

## OF THE BUTLER VILLAGE BOARD

*Minutes not formally approved until Regular Board Meeting on September 3, 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, Paul Kasdorf, Jeanne Briggs and Jodi Kessel Szpizar

Also present: Village Administrator Jesse Thyges, Lt. Dave Wentlandt and Fire Chief Ron Worgull

PERSONS DESIRING TO BE HEARD

Tony Uravich, 4677 N. 126 Street, noted Facebook page information; opined development needed on vacant Hampton Avenue parcel to give permanent home to Farmers Market and Car Show, etc. He feels the Farmers Market is a good thing for the community.

Ron Worgull, 12738 W. Glendale Avenue, discussed three items, 1. Needs clarification of item A. on the agenda – Not so much about price but opined Village Board should be able to get price for Fire and Police Department as a budget tool and not a referendum; 2. Spoke about Police Chief's contract, should get it done ASAP to move forward with the Police Department and 3. He indicated Farmers Market Agreement calls for work towards Non Profit status. Also voiced an opinion of a need for numbering the seats for the trustees similar to Menomonee Falls.

Speaking as Fire Chief, Ron Worgull informed Village Board he had signed contract for new engine with Pierce and indicated the engine was covered by a grant and needs 5% match from Village. Chief Worgull indicated he signed contract for radios which is covered by a grant. Fire Chief needs information from WCC regarding radio project and associated fees. He needs to reach out to Hartford Chief; need people to attend meetings.

Village President Ensslin had question about radios and asked about neighboring community with information. Chief Worgull spoke about Brookfield but noted major differences.

Annette Andlar, 4900 N. 126 Street, Noted concerns with possible outsourcing. Opined residents should have the right to vote on outsourcing. She also had concerns with Non Profit status of Farmers Market and effects on Village.

Aleen Katz-Dais, 4903 N. 126 Street, opined Village of Butler residents should be able to vote on possible outsourcing. She also opined Village board members should communicate with residents. She also noted legal concerns with Non Profit status of Farmers Market.

CONSIDERATION OF MINUTES:

Motion by D. Hesselgrave; second by Benjamin to approve the minutes of the August 5, 2013 Regular Board Meeting. Motion carried 7-0.

COMMUNICATIONS

None

COMMITTEE REPORTS

*(A) Building Board – Trustee Benjamin*

Present: D. Hesselgrave, J. Briggs and Klibowitz

Absent: Benjamin – absent at start and D. Hesselgrave acted as Chairman

Also Present: Administrator Thyges and Village President Ensslin

1. Occupancy Permit(s):

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- a. Motion by Klibowitz; second by J. Briggs to approve occupancy permit for Dimensional Inspection Service, Inc., 5635 N. 124 Street. Motion carried 3-0.

Benjamin arrived at 6:47 PM.

2. Building Permit(s):

- a. D. Hesselgrave excused himself from the matter. Motion by Klibowitz; second by Briggs to approve building permit for storage shed at 4607-4609 N. 127 Street. Motion carried 3-0.
- b. Motion by D. Hesselgrave; second by Klibowitz to approve building permit for fence at 12415 W. Glendale Avenue. Motion carried 4-0.
- c. Benjamin excused himself from the matter. Motion by Briggs; second by D. Hesselgrave to approve building permit for sign at 12773 W. Silver Spring Drive. Motion carried 3-0.

Motion by D. Hesselgrave; second by Klibowitz to adjourn Building Board meeting. Motion carried 4-0. The meeting adjourned at 6:54 PM.

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

Present: S. Hesselgrave, J. Briggs and J. Szpizar

Also present: Administrator Thyes, Village President Ensslin and Lt. Dave Wentlandt

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

Village President Ensslin questioned about capital percentage. It was noted the percentage was skewed because of the borrowing. Shown as revenue but not part of budget percentage per auditors. Administrator Thyes indicated he would provide a formal write-up for the Committee.

Motion by Szpizar; second by Briggs to review and send July Statement of revenues and expenditures to Village Board for approval. Motion carried 3-0.

Motion by S. Hesselgrave; second by Briggs to adjourn Finance Committee meeting. Motion carried 3-0. The meeting adjourned at 7:13 PM.

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

No Report

REPORT OF THE ADMINISTRATOR

- o Upon further research into the possible creation of a “Report of Elected Officials” agenda item, there exists the significant potential (and concern) for open meetings law violations due to extensive conversation of matters not specifically on the agenda.
- o Ethoplex is no longer the I.T. vendor for the Village. The Village is now using Taylor Computer Systems, Inc.
- o The Village’s 2014 Equalized Value is \$214,190,900 which is up almost \$378,000 from 2013.

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- Time Warner Cable has indicated that several channels, including the Public Access channel, will only be available for digital subscribers beginning in September.
- Staff and the City of Brookfield are reviewing an agreement with Waukesha County Communications that would allow the ability to have dispatch information interface with LifeQuest's billing software.
- The 2014 budget calendar is attached. I have built in extra meeting dates should they be needed for the review of the 2014 budget proposals. Key issues for the 2014 budget will include; capital project expenditures due to unfunded grant matches and the Waukesha County radio upgrade project, the financial impact of the Affordable Care Act, and the Tax Levy cap (as usual).

NEW BUSINESS

- (A) Village President Ensslin requested a legal opinion on the matter prior to any formal discussion by the Village Board. Village Administrator Thyges will follow-up with the Village's attorney.
- (B) S. Hesselgrave and D. Hesselgrave were excused for this item.

Village President Ensslin indicated that it is not the merit of market that is being reviewed/discussed but rather this agenda item is a review of the non-exempt status issue and the legality of the operation. Discussion ensued regarding 2013 Farmers Market operation and associated Agreement.

Tony Uravich, 4677 N. 126 Street, noted Facebook page information; opined development needed on parcel to give permanent home to Farmers Market and Car Show, etc. He feels the Farmers Market is good.

Annette Andlar, 4900 N. 126 Street, She also had concerns with Non Profit status of Farmers Market and possible negative effects for the Village.

Aileen Katz-Dais, 4903 N. 126 Street, She had concerns with Non Profit status of Farmers Market and effects on Village.

President Ensslin asked if S. Hesselgrave had applied for non-profit status? S. Hesselgrave had tried at the end of 2010 and in 2012 with help from Marquette. S. Hesselgrave noted the IRS requirements and discussed research and noted other markets operate under other 501(c)3 or (c)6 entities or possibly under the municipality. S. Hesselgrave will continue to try and work with UW Extension.

Village President Ensslin asked if she applied under the Building a Better Butler (BBB) or Farmers Market? S. Hesselgrave indicated she applied under BBB with Market as part of activities. Concerns were raised by the IRS with Market only and noted length of process.

Benjamin indicated Chef & Child Foundation may be able to incorporate the market. S. Hesselgrave indicated she is researching possibilities to make sure it is a good fit.

Village President Ensslin noted the recommendation from the Village Attorney to only allow rentals to tax exempt organizations so Village can retain better control and further opined that

it is imperative that Non-Profit status is needed.

President Ensslin asked about BBB in default as a corporation. S. Hesselgrave noted with accountant for correction. She also noted continued research on how to best handle the situation.

Village President Ensslin requested a farmer's market business plan and documentation of past tax exempt status applications.

Kasdorf asked if IRS asked for separate entities? S. Hesselgrave said no they did not.

Szpiszar asked if other operations under BBB effected by not being nonprofit. S. Hesselgrave said No.

There was no formal action taken.

(C) Motion by S. Hesselgrave; second by Kasdorf to approve the following Bartender's Licenses:

Stephanie N. Vogeler Bottoms Up

Amy L. Ferry Butler Inn

Motion carried 7-0.

(D) Motion by S. Hesselgrave; second by Briggs to approve the invoices as presented for \$309,457.63. Motion carried 7-0.

(E) Motion by S. Hesselgrave; second by Szpiszar to approve July Statement of Revenues and Expenditures. Motion carried 7-0.

(F) Motion by Benjamin; second by S. Hesselgrave to approve Resolution 13-18; a Resolution Establishing Eligibility for Exemption from the County Library Levy. Motion carried 7-0.

(G) Motion by Benjamin; second by D. Hesselgrave to approve Application for Temporary Class "B" / "Class B" Retailer's License for Centennial Committee's activities for Butler Wild West Event and Hot Rods on Hampton Car Show. Motion carried 7-0.

(H) Motion by S. Hesselgrave; second by Szpiszar to approve Application for Soda License for Centennial Committee. Motion carried 7-0.

#### CLOSED SESSION

No Closed Session was held.

#### ADJOURNMENT

Motion by Kasdorf to adjourn; second by D. Hesselgrave. Motion carried 7-0. The meeting was adjourned at 8:19 PM.

Submitted by:  
Jesse Thyess  
Administrator/Clerk

Approval Date: \_\_\_\_\_

Correction/Amendment:

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