experience with this.

A: The team has dealt with a lot of TIF districts within a lot of different communities of a lot of different sizes, but only one conservation TID and has also had worked on a TID that was the most successful TIF in WI. The last 10 years the team has been working with a community with a very successful development that was mixed use. The team can be helpful with TID plans but it is also good to have engineers working on the plan. The team has done development agreements and real estate transactions and do

have a sizable amount of lawyers in the Milwaukee office that could handle just about anything TID related.

- Q: A significant amount of Village regulation involves property (nuisances, subdivision rules, zoning, board of appeals, etc.) Tell me about your experience working in these areas.

A: The team has dealt with a lot of zoning regulations. Kalny was also a member of the De Pere Plan Commission for a number of years and has seen most planning and zoning issues.

- Q: What's your firm's experience with eminent domain and property acquisition?

A: The team does have experience with eminent domain action and will likely be starting one for a street acquisition. The firm would have expertise in house.

- Q: What is your experience with intergovernmental agreements, what makes them succeed and fail? What role should the Village Attorney have in negotiating these agreements?

A: The team does have experience with intergovernmental agreements such as shared service type agreements and boundary agreements. The attorney's role is up to the Village board and the administrator and it is important to recognize this role. The other local governments might know the Village officials and administrator better than the attorney.

- Q: How often do you participate in trial and what is your success rate? The goal is to avoid litigation at all costs, but be ready if you need to. Attorney Steffek is the litigator and rare cases make it to litigation. There should be a practical approach to litigation, all the costs and risks should be reviewed and analyzed in deciding which course of action should be taken. The firm has a strong litigation team in Green Bay.

- Cashin asked if the Village will be the smallest client the firm has. No the Village will not be the smallest client and the team does its best to make sure the Village receives as much attention as every other client.
- Heise asked if the firm has the staff compliment to take the Village on as a client. The firm does have the staff compliment to take the Village on as a client and the attorneys spend most of the day answers calls and emails and pass along research projects to assistants.
- Heise pointed out that the hourly rate is significantly more than the current Village attorney's cost and asked if the team implements any cost control measures. The team explained that the firm bills for the work that is actually produced which is more proficient than other work they have seen. The firm does not stack up the time they use to consult each other. Focusing on the hourly rate can be misleading because some work will be done by the attorneys and some will be done by the associates which have a lower rate.
- Certain types of work that could be done at on a flat fee basis.
- Heise asked if travel time can be negotiated and if reduced costs for travel time is offered if travel time is spilt between other municipalities. Travel time can be negotiated and the firm does offer travel time to be spilt with other municipalities.

- 6. Personnel- Recommend motion to MOVE INTO CLOSED SESSION per State Statute 19.85(1)(c) considering employment, promotion, compensation, or performance evaluation, and then to RETURN TO OPEN SESSION to take further action or to adjourn the meeting**

This agenda item will be discussed at the next Administration committee meeting.

- 7. Open Session**

- 8. Adjournment**

Cashin moved to adjourn, second by Heller, motion carried.