

Finance Committee Meeting Minutes
May 18, 2010

Chairman Nold called the meeting to order at 7:22 PM.

Members Present: Aldermen Nold, Hall and Kohlenberg

Staff Present: Mayor Daley, Gard, Kitsembel, Frye, Beguhn, Gallo, Lamp, Bednarski, Kelliher, Duffy and Coenen

Others present: Alds. Miller, Larsen, Cochrane, Slattery and Morgan and Atty. Chapman and Stan Sugden

2. Consider/recommend Retaining Legal Services of Stafford Rosenbaum, As-Needed, to Represent City/City Assessor at 2010 Board of Review

Kitsembel reported that in the past few years the City has seen an increase in the number of appeals to the Board of Review including nonresidential (commercial) properties. These appeals are typically more involved and the City has seen a number of these disputes filed in circuit court after the BOR determinations have been made. Our City Attorney attends the Board of Review meetings and represents and advises the Board on any legal matters. However, it is very difficult for the City Attorney to represent both the Board of Review and the City Assessor, especially in more complex issues. For our past tax court cases, our insurance company has appointed Stafford Rosenbaum and therefore, staff recommends that the City retain Stafford Rosenbaum LLP to represent the City Assessor on an as-needed basis only in nonresidential or complex assessment cases.

The Committee has concerns with multiple representations and asked what other communities are doing at their Board of Review. Chapman stated that if he advises the Board and then advises the City Assessor, the property owner would feel there is a conflict. By using two attorneys, the City is set up in the best position to defend ourselves. Chapman further stated he wants to do it right in Oconomowoc and the City Assessor should not be put in the position of cross-examining a witness. Daley stated that in the right set of circumstances there could be inherent issues and the City Attorney would be torn between two interests.

Motion by Hall to recommend retaining Stafford Rosenbaum LLP to represent the City/City Assessor at 2010 Board of Review; second by Nold. Motion carried 2-1. Kohlenberg voted no.

3. Consider/recommend Retaining Legal Consultant, Hugh Anderson, for West Wisconsin Avenue

Kitsembel referred to the detailed memo from Chapman in the packet and stated that in early April staff was considering defaulting the W. Wisconsin Avenue utilities project contractor; Advance Construction. Due to inconsistencies with the contract and its Performance Bond, the City Attorney determined it was necessary to retain a legal consultant to ensure staff was taking appropriate and proper actions with this contractor. On April 15th the City Attorney met with

Attorney Hugh Anderson, who is an expert on construction contracts and performance bonds.

Chapman stated that time was of the essence and it was his decision to consult with an expert. Daley stated that staff should look at options to revise the Purchasing Policy for emergencies.

Motion by Kohlenberg to recommend retaining Atty. Hugh Anderson for West Wisconsin Avenue utilities project; second by Hall. Motion carried 3-0.

4. Consider/act on Vouchers

Motion by Hall to approve the vouchers in the amount of \$2,767,402.47; second by Nold. Motion carried 2-0-1. Kohlenberg abstained.

Motion by Hall to adjourn; second by Kohlenberg. Motion carried 3-0. The meeting adjourned at 7:50 PM.

Minutes taken by
Diane Coenen, City Clerk
Ald. Kohlenberg, Secretary