

## OF THE BUTLER VILLAGE BOARD

*Minutes not formally approved until Regular Board Meeting on July 2, 2013.*

Village President Richard Ensslin called the Board Meeting to order at 7:30 PM at the Village Hall Board Room.

ROLL CALL

Present: President Richard Ensslin, Dave Hesselgrave, Susan Hesselgrave, William Benjamin and Paul Kasdorf

Also present: Village Administrator Jesse Thyges, Lt. Dave Wentlandt and Village Attorney Paul Alexy

PERSONS DESIRING TO BE HEARD

Dan Trawicki, Waukesha County Sheriff, discussed the recent investigation and spoke to the Board to clarify that the investigation was not a conflict of interest. He noted that he initially did not want to do the investigation but that the Village of Butler had approached Sheriff's Department with a letter stating that there was no conflict.

Mike Hyland, 13011 W. Cameron Avenue, asked Trustees should only approve contract for the next Police Chief that would be renewed annually; and stated that additional checks and balances should be in place.

Charlene Benjamin, 12920 W. Hampton Avenue, Spoke of her professional experience and opined how the Board and Administrator did an exemplary job of handling situation surrounding the Police Department.

CONSIDERATION OF MINUTES:

Motion by Kasdorf; second by Benjamin to approve the minutes of the June 18, 2013 Regular Board Meeting with two corrections. Motion carried 5-0.

COMMUNICATIONS

The Village Administrator reviewed a letter from Trustee Robert Gundrum informing the Village Board of his resignation.

COMMITTEE REPORTS

*(A) Building Board – Trustee Benjamin*

Present: Benjamin, D. Hesselgrave and Klibowitz

Also Present: Administrator Thyges, Village President Ensslin and S. Hesselgrave

1. Occupancy Permit(s):

- a. Motion by Klibowitz; second by D. Hesselgrave to approve Occupancy Permit for BJMCT Enterprises, LLC, 12599 W. Lancaster Avenue. Motion carried 3-0.
- b. Motion by D. Hesselgrave; second by Klibowitz to approve Occupancy Permit for Brookfield Auto Parts Inc., DPW I.P.W., 12775 'A' W. Silver Spring Drive. Motion carried 2-0. Benjamin abstained.

2. Building Permit(s):

- a. Committee reviewed the Building Inspector's report that the proposal may fail to meet yard setbacks, and that a survey and stakes are needed. Motion by D. Hesselgrave; second by Klibowitz to table building permit for next agenda with more information from Inspector for attached garage at 4553 N. 126 Street. Motion carried 3-0.

## OF THE BUTLER VILLAGE BOARD

- b. Motion by Klibowitz; second by D. Hesselgrave to approve building permit for chain link fence at 5161 N. Detrie Court. Motion carried 3-0.

Motion by Klibowitz; second by D. Hesselgrave to adjourn Building Board meeting. Motion carried 3-0. The meeting adjourned at 7:08 PM.

*(B) Finance Committee – Trustee D. Hesselgrave*

Present: D. Hesselgrave, S. Hesselgrave and Kasdorf

Also present: Administrator Thyges and Village President Ensslin

Motion by S. Hesselgrave; second by Kasdorf for Finance Committee to review and send current invoices to Village Board for approval. Motion carried 3-0.

Motion by S. Hesselgrave; second by Kasdorf to adjourn Finance Committee meeting. Motion carried 3-0. The meeting adjourned at 7:22 PM.

*(C) Library Board*

No Report

*(D) Park & Recreation Commission – Trustee S. Hesselgrave*

Trustee S. Hesselgrave reported on the 4<sup>th</sup> of July activities and noted Sheriff's Department cancelled parade appearance; provided a programs update and also noted that the adopt a planter program needs volunteers.

#### REPORT OF THE ADMINISTRATOR

- The DPW and Waukesha County inspected various manholes on Hampton Avenue and identified two (2) in need of repair. Later that week Waukesha County repaired several of the manhole covers so that they will not rattle when a motor vehicle travels over them.
- The Request for Proposals to sell the Village owned property at 13110 W. Hampton is with the Village Attorney for review prior to distribution.
- Fourth of July event information was posted on the Village's website and distributed via a mass Emailing.
- The DPW has been trimming trees that have been damaged by the recent storms.
- Wood chips were delivered and distributed at the tot-lot in Frontier Park.
- The DPW took delivery of the new work truck and the new police squad car is now in service.

#### NEW BUSINESS

- (A) Motion by S. Hesselgrave; second by D. Hesselgrave to waive fees for the Community Building requested by Jenny and Eric Bleimhel. Motion carried 5-0.

## OF THE BUTLER VILLAGE BOARD

- (B) Lt. Wentlandt presented the quarterly Police Department Activity Report and indicated it was a quiet quarter in general. Thefts/burglaries are down. There were issues with scrap metal theft; a recent man with gun call was clarified; reviewed the motor cycle fatality on Custer Avenue and noted that domestic disturbances are down.

Trustee S. Hesselgrave asked if the Activity Report could be part of the packet that is distributed prior to the meetings. Lt. Wentlandt said he could do that for future packets.

Trustee Kasdorf asked if the Public Safety Committee meetings could go back to meeting on a monthly basis. Village Attorney Paul Alexy indicated with consensus of the Board, meetings can occur monthly, but in the meantime the Village Board will receive a monthly report until Public Safety Committee is reestablished.

Trustee D. Hesselgrave voiced concerns about Semi Truck traffic on dead end roads and noted a possible need for flashing light stop signs at certain intersections. Administrator Thyges will schedule a Public Works Committee meeting and include those matters on the Agenda.

D. Hesselgrave asked about stop sign enforcement at 127<sup>th</sup> and Peck. Lt. Wentlandt noted his patrol efforts and will continue to monitor the area.

- (C) There was no report from Fire Department as the Fire Chief had a scheduling conflict and could not appear at the meeting.

Trustee D. Hesselgrave noted candle lit hot air balloon type of fireworks and stated that the Fire Department should look into it as a part of fireworks safety enforcement.

- (D) Motion by S. Hesselgrave; second by Benjamin to approve the following bartender's licenses:

<u>Provisional</u>	- Kyle K. Jagler	Butler Inn
<u>Regular Licenses</u>	- Brett W. Norell	St. Agnes Parish Festival
	David P. Meiller	Butler Inn
	Kyle K. Jagler	Butler Inn
	Vicki L. Anderson	Community Center
	Ronald O. Anderson	Community Center

Motion carried 5-0.

- (E) Motion by D. Hesselgrave; second by Kasdorf to approve the bills as presented for \$125,353.37. Motion carried 5-0.

- (F) Discussion was held regarding audio recording of Village Board Meetings. Trustee D. Hesselgrave spoke of accuracy due to corrections. Trustee Kasdorf opined minutes are O.K. but there is a need for microphone. Village President Ensslin indicated audio recording was not necessary, and would be burdensome since the recording would have to be retained as an open record, the Village currently does not have the equipment or the means for duplication. Village Attorney Paul Alexy noted maintenance of open records is seven years; however if the recording is solely for purposes of minutes preparation the timeline is 90 days. S. Hesselgrave opined recording should be utilized for accuracy. D. Hesselgrave noted that the building design includes microphones and possibly a connection for video via Time Warner Cable. Trustee Benjamin opined the records are well kept and there are minimum corrections.

Motion by S. Hesselgrave; second by D. Hesselgrave to record Village Board meetings for the purpose of the preparation of minutes. Motion failed 2-3. S. Hesselgrave and D. Hesselgrave voted Yes. Kasdorf, Benjamin, Ensslin voted No.

- (G) In response to a letter, received from the Library Board, that requested assistance with utility bills, a discussion was held regarding the matter. Trustee Kasdorf asked about percentage of floor space used by Chamber vs. total floor area of library. Ensslin opined that Chamber could be approached and asked to voluntarily increase their contribution. Pat Tiarks noted landlord pays utility costs. Administrator Thyges briefly reviewed the budget for the Library to fund its operations. Ensslin reviewed lease arrangement and reasoning for payment to Clarke House. Kasdorf requested a copy of Lease.

D. Hesselgrave opined energy efficiency studies may be needed for community building and DPW. The Village Administrator indicated that these items will be placed on a future Public Works Committee Agenda.

Motion by S. Hesselgrave; second by Kasdorf to lay over this agenda item for additional information. Motion carried 5-0.

- (H) Motion by S. Hesselgrave; second by Kasdorf to approve Resolution 13-17 Approving Authorized Local Officials for the Local Government Investment Pool.
- (I) In an effort to formalize a procedure a discussion regarding Trustee Seat Appointments was held. Before discussions began Administrator Thyges indicated that as the Village Clerk he cannot have political involvement therefore the Village Attorney has been asked to help provide guidance and to present information about the possible process for filling the vacant Trustee seats.

Village Attorney Paul Alexy reviewed the options to fill seats which are as follows: Special Election, Appointment process, or to leave them vacant. He indicated that the Board would not have to do the same process for both seats and added that State Statutes are vague concerning this matter. Attorney Alexy opined that possible ground rules should be established for appointment to the vacant seats.

Ensslin and Kasdorf asked the question if existing pool of candidates can be used for both seats. Attorney Alexy indicated that it could if the Board so chooses.

Kasdorf asked if board could decide which seat. Alexy indicated that a motion could include the name and which seat. He also noted that the appointment is only the action and that the person does not take office until Oath of Office is taken.

Ensslin asked about the two positions being vacant and whether each interested person can be asked which term the candidate's prefer. Alexy indicated it would be a fair question to ask candidates regarding their preference of which term they want to serve. Alexy added that assignment to a particular vacancy could possibly be a part of a discussion or as part of a motion.

Ensslin asked what if motion doesn't pass, is candidate ruled out? Alexy said villages differ from cities pertaining to this type of appointment and clarified the process.

## OF THE BUTLER VILLAGE BOARD

Discussion ensued as to whether or not to split up the appointment dates or make both appointments the same night. The consensus of board was to fill both seats on the same night but to extend the submittal deadline for letters of interest.

Ensslin asked the Boards' opinion of holding a special election. The consensus of board was not to have an election but rather to fill by the seats by appointment.

Alexy asked if Board wanted Ballots prepared for voting on the appointments. Although he recommended a verbal nomination/vote due to ballots possibly being very cumbersome. Trustee Benjamin opined verbal vote with roll call. The consensus of board was to have a verbal vote and not ballots.

After a brief discussion, it was the consensus of board to allow each candidate up to 5 minutes for an optional presentation, the presentation order would be drawn from a hat on the night of the meeting, and the format for asking questions would be a standard question about term preference and then there would be two rounds of questions where each Trustee would be able to ask one question. The Board will then vote to determine appointments.

If there is a tie vote, the Board would assign heads/tails to the candidates and flip a coin.

It was suggested to post the procedures online with an updated vacancy notice. The new deadline will be end of business day of July 15<sup>th</sup>.

The Village Board requested that updated notices along with the agreed upon procedures for the meeting be mailed to the individuals who have already expressed an interest in serving. Moreover, a follow-up letter was requested to be sent to an individual who had verbally expressed interest but had not yet submitted a letter of interest.

Motion by S. Hesselgrave; second by Benjamin to approve the procedures for Appointments to the Vacant Village Board Seats. Motion carried 5-0.

- (J) Administrator Thyges reviewed the updates to the policy that are being proposed in an effort to further clarify and strengthen the policy. Motion by S. Hesselgrave; second by Kasdorf to approve Updates to Attachment "D" of the Village of Butler Employee Manual – Desktop/Laptop computer and Cellphone Usage Policy. Motion carried 5-0.

THERE WAS NO CLOSED SESSION HELD

ADJOURNMENT

Motion by S. Hesselgrave to adjourn; second by D. Hesselgrave. Motion carried 5-0. The meeting was adjourned at 9:31 PM.

Submitted by:  
Jesse Thyges  
Administrator/Clerk

Approval Date: \_\_\_\_\_  
Correction/Amendment: