



**VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN
SPECIAL MEETING OF THE BOARD OF TRUSTEES**

TO THE HONORABLE PRESIDENT ERMELING AND SIX (6) OTHER ELECTED MEMBERS OF THE BOARD OF TRUSTEES (BOT): The following items were listed on the agenda in the village Clerk's office, in accordance with Chapter 2 of the village's Municipal Code and will be ready for your consideration, during the 22nd legislative session of the Board of Trustees, at your first gathering on **Monday, March 18, 2019, at 4:30 p.m.** in the Board Room, at the Weston Municipal Center.

A quorum of members from other Village governmental bodies (boards, commissions, and committees) may attend the above-noticed meeting to gather information. If a quorum of other government bodies are present this would constitute a meeting pursuant to "State of Wisconsin ex rel. Badke v. Greendale Village Bd., 173 Wis.2d 553,494 N.W.2d 408 (1993)". Therefore, no official actions other than those of the BOARD OF TRUSTEES shall take place.

Wisconsin State Statutes require all agendas for Board, Commission, and Committee meetings be posted in final form, 24 hours prior to the meeting. Any posted agenda is subject to change up until 24 hours prior to the date and time of the meeting. Any item on this agenda may be discussed or acted upon.

AGENDA ITEMS

1. Meeting called to order by President Ermeling at 4:30 p.m.
2. Pledge Allegiance to the Flag.
3. Roll Call by Clerk
 - a. Ermeling {p}, Sparks {vp}, Ostrowski, Maloney, Xiong, Zeyghami, Ziegler

MOVE TO CLOSED SESSION PER 19.85(1)(e)

To conduct other specified public business, whenever competitive reasons require a closed session: [Attorney Interviews](#)

And

MOVE TO CLOSED SESSION PER 19.85(1)(g)

Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved: Wausau Hotel Group.

RECONVENE TO OPEN SESSION

POSSIBLE ACTION ON CLOSED SESSION ITEMS

4. Selection of legal firm.

ADJOURN

Bullet Points/Highlights of Proposals for Village Attorney Services

3/8/2019

Firm	Dietrich, VanderWaal	Yde
Principal Attorneys & Experience	Shane VanderWaal - lead, 25 yrs. Dean Dietrich - 42 yrs. Lee Turonie Alyson Dieckman	Matthew E. Yde - 29 yrs Donald Schneider - 44 yrs
Practice Emphasis	Municipal Law Labor Law Zoning	Full Service Litigation Municipal Law
Philosophy	Meeting attendance at Village Direction Legal advisor not policy maker	Meeting attendance and level of oversight is at the direction of the Village Board or Administrator Village attorney should have a well-rounded background Need to be responsive
Conflict of Interest	Selected attorneys of other firms - Randy Frokjer and Brent Jacobson have committed to assist if requested. Selection of a different attorney if conflicts arise is at Village's discretion. See comment under "Negatives" below	Does not pursue relationships with other municipalities in the area in order to avoid conflicts
Fee	Written agreement \$200/hour	\$185/hr. Hourly fee, \$75/hr. assistants Open to discuss meeting attendance rate
Miscellaneous		
References	Not checked. Staff and Board have had previous experience working with Shane and Dean Dietrich	Not checked. Staff and Board have had previous experience working with Matt
Positives	Staff has previous experience working with Shane VanDerWaal and appreciates his philosophy on follow up on zoning/code violation issues Board members also have prior experience working with Shane and Dean Dietrich Local firm	Staff has previous experience working with Matt Yde. Matt has been very responsive to the Village's needs and considers Weston his highest priority client Local firm
Negatives	Possible conflicts of interest relative to representation of Rothschild, Schofield and Town of Weston other local units of government and service providers (SAFER)?	Staff has expressed a preference for being more aggressive on follow up/prosecution of zoning/code violation issues
Municipal Clients	V. of Rothschild C. of Schofield T. of Weston	T. of Manitowish Waters T. of Berlin T. of Presque Isle



December 7, 2018

Mr. Keith Donner
Acting Administrator/Public Works Director
Village of Weston
5500 Schofield Avenue
Weston, WI 54476

VIA E-MAIL & REGULAR MAIL

Re: Request for Proposals – Village Attorney Services

Dear Mr. Donner:

On behalf of Dietrich VanderWaal, S.C., we are pleased to respond to your request for proposal for Village attorney services on behalf of the Village of Weston.

EXPERIENCE AND QUALIFICATIONS

Dietrich VanderWaal, S.C. began offering legal services in the area of municipal law, employment law, labor relations, school law and general civil litigation on September 1, 2018. Dietrich VanderWaal S.C. shareholders are Dean R. Dietrich and Shane J. VanderWaal. Our shareholders have more than 65 years of experience in municipal law, school law, and employment law. In addition to the shareholders, Dietrich VanderWaal, S.C. employs two attorneys and one of counsel attorney. The attorneys at Dietrich VanderWaal, S.C. share a commitment of service to their clients and are able to assist each other to meet all client needs.

Municipal law is not an area of legal practice that lawyers should dabble in. The responsibilities of a municipal attorney require a deep familiarity with how municipal government operates, from decision-making to budgeting to when and how to share information with the public. Accordingly, a critical factor to consider when searching for a municipal attorney is whether that firm has a track record of representing local governments. Dietrich VanderWaal, S.C. has extensive experience in working with governmental officials and represents numerous municipalities and school districts throughout central and northern Wisconsin. We stress sound legal work, cost efficient services, insight into factors affecting municipal employers, understanding of the fiscal restraints applicable to public employers, and the advantages to be gained by good planning and careful execution.

The attorneys at Dietrich VanderWaal, S.C. handle numerous aspects of municipal law including:

- Advising councils, boards and commissions, and members thereof;

Dietrich VanderWaal, S.C.

530 Jackson Street, P.O. Box 1343, Wausau, WI 54402-1343

p: 715.845.9401 | f: 715.848.0243 | www.dietrichvanderwaal.com

- Providing written legal opinions;
- Drafting and reviewing ordinances and resolutions;
- Drafting and reviewing contracts;
- Representing municipalities in all court proceedings, including federal and state court and administrative agencies;
- Open meeting, public record law and ethics compliance;
- Advising officials regarding revisions to relevant laws;
- Licensing matters;
- Employee discipline and termination;
- Incorporation;
- Tax increment districts;
- Creating police departments;
- Creating municipal courts;
- Municipal prosecutions;
- Public sector collective bargaining;
- Land use;
- Zoning and planning lawd;
- Urban/blight renewal;
- Real estate law; and
- Condemnation/eminent domain.

In sum, the attorneys at Dietrich VanderWaal, S.C. not only have the expertise to handle the wide variety of matters that can confront the Village, but also, have a deep appreciation for the duties the Board owes its constituents.

MUNICIPAL CLIENTS OF THE FIRM

Representative municipal clients are listed on the enclosed Appendix A. Please note that certain municipalities are represented generally and some on specific matters.

FIRM PHILOSOPHY OF MUNICIPAL LEGAL SERVICES

Generally, the scope of legal services is dependent on the client's level of request. For instance, some municipalities may request their attorneys to be present at each Board or committee meeting. The level of oversight will depend upon the Village's wishes. At Dietrich VanderWaal, S.C., we believe that the municipal attorney plays a valuable role in assisting the Village in carrying out its responsibilities and accomplishing its objectives in a lawful manner. The Village attorney is another member of the Village team. It is the job of the attorney to protect the Village by identifying potential legal problems and to assist the Village so that it is exercising its powers in a lawful manner. We always remember who the client is, the municipality, acting through its governing body.

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December 7, 2018
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Finally, Dietrich VanderWaal, S.C. believes that the attorney is a legal advisor not a policy leader. In other words, the municipal attorney is not a politician but provides effective, sound legal advice only by maintaining his or her independence and objectivity. In sum, at Dietrich VanderWaal, S.C., we view ourselves as a valuable part of the Village's team whose role is to protect the Village, help it achieve its goals, and provide whatever legal support is necessary for the Village to effectively serve its citizens.

PROPOSED ATTORNEYS OF DIETRICH VANDERWAAL, S.C.

Shane J. VanderWaal would be assigned as the primary attorney for the Village. Dean R. Dietrich, Lee D. Turonie, Alyson D. Dieckman and Arthur M. Scheller, III also would be assigned to represent the Village in appropriate instances. Each attorney would have ready access to all the resources of our firm, including the support of other attorneys as needed. Resumes for Attorney VanderWaal, Attorney Dietrich, Attorney Turonie and Attorney Dieckman are enclosed.

As with any client, conflicts of interest potentially arise from time to time. As the Village is aware and as indicated in the enclosed Appendix, our firm represents a number of surrounding municipalities. In order to assure effective representation for the Village of Weston, we have arranged with local counsel to represent the Village should a conflict of interest arise. The attorneys who have agreed to represent the Village of Weston include Randy L. Frokjer of Frokjer & Hersil, S.C. of Merrill, Wisconsin, and Brent W. Jacobson of Anderson, O'Brien, Bertz, Skrenes & Golla LLP of Stevens Point, Wisconsin. These attorneys have agreed to represent the Village of Weston, if called upon due to a conflict of interest, at the same hourly rate as Dietrich VanderWaal, S.C.

REFERENCES

Pursuant to the Request for Proposals, we offer the following references:

- Dan Vergin
City Councilman
City of Schofield
200 Park Street
Schofield, WI 54476
(715) 581-9294
- Andrew R. Kurtz
Village Administrator
Village of Marathon City
311 Walnut Street
Marathon, WI 54448
(715) 443-2221
- Thomas N. Hayden
City Attorney
City of Merrill
1004 First Street
Merrill, WI 54452
(715) 539-3510

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COMPENSATION

If selected, a written fee agreement between the Village and Dietrich VanderWaal, S.C. will be executed and which will provide legal services to the Village as follows for 2019:

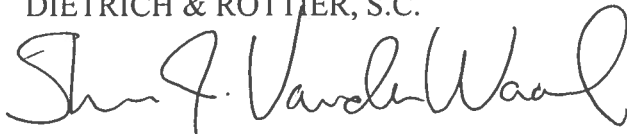
- Partner/Shareholder Attorneys: \$200.00/hour
- Associate Attorneys: \$200.00/hour

Dietrich VanderWaal, S.C. bills on 1/10 hour increments. Additionally, all out-of-pocket expenses are billed monthly along with attorney time. The fee agreement is terminable with thirty (30) day's notice by either party. Dietrich VanderWaal, S.C. maintains appropriate malpractice insurance and, upon request, can provide proof of the same.

Thank you for the opportunity to respond to the Request for Proposal for Village Attorney services for the Village of Weston.

Sincerely,

DIETRICH & ROTTIER, S.C.



Shane J. VanderWaal
SJV/llk

Enclosures

PUBLIC SECTOR CLIENTS

Cities

Abbotsford
*Merrill
Mosinee
*Nekoosa
Schofield
*Stevens Point

Villages

*Amherst
Athens
Biramwood
*Biron
Edgar
*Hatley
Marathon City
Rothschild
*Spencer
Stratford
Tigerton

Counties

*Lincoln
*Marathon
*Wood

Special Purpose

Everest Metro Police
Department
Mosinee Fire District
Rib Mountain Sanitary
District
Riverside Fire District
South Area Fire & Emergency
Response District

Towns

Bergen
Bevent
Biramwood
Easton
*Fifield
*Grand Rapids
Knowlton
Loyal
McMillan
Mosinee
Rib Mountain
Texas
Trenton
Wausau
Weston
Wittenberg

*Limited/Special Matters

DEAN R. DIETRICH

Professional Experience

A “seasoned” attorney with more than 42 years of experience, Dean has practiced in the municipal law, labor relations and employment law areas. In his practice, Dean has vast experience representing public and private sector employers in the various aspects of employment law and labor relations. Dean also has years of experience representing employers in collective bargaining and proceedings before state and federal administrative agencies. Dean also represents municipalities and local government units in all aspects of municipal law and compliance with state statutes.

Dean has been a leader for more than 25 years in professional responsibility and ethics matters. Dean serves on the State Bar of Wisconsin’s Committee on Professional Ethics (he currently serves as Chair) and is a member of the Association of Professional Responsibility Lawyers. He has represented attorneys from throughout Wisconsin in proceedings before the Supreme Court of Wisconsin and the Office of Lawyer Regulation. He is called upon by other attorneys and law firms to provide expert opinions of professional responsibility matters as well. Dean has a monthly publication in the Wisconsin Lawyer magazine.

Education

B.S., Marquette University – Milwaukee, WI (1974)

J.D., Marquette University – Milwaukee, WI (1977)

Admitted to Practice

Wisconsin Supreme Court

U.S. District Court for the Western District of Wisconsin

U.S. District Court for the Eastern District of Wisconsin

Bar Associations

- American Bar Association – Section Member: Law Practice Management; State and Local Government Law
- State Bar of Wisconsin – Section Member: Labor Law; Administrative & Local Government Law
- President, Senior Lawyers Division, State Bar of Wisconsin
- Marathon County Bar Association

Professional Recognition

- Goldberg Award, State Bar of Wisconsin, Wisconsin Law Foundation (2018)
- George Tippler Award, Wisconsin School Attorney Association (2017)

- *Best Lawyers in America*, Labor Law – Management (2001-2017)
- *Best of the U.S. Inc.*, Employment Law, 2017
- *Wisconsin Super Lawyers*, 2001-2011
- *Leaders in the Law*, *Wisconsin Law Journal*, 2006
- Advocacy Award, United Way of Marathon County, 2015
- Athena Award, Wausau Region Chamber of Commerce, 2015
- John L. Cook Memorial Award, Wausau Region Chamber of Commerce, 2010
- Award of Appreciation, Volunteer Lawyers Project, Legal Action Wisconsin
- President Award, State Bar of Wisconsin, 2002, 2004, 2006

Professional Activities

- Association of Professional Responsibility Lawyers – Member
- ABA Center for Professional Responsibility – Member
- League of Wisconsin Municipalities Municipal Attorneys – Section Member; President (2007-2008)
- National Public Employer Labor Relations Association – Member
- State Bar of Wisconsin
 - Senior Lawyers Division, President (2018-2019), Board Member (2017-present)
 - Treasurer (2001-2005)
 - Board of Governors (1990-1991 and 1994-1998)
 - Committee of Professional Ethics, Chairman (2000-2002 and 2005-present)
 - Finance Committee Member (1996-2010); Chair (2000-2004)
 - Professionalism Committee, Member (1994-1998 and 2000-2009)
 - Young Lawyers Division, President (1989-1990); Director (1985-1989)
- Wausau Region Chamber of Commerce – Member; President (2001-2002); Board of Directors (1994-2000); Business Advocacy Committee Chair (1988-1998, 2011)
- Wisconsin Law Foundation – Fellow, President (2008-2014), Treasurer (2014-Present)
- Wisconsin Public Employer Labor Relations Association – Member
- Wisconsin School Attorneys Association – Board Member, President (2009-2010)
- Wisconsin Trust Account Foundation – Board Member, President (2010-2012)

Civic Activities

Aspirus Wausau Hospital, Inc. – Board Member (1999-2013), Board Secretary (2000-2002), Vice Chair (2002-2004), Chair (2004-2007), Emeritus (2011-2013)

Aspirus, Inc. – Board Member, Board Chair (2007-2010), Emeritus (2011-2013)

Camp Manito-wish – Board Member

Marathon County Early Years Coalition – Member, Chairperson

Marathon County Youth Hockey Association – President (2000-2003)

Northcentral Technical College – Interim President (1993-1994)

Wisconsin Amateur Hockey Association, Legal Counsel

Wausau Early Bird Rotary Club – Member (2001-2014), President (2001-2002)

Wisconsin Public Radio Association – Board member (2010-Present), Board Chair (2014-2018)

SHANE J. VANDERWAAL

Professional Experience

Shane is an attorney with more than 25 years of experience. Shane's practice includes municipal law and general civil litigation with a focus in the areas of condemnation, property tax litigation, public construction disputes, and real estate litigation including boundary and surveying disputes.

Mr. VanderWaal also represents and advises clients in the area of municipal law. As the attorney for many cities, towns, villages and multijurisdictional municipal entities, he has handled all aspects of municipal law including drafting ordinances, resolutions, and contracts. He also represents a wide variety of municipalities before state courts and administrative agencies in matters including open meeting and open record law compliance, licensing matters, and employee discipline and termination.

Shane also has an extensive appellate litigation practice with a number of published decisions including, *Society Ins. v. Linehan*, 2000 WI App 163, 238 Wis. 2d 359, 616 N.W.2d 918; *In re Paternity of Roberta Jo W.*, 218 Wis. 2d 225, 578 N.W.2d 185 (1998); *Trailwood Ventures, LLC v. Vill. of Kronenwetter*, 2009 WI App 18, 315 Wis. 2d 791, 762 N.W.2d 841; *Pace v. Oneida County*, 212 Wis. 2d 448, 569 N.W.2d 311 (Ct. App. 1997); *Klemm v. Am. Transmission Co., LLC*, 2011 WI 37, 333 Wis. 2d 580, 798 N.W.2d 223; and *Nowell v. City of Wausau*, 2013 WI 88, 351 Wis. 2d 1, 838 N.W.2d 852.

Education

B.A., University of Minnesota – Duluth, MN (1989)

J.D., Hamline University School of Law – St. Paul, MN (1992)

Admitted to Practice

Wisconsin State Courts

U.S. District Court for the Western District of Wisconsin

U.S. District Court for the Eastern District of Wisconsin

Bar Associations

- State Bar of Wisconsin
- Marathon County Bar Association

ARTHUR M. SCHELLER, III

Professional Experience

Art is a litigator with substantial trial and appellate experience and has represented clients for over twenty years in civil and business litigation of all kinds. These include contract, tort, real estate, health care, employment, higher education, condemnation, construction, product liability, and other commercial litigation matters. Art has advised a wide variety of clients including individuals, business executives, small and midsize businesses, Fortune 500 companies, hospitals, developers, government entities, and nonprofits. He has tried cases throughout the country and represented clients in numerous domestic and international arbitrations. He also has substantial appellate experience, participating in appeals in the Seventh Circuit, the Illinois Supreme Court, and federal and state appellate courts throughout the country.

After graduating from law school, Art held a judicial clerkship with the Honorable Allen Hartman of the Illinois Appellate Court. He then went on to practice law for over eighteen years at one of the nation's largest law firms (Drinker Biddle & Reath f/k/a Gardner, Carton & Douglas) where he practiced in the Commercial Litigation Group and the Products Liability & Mass Tort Practice Group. Art then founded and was the managing member of a commercial litigation firm for nearly five years and is currently a member of a litigation firm based in Chicago in addition to his Of Counsel responsibilities at Dietrich VanderWaal.

Education

B.S., The University of Notre Dame, *cum laude*, 1983

J.D., The John Marshall Law School, *magna cum laude*, 1993

Admitted to Practice

State Bar of Illinois - 1993

State Bar of Wisconsin - 2018

Professional Experience

ASG Law LLC – *Member*, (2018 – Present)

Scheller Law Group, LLC - *Founder/Managing Member*, (2014 -2018)

Drinker Biddle & Reath, LLP - *Counsel*, (1995 – 2013)

Illinois Appellate Court - *Judicial Clerk*, (1993 – 1995)

LEE D. TURONIE

Professional Experience

Lee has over 13 years of experience, with the last 11 years dedicated to municipal law. Lee gained a unique experience in municipal law by serving at the Wisconsin Towns Association for over eight years. While there, Lee contributed to the state legislative process, answered the questions of local officials from all over Wisconsin, and regularly gave presentations statewide. The chances are excellent that Lee at least knows where your town is, assuming that he has not been there.

Lee joined private practice in 2016 where he works with all manner of municipal matters and entities. He got his attorney-start doing research and mediations for judges.

Education

B.A., University of Wisconsin – Madison, WI (2001)

J.D., University of Wisconsin – Madison, WI (2005)

Admitted to Practice

Wisconsin Supreme Court

U.S. District Court for the Western District of Wisconsin

Bar Associations

- State Bar of Wisconsin
- Marathon County Bar Association, currently Vice President

Professional Activities

- State Bar of Wisconsin Young Lawyers Division, Board member, 2009-2016, and President 2013-2014.
- State Bar of Wisconsin delegate to the American Bar Association House of Delegates, 2011-2013.
- Previously active in La Crosse and Green Bay local bar associations.

Civic Activities

- Wausau Curling Club

ALYSON D. DIECKMAN

Professional Experience

Alyson is an attorney engaged in the practice of municipal law, school law, labor relations, and employment law. She represents municipalities and local government units in all aspects of municipal law and compliance with state and federal law. Alyson also represents employers in collective bargaining and proceedings before state and federal administrative agencies. She has gained significant experience litigating cases through trial and appellate proceedings.

Education

B.A., Seattle University – Milwaukee, WI (2014)

J.D., Marquette University – Milwaukee, WI (2017)

Admitted to Practice

Wisconsin Supreme Court

Bar Associations

- American Bar Association
- State Bar of Wisconsin – Section Member: Labor Law; Administrative & Local Government Law
- Marathon County Bar Association

Professional Activities

- Wisconsin Public Employer Labor Relations Association – Member
- Wisconsin School Attorneys Association – Member
- State Bar of Wisconsin, Young Lawyers Division – Member
- Marathon County Bar Association Young Lawyers Division – President (2017-Present)

Civic Activities

- Wisconsin Judicare – Participating Attorney
- Wills for Heroes – Participating Attorney

PROPOSAL FOR LEGAL SERVICES

Submission from Yde Law Firm, S.C.

1. EXPERIENCE AND QUALIFICATIONS OF THE FIRM

- a. Provide a narrative description of the firm

Response: Yde Law Firm, S.C., is a full-service civil law firm with unmatched litigation experience. We represent a variety of clients, large and small, in a wide-range of civil law matters including, but not limited to, municipal law, employment law, business law disputes, insurance law, commercial law, contract law, workers' compensation, personal injury, mediation, medical malpractice defense, asbestos litigation defense and real estate development.

Since 1997, our firm (f/k/a Strasser & Yde, S.C.) has worked to build a reputation for hard work, reliability, and effective legal representation. On that, we believe we have earned the respect of judges and attorneys in our legal community.

Matthew E. Yde has been practicing law for 29 years, and has represented the Village of Weston since March of 2010. Mr. Yde represented the Village of Weston in a lawsuit against the Village of Rothschild for breach of the 1993 Annexation Settlement Agreement. Mr. Yde was retained by Attorney Richard Weber because Mr. Weber had a conflict. Attorney Shane VanderWaal was an attorney with Mr. Weber's law firm, and represented the Village of Rothschild. Attorney VanderWaal retained the Ruder Ware Law Firm to represent the Village of Rothschild in this dispute.

After Judge Falstad ruled in favor of Weston, which was affirmed by the Court of Appeals, Attorney Weber recommended that Mr. Yde replace him as the Village Attorney upon his retirement. Attorney Weber's recommendation was accepted by the Village Board. Mr. Yde has advised Weston with respect to a variety of issues, a sampling of which is listed in subsection b. below.

- b. Describe the general experience of the firm and areas of specialized expertise with municipal issues including:

- **Land Use and Zoning Law**

1/15/13 Legal opinion letter regarding the steps necessary for the Village to designate a specific portion of roadway as bicycle lane only

6/05/15 Legal opinion letter regarding new zoning codes application to existing mobile home parks

9/15/15 Article for a newsletter on what it means to be "grandfathered" with respect to zoning code

3/13/17 Legal opinion letter regarding ATV use within the Village

5/03/17 Legal opinion letter regarding comfort pets (baby goats) in violation of zoning ordinance

10/23/17 Legal opinion letter regarding recent legislative changes to short-term rentals

12/11/17 Presentation to the Plan Commission on the Homeowner's Bill of Rights

3/19/18 Zoning PowerPoint presentation

3/20/18 Presentation to the Zoning Steering Committee regarding Conditional Use Permits

- **Prosecution of Municipal Violations**

A variety of nuisance abatement actions filed in Circuit Court including:

- a. 2012 Nuisance lawsuit enforcement action re 6805 Normandy St. property
- b. 2012 Nuisance lawsuit enforcement action re 9703 Lexington Ct.
- c. 2012 Nuisance lawsuit enforcement action regarding 5502 Walnut St.

2013 Recommended steps for resolution of neighborhood nuisance issues

2013 4803 Mesker St. Raze Order

8/18/15 Legal opinion letter addressing whether gambling machines are illegal, and what enforcement options are available

9/28/15 Legal opinion letter regarding whether drones can be used by the Village to assist with enforcing ordinances

5/25/16 Legal opinion letter addressing if the Village decides to allow residential units to opt-out of the refuse/recycling services provided by the Village, what safeguard should be put into place to ensure the Village's ordinances are satisfied

5/26/16 Legal opinion letter outlining the legal process for revoking a manufactured home community license

5/31/16 Legal opinion letter regarding whether the Village can create a community service officer program separate from the EMPD

4/07/17 Article published in the Weston newsletter entitled, "The 12 Things You Need to Know before Operating an ATV in the Village of Weston"

9/13/17 Legal opinion letter setting forth the noxious weed commissioner's powers, duties, and process

5/10/18 Legal opinion letter on whether the Village can appoint a constable or marshal to enforce Village property ordinances

- **Franchise and Right-of-Way Law**

2012 Cable Franchise Fee Ordinance

10/23/12 Legal opinion letter addressing the Village's exposure to a copyright infringement lawsuit for playing live radio broadcasts over the loud speaker sound system at the Aquatic Center

11/30/12 Legal opinion letter regarding whether Weston can claim video service provider fees from Charter back to 2008, and whether Charter can collect such fees from Weston residents

2013 Utility Service Agreement

6/21/13 Wausau Tile Sewer Agreement

2014 Pipe Thawing Waiver

7/18/14 Legal opinion letter regarding whether the Village can enact an ordinance that authorizes the Village to construct, own, or operate a facility providing broadband service to the public

3/12/15 Legal opinion letter regarding whether the Village of Weston can charge different sanitary sewer rates

2016 Old Castle utility easement

4/19/17 Legal opinion letter regarding whether the Village has the authority to require private land owners to maintain the nearby public right-of-way

- **Public Contracting and Purchasing Law**

Draft checklist for process to obtain property to reconfigure and expand roads pursuant to Wis. Stat. §32.05

2013 Advance Disposal Contract

6/01/16 Legal opinion letter regarding steps necessary to acquire land parcels to extend a road to improve traffic flow

1/31/18 Legal opinion letter regarding the proper process for vacating an outlot dedicated to the public

- **Drafting and Reviewing Municipal Ordinances and Resolutions**

Amend Joint Municipal Court Ordinance

2012 Draft Transportation Utility Fee Ordinance

2012 Draft Cable Franchise Fee Ordinance

9/21/12 Draft ordinance for the regulation of sexual offenders

2/19/13 Legal opinion letter recommending amendments to the Weston Hotel Room Tax ordinance based on changes to state law

6/07/13 Legal opinion letter on what restrictions/limitations are imposed on the Village's use of room tax

9/06/13 Legal opinion letter on whether the Village can create a non-profit organization similar to Wausau Events, Inc.

2014 Draft ordinance creating Tourism Advisory Committee, composed of representatives of local hotels, which provides businesses with an opportunity to provide feedback on the spending of room tax dollars to the trustees

2014 Draft a financial policy for the spending of room tax dollars which is compliant with state law

7/11/14 Legal opinion letter evaluating strategies for allocating costs to mobile home parks proportionate to their use of municipal resources

2015 Draft Weights and Measures Ordinance

2015 Draft resolution to change the room tax percentage payment to CVB from 3% to 2.1%

2015 Draft Charter Ordinance 2015-01 combining the Village Administrator, Village Clerk, and Village Treasurer positions and creating a Deputy Clerk-HR Director position and a Deputy Treasurer-Finance Director position

4/16/15 Revise Village ordinance Chapter 71, Street Access Control

5/13/15 Legal opinion letter regarding mobile home park compliance with Village ordinances

7/29/15 Legal opinion letter addressing the recent Supreme Court decision regarding signs and its impact on the Village's sign ordinance

9/02/15 Draft proposed resolutions for Village of Weston and Town of Weston regarding negotiations for a cooperative boundary plan pursuant to Wis. Stat. §66.0307

2016 Amend Manufactured Mobile Home Community Ordinance

2016 Revise Nuisance Ordinance

2017 Revise Vegetation Ordinance

2017 Draft Bicycle Lane Ordinance

4/07/17 Legal opinion letter regarding the changes to the WI Hotel Room Tax statute and recommended changes to the Village ordinance

2018 Revise Weston Tourism Commission ordinance

2018 Revise to the Room Tax Ordinance

5/11/18 Legal opinion letter summarizing required changes to ordinance based on Developers Bill of Rights

- **Public Meetings, Public Records, and Administrative Law**

8/05/13 Legal opinion letter regarding IAFF Local 415's verified open meetings law complaint

3/26/14 Legal opinion letter addressing whether the CVB is subject to WI public recs and open meetings laws

7/16/14 Legal opinion letter regarding Advisory Referenda draft resolution for exceeding imposed levy limit for the purpose of providing public transportation services and directs that the question increasing the Village's tax levy be submitted to the electors in a referendum at a general election to be held on 11/04/14

2015 Public censure resolution for non-attendance of meetings

10/02/15 Legal opinion letter on whether the Village has a procedure in place for continuing Village operations when the President is unavailable

3/17/17 Legal opinion letter on whether the Village can revoke or rescind a Class B liquor license based on misrepresentations made by the applicant that were relieved upon by the Board

9/11/18 Legal opinion letter providing proposed closed session policy limiting audio and prohibiting video recording

- **Police and Fire Commissions**

2013 Charter of South Area Fire and Emergency Response district

3/08/13 Legal memorandum outlining the expected role of Fire Commissioners in the new joint Fire Department

2014 Everest Metro Public Safety Agreement

2014 Amendment to the Everest Metro Public Safety Agreement adding the Village of Rothschild and Village of Kronenwetter to the joint municipal court

9/28/16 Legal opinion letter regarding the creation of a commission for room tax purposes

- **Government Ethics**

6/02/15 Ethics training memorandum for local government officials

8/28/15 Legal opinion letter regarding the steps necessary for a municipality to sell old, unused items to its employees

4/17/18 Memorandum summarizing public official liability

- **Water Law**

8/26/13 Legal opinion letter on whether the Diocese's payment of a storm water fee is improper because the Diocese is tax exempt

4/07/15 Legal opinion letter on whether the Board can re-open a special assessment on just one affected property

5/19/15 Legal opinion letter regarding whether deferred special assessments expire after 20 years, and whether a previously implemented reserve capacity assessment can be discontinued or rescinded before collecting 100% of the estimated cost

- **Urban Renewal Law**

5/28/15 Legal opinion letter on whether the CDA can perform the functions of the previous Economic Development Committee

7/20/15 Legal opinion letter regarding various statutory methods for annexing property

10/30/15 Legal opinion letter regarding the pros/cons of consolidation vs. annexation

2016 Draft article on whether a municipality has the authority to redevelop a "blighted area"

2016 Draft article on eminent domain

5/06/16 Legal opinion letter regarding steps necessary to add properties along the Camp Phillips corridor to TID #1

1/16/17 Legal opinion letter regarding whether the Camp Phillips Corridor Plan discriminates against residents of manufactured home communities in violation of the Federal Fair Housing Act

6/27/17 Legal opinion letter regarding whether 2015 WI Act 254 allows TID #1 to be amended and/or its life span extended by an additional 3 years

9/17/18 Legal opinion letter confirming that TID #1 project plan, amendment #2 is complete and compliant with Wis. Stat. §66.1105(4)(f)

- **Real Estate Law Including Commercial and Tax Increment Financing**

2006 Land Purchase and Sale Agreement between Village of Weston and Commerce Real Estate, LLC

5/28/13 Legal opinion letter on whether the Village can set assessment value based on Development Agreement

2014 Land Purchase and Sale Agreement between the Village of Weston and Sutton Properties, LLC

2014 Land Purchase and Development Agreement between the Village of Weston and C.E. Acquisitions, LLC

2014 Land Purchase and Sale Agreement between the Village of Weston and WI Baseball Academy, LLC

2014 Land Purchase and Sale Agreement between the Village of Weston and TJH Real Estate, LLC

6/11/14 Legal opinion letter regarding whether the Village can use impact fees to subsidize anticipated capital improvements associated with new development, particularly the increasing number of community-based residential facilities for the elderly and infirm

7/11/14 Legal opinion letter requesting legal analysis on the plausibility of creating a premier resort area in central WI so that a premier resort area tax may be imposed

2015 Draft temporary construction easement for canoe/kayak landing project

2015 Denyon Homes Developer Agreement

2015 Reedy Builders, LLC Developer Agreement

2015 Simultaneous Exchange and Development Agreement between Gymsport and Village of Weston

2015 Real Property Option Agreement between Intercity State Bank and Village of Weston

2015 Bargain Sale Option Agreement between Village of Weston and Prohaska Revocable Trust

2015 Real Property Option Agreement between Village of Weston and Clifford G. Mashuda, Jr.

2015 Land Purchase Agreement and Right of First Refusal between Village of Weston and Wausau Supply Co.

9/03/15 Legal opinion letter regarding modification of development agreements based on changes to Wis. Stat. §236.13

2016 Simultaneous Land Exchange Agreement between the Village of Weston and Gary R. Gerndt Revocable Trust

2016 Land Purchase and Sale Agreement between the Village of Weston and Clifford G. Mashuda, Jr.

2016 Draft Temporary Occupancy Agreement between the Village of Weston and Marv, LLC

2017 Developer Agreement with G&S Investments, LLC

2017 Draft Tourism Entity Agreement

2017 Land Sale and Purchase Agreement between the Village of Weston and WRJ Properties, LLC

2017 Review and amend private driveway easement and maintenance agreement

7/25/17 Land Sale and Purchase Agreement between Village of Weston and Mathiae

8/10/17 Land Sale and Development Agreement between Village of Weston and Badgerland Overhead Door, LLC

8/11/17 Real Property Option and Land Purchase Agreement between Village of Weston and Darrell Will

2018 Real Property Option and Land Sale and Development Agreement between the Village of Weston and FTF Properties, LLC

- **Environmental Law**

2013 Revise Solid Waste Ordinance

2013 Revise Nuisance Ordinance

1/25/13 Amended Firewood Ordinance

2/28/14 Legal opinion letter regarding Noise Ordinance

5/13/15 Legal opinion letter to the WI Dept. of Natural Resources confirming that the Village's hunting ordinance is consistent with WI state law

5/25/16 Legal opinion letter addressing the following issues:

1. Can the Village force owners of residential units to accept our refuse/recycling services?
2. Is the Village required to reimburse a special charge if the property does not receive the specific service?

2018 Revise Noxious Weeds and Vegetation Ordinances

- **Dispute Resolution**

2017 Defended the Village in lawsuit filed by Cross Pointe for reimbursement of infrastructure investments

2010-2012 Represented Village of Weston against Village of Rothschild for additional power plant revenue pursuant to 1993 Annexation Agreement (see *Village of Weston v. Village of Rothschild*, 342 Wis.2d 250, 816 N.W.2d 351 (Ct. App. 2012))

2018 Certiorari Review of tax assessment

2018 Cell Tower Lease Agreement Dispute

2018 3rd Amendment to 99-year lease between Foremost Farms USA and Village of Weston (additional \$300,000.00 and annual rental equal to assessed value of land, multiplied by mill rate)

Various liquor license hearings

- **Contracts**

2013 Ambulance Service Agreement between SAFER and other municipalities

2013 Memorandum of Understanding between Village of Weston, Village of Rothschild, and City of Schofield regarding Aquatic Centers

2013 Intergovernmental Services Agreement between the Village of Weston, Village of Rothschild, and City of Schofield

5/10/13 Legal opinion letter regarding whether special events sponsors should carry supplemental insurance for events on Village property

5/24/13 Legal opinion letter regarding potential liability on the Village for running, walking, and biking events

8/27/13 Recreational Agreement

2014 Contract for Assessor Services

2014 Best Practices Contract with the CVB

2014 Agreement for transit service between the City of Wausau and Village of Weston

2014 Lawn Care Services Contract

2014 Weston Aquatic Center Concession Stand Lease

2014 Student Intern Agreement between the Village of Weston and UW-Stevens Point

2014 Agreement between the Village of Weston and Sprockets Bike Shop re bicycle rental program

2014 Building Lease Agreement between the Village of Weston and Town of Weston

2014 Building Lease Agreement between the Village of Weston and South Area Fire and Emergency Response District

2015 Intergovernmental Service Agreement between the Village of Weston and Hatley

2015 Intergovernmental Service Agreement between the Village of Weston and Rib Mtn Sanitary District

2015 Intergovernmental Service Agreement between the Village of Weston and Village of Rothschild

2015 Intergovernmental Service Agreement between the Village of Weston and Schofield

2015 Contract between SAFER and other municipalities re SAFER providing fire protection services

7/15/15 Weston Farmer's Market Participant Release, Waiver, Indemnification, Hold Harmless, and Assumption of Risk Agreement

10/05/15 Legal opinion letter on creating a single destination zone for room tax purposes

10/12/15 Professional Services Contract between JSD Professional Services, Inc. and the Village of Weston

2016 Crop Lease Agreement

12/31/17 Contract for Inspection Services with the City of Wausau

2018 Lease Agreement between Crane Meadows Golf, LLC, and Village of Weston

5/18/18 Farmer's Market Lease Agreement revision

- **Employment and Labor Law**

6/21/12 Legal opinion letter on whether certain employees are exempt under the Fair Labor Standards Act

2013 Grievance Settlement and Amendment to the Collective Bargaining Agreement between Village of Weston and IAFF Local 415

8/12/13 Legal opinion letter regarding the proper procedure for handling the annual re-certification vote pursuant to Act 10

10/14/13 Severance Agreement for Weston Fire Department employees who were not hired by SAFER

10/16/13 Village of Weston Early Retirement Incentive Plan (ERIP)

10/30/13 Legal opinion letter regarding whether EMPD employees should be counted as Village employees for purposes of the Affordable Care Act (ACA)

10/28/13 Legal opinion letter regarding whether Village employees who will become employees of the SAFER district should be considered employees of the Village for purposes of the ACA

11/19/13 Legal opinion letter regarding whether the Shift Commander and Battalion Chief positions are supervisory positions, or positions subject to union membership

12/02/13 Legal opinion letter outlining the annual certification vote procedure

2014 Revise Mobile Device Policy

2/07/14 Legal opinion letter addressing the pros/cons of using volunteers, interns, part-time employees, and seasonal employees to help the Village meet service expectations w/a shrinking budget (includes overtime pay issues, unemployment compensation, implications under the ACA, and potential for increased contributions under the WI Retirement System)

3/19/14 Legal opinion letter regarding legislative changes affecting municipal court and municipal judge

4/09/14 Legal opinion letter regarding the process for challenging voters in union certification elections

2015 Presentation to staff on the 1st Amendment for Government Employees

2/27/15 Legal opinion letter on whether the Village's new Pay-for-Performance culture might impact overtime pay for non-exempt hourly employees

2/02/16 Legal opinion letter regarding the Dept. of Labor proposed rule changes for exempt employees

12/19/16 Legal opinion letter regarding the Village's duties and obligations if it were to employ J-1 students at the Aquatic Center

1/25/17 Legal opinion letter asking whether the Village can prevent its employees from seeking employment with nearby municipalities through the use of a non-compete agreement and/or require reimbursement for the cost of training

8/01/17 Legal opinion letter regarding necessary changes to both Wisconsin and Federal Unemployment Compensation law to exempt volunteer or paid-on-call firefighters and EMTs, as well as temporary seasonal employees

8/01/17 Legal opinion letter regarding what changes need to be made to child labor laws to permit 14 and 15 year olds to work as waterslide attendants at the Weston Aquatic Center

2018 Staff sexual harassment training

- **Lobbying / Other**

2/05/15 – Letter to legislators proposing changes to unemployment compensation laws

9/28/15 Letter to legislators on behalf of the Village seeking new legislation to eliminate unemployment compensation liability for Fire Departments who employ volunteer or paid-on-call firefighters and EMTs

7/18/17 Letter to legislators advocating changing WI law to allow utility customers to make payments via credit card

4/17/18 Letter to legislators requesting legislation to make non-profits, who provide polling locations during elections, immune from liability unless death or injury is caused by a malicious act of the polling place host

9/13/17 Legal opinion letter regarding legal implications for same-sex locker room policy at the Weston Aquatic Center

- c. Other municipal clients are as follows:
1. Town of Manitowish Waters – public records requests, enforcement of citations, reviewing/drafting contracts, and zoning-related issues
 2. Town of Berlin – zoning code enforcement/nuisance abatement lawsuit
 3. Marathon County – defended worker’s compensation claims
 4. Township of Presque Isle –summary judgment dismissal of citizen’s claim of adverse possession over a platted, but unbuilt, town road. Wisconsin Court of Appeals affirmed this decision. (see *Stupar v. Township of Presque Isle*, 201 Wis.2d 216, 549 N.W.2d 7982 (Ct. App. 1996))
 5. Various school districts – represented the Administration at expulsion hearings

d. The level of legal oversight depends on the experience of the Village Administrator and the Village Board. Weston has typically relied on its Village Administrator, Clerk, and staff to assist with preparing agendas, provide proper notice, and conduct orderly meetings. In the past, the Village Administrator has determined the scope of attorney involvement, which has been focused on developing best practices to minimize lawsuits, problem solving, updating ordinances based on changes in state law, code enforcement, the review and drafting of contracts, increasing the Village’s tax base through development grants and tax increment financing, employment-related issues, and lobbying the state legislature to create more favorable legislation.

In our view, it is important that the Village Attorney has a well-rounded background because the duties require experience in multiple areas ranging from ordinance drafting to employment discrimination to real estate development. It is also important that the Village Attorney be available at a moment’s notice to address emergent issues accurately and timely. Having to refer out real estate development projects, contract drafting, personnel issues, etc. results in higher costs and slower service.

2. PROPOSED ATTORNEYS

a. Matthew E. Yde, will be the Lead Village Attorney, and Donald P. Schneider, will be the Assisting Attorney.

b. **Matthew E. Yde**, the current Village of Weston Attorney, has represented the Village of Weston since 2010, in a variety of matters as identified in Section 1 above. Mr. Yde has represented businesses, insurance companies, and municipalities in litigation throughout Wisconsin in State, Federal, and Tribal courts, as well as administrative proceedings. He has tried numerous cases to verdict with juries in Marathon, Iron, Wood, Langlade, Oneida, Vilas, Waupaca, Taylor, Chippewa Falls, and Barron Counties. He has had numerous court trials, arbitrations, and administrative hearings (discrimination, disciplinary, licensing, and worker’s

compensation). He has briefed and argued cases before the Wisconsin Court of Appeals and Wisconsin Supreme Court.

Mr. Yde has been an active member of the Wisconsin Defense Counsel (WDC) since 1989. WDC is a state-wide organization of 500 attorneys dedicated to the defense of Wisconsin citizens, businesses, and municipalities. Mr. Yde served as a Director of WDC from 2006 – 2010. Mr. Yde received the Wisconsin Defense Counsel Distinguished Professional Service Award in 2018.

Mr. Yde has been an active member of DRI since 1989. DRI is the largest organization of attorneys who represent businesses, insurance companies, and municipalities with over 20,000 member attorneys. DRI provides access to resources and tools for attorneys who strive to provide high-quality service to their clients. DRI has 29 law committees, including the Government Liability Committee. Mr. Yde served as the DRI State Representative for Wisconsin from 2010 – 2013, and received DRI's State Leadership Award in 2013. Mr. Yde also served as a DRI board member and Regional Director from 2015 – 2018, and received DRI's Service Award in October of 2018. As the Regional Director for the northcentral region, Mr. Yde attended the annual meeting for each civil defense state organization within his 6-state region - North Dakota Defense Lawyers Association, South Dakota Defense Lawyers Association, Minnesota Defense Lawyers Association, Wisconsin Defense Counsel, Illinois Defense Counsel, and Defense Trial Counsel of Indiana. Attending DRI national, regional, and state meetings since 2010 has allowed Mr. Yde to develop close friendships with attorneys from other states who practice municipal law.

Mr. Yde has been the Board Liaison to the DRI Government Liability Committee since 2016. As the Board Liaison, Mr. Yde is accountable to the Board for the performance of this committee. Mr. Yde attends all Steering Committee and seminar planning calls, fly-in meetings in Chicago, and the Government Liability Committee's Annual Seminar. The Government Liability Committee's focus includes defending civil rights claims, Fair Housing discrimination claims, and other land use issues, such as eminent domain.

Mr. Yde is also a member of the Association of Defense Trial Attorneys (ADTA). ADTA invites only one civil defense trial attorney to become a member per 1 million in population for each city, town, or municipality across the United States, Canada, France, the United Kingdom, and the Republic of Ireland.

Donald P. Schneider earned his Juris Doctor degree from the University of Denver in 1974. Mr. Schneider practiced in Milwaukee for many years before moving to Wausau in 2001. He is an experienced civil litigation attorney who has tried approximately 75 jury trials to completion over his 44-year career.

Mr. Schneider has defended governmental entities in civil rights disputes, environmental claims, employee disciplinary matters, and municipal vehicle accidents. Mr. Schneider has been national lead counsel for a generic drug manufacturer in cases involving Diethylstilbestrol (DES) and for the past 34 years, has been national lead counsel in asbestos litigation.

c. Additional resources available include Mr. Richard Weber, former Town of Weston/Village of Weston Attorney. Mr. Weber drafted the original Town of Weston Ordinance,

and has been a valuable resource. Moreover, Mr. Yde is an active member of the League of Wisconsin Municipalities, and attends the League's Municipal Attorney Institute every year. Mr. Yde uses the League's manuals, opinion letters, and Municipal Attorneys Institute conference papers as resources. He frequently speaks to Attorney Claire Silverman, the League's counsel, about novel questions and trends, and has developed friendships with other municipal attorneys throughout Wisconsin with whom he shares ideas and work product.

Mr. Yde's leadership positions in DRI created the opportunity to develop close friendships with attorneys from other states who practice municipal law. In particular, Patricia Beety, General Counsel for the League of Minnesota Cities, has been a good friend and resource. Mr. Yde and Ms. Beety discuss national trends that affect municipalities, i.e. the cell tower industry's lobbying of state legislatures for favorable zoning legislation. Mr. Yde has also developed close relationships with the current and past leadership of the DRI Government Liability Committee, who are excellent resources, along with the publications, articles, and seminars available to DRI members.

d. We do not represent any clients who present a conflict of interest in the performance of our responsibilities to the Village of Weston. We are interested in continuing to represent the Village of Weston. We are not interested in representing any of the surrounding municipalities, the EMPD, or SAFER.

3. **REFERENCES** (*Provide three references for the Attorney(s). The references should include municipal government experience*)

1. Keith Donner, Interim Administrator for the Village of Weston
2. Attorney Richard Weber, previous Attorney for the Town and Village of Weston
Phone: (715) 214-6152 / Email: rjw5628@frontier.com
3. John R. Kouris, Executive Director – DRI
Phone: (312) 795-1101 / Email: johnrkouris@dri.org
4. Mark Hull
Phone: (715) 432-2570 / Email: mhull.mail@verizon.net

4. **COMPENSATION PROPOSAL**

Weston has long been a first priority client of Mr. Yde, and will remain so. He has not pursued other municipal work because of potential conflict issues, and the likelihood that it would interfere with his availability to assist Weston in a timely/immediate fashion. His hourly rate has remained the same at \$185 per hour since 2010. This rate is well below his current market rate. Mr. Yde has not asked for a pay increase, in part, because of the volume of work, but mostly because he enjoys being part of the Weston team. Yde Law Firm is willing to continue performing Weston's work at the rate of \$185 per hour for attorney time, and \$75 per hour for legal assistant time. Yde Law Firm is also willing to consider any other fee agreement, provided it is a win/win proposition. If Weston is interested in having its Village Attorney attend meetings on a regular basis, Yde Law

Firm is certainly willing to discuss different hourly rates for different kinds of work, or negotiate a flat monthly rate for attendance at meetings.

Respectfully,

Matthew E. Yde