

To: President Tiarks
Village Board of Trustees
From: Kayla Chadwick, Village Administrator
Date: April 26, 2018
Re: May 1st Supplemental Agenda



VIII. New Business

(A) Discussion and Possible Action on awarding a contract for the 2018 Road Construction Project.

Bids were opened on April 26th at 11 am. The Village received 6 bids from LaLonde, Stark, Milwaukee General Construction, Zenith Tech, Mid City and J&A Pohl. Low bidder was Zenith Tech. The bid results are included in your packet.

Staff recommends awarding a contract to Zenith Tech for the 2018 Road Construction Project.

(B) Discussion and Possible Action on approving Resolution No. 18-08; a Resolution Authorizing the Redemption of Community Development Authority of the Village of Butler Community Development Lease Revenue Refunding Bonds, Dated February 14, 2007.

As mentioned at our April 3rd meeting, a resolution is necessary to call the outstanding bond related to the TID. This resolution is necessary to pay the outstanding debt obligations (through 2020) in order to close the TID in 2018.

Staff recommends approval.

(C) Discussion and Possible Action on approving Resolution No. 18-09; a Resolution of Appreciation for Debbie Briggs for her School Board Representation.

Staff recommends approval.

(D) Discussion and Possible Action on approving a contract with Wolverine Fireworks Display, Inc for the 4th of July Fireworks.

Staff recommends approval.

OF THE BUTLER VILLAGE BOARD

Minutes not formally approved until Regular Board Meeting on May 1, 2018.

Village President Patricia Tiarks called the Board Meeting to order at 7:00 PM at the Village Hall Board Room.

ROLL CALL

Present: Village President Patricia Tiarks, Trustees Marc Van Gompel, Jerry Orvis, Thomas Sardina, William Benjamin, Michael Thew and Mark Holdmann.

Also present: Administrator Kayla Chadwick

PERSONS DESIRING TO BE HEARD: None

CONSENT AGENDA:

- 1) April 4, 2018 Regular Meeting Minutes
- 2) 2018-2019 Boards, Committees, and Commissions Appointments
- 3) Request to Waive penalty and interest on Delinquent Property Key A048
Van Gompel made a request to remove this item from Consent Agenda and discuss under New Business.
- 4) Appointment of New Agent for HPK, LLC, Bottoms Up, Shaun Bowe
- 5) Current Invoices
- 6) March Statement of Revenues and Expenditures
- 7) March Monthly Department Reports
- 8) Bartender's Licenses

Erin C. Maddox	-	Arriba
Tatiana L. Javorek	-	Arriba
Shaun P. Bowe	-	Bottoms Up

Motion by Van Gompel; second by Orvis to approve Consent Agenda. Motion carried unanimously.

COMMUNICATIONS: None

COMMITTEE REPORTSBuilding Board

Trustee Benjamin reported the following building permits were approved:

- Fence for 5039 N. 126 Street
- Shed for 12721 W. Derby Place
- Shed for 4700 N.132 Street

Trustee Benjamin reported the following occupancy permits were approved:

- Bayern Motorworks, LLC, 4550 N. 125 Street
- Nunu's Towing & Salvage, LLC, 12401 W. Custer

Finance Committee

Trustee Thew reported the current invoices were reviewed and approved. Trustee Thew reported the March Statement of Revenues and Expenditures were approved.

Library Board

Trustee Sardina reported the Library Board met. Various items were discussed.

REPORT OF THE ADMINISTRATOR Administrator Chadwick reported on the snow event; the Playground Build will be taking place on April 30th, May 1st and May 2nd, 2018; reported on the results of the Hamilton School Board election; EMS billing and Police staffing.

NEW BUSINESS

- A) Request to Waive penalty and interest on Delinquent Property Key A048
Motion by Benjamin; second by Sardina to approve a request to waive penalty and interest on Delinquent Property Key A048. Motion carried unanimously

- B) Motion by Thew; second by Sardina on Resolution 18-07; a Resolution Approving Updating the Village of Butler Fee Schedule. Motion carried unanimously.
- C) Discussion on recognizing the National Day of Prayer on May 3, 2018.

A discussion was held about the Village publicizing the National Day of Prayer vent proposed by Trustee Holdmann.

CLOSED SESSION

The Board may consider convening into Closed Session pursuant to Section 19.85(1) (g) to confer with its legal counsel for the purpose of obtaining oral or written advice concerning strategy to be adopted by the Board with respect to litigation in which it is or likely to become involved.

Item of Discussion: Chad Rahn Notice of Claim

Motion by Thew; second by Orvis to adjourn into Closed Session. Motion carried unanimously. The Board went into Closed Session at 7:16 PM.

OPEN SESSION

Motion by Orvis; second by Sardina to return to Open Session at 7:46 PM.

No action taken in open session.

ADJOURNMENT

Motion by Thew; second by Sardina to adjourn. Motion carried unanimously. The meeting was adjourned at 7:46 PM.

Submitted by:
Kayla Chadwick
Village Administrator/Clerk

Approval Date: _____

Correction/Amendment:

RESOLUTION NO. 18-08

RESOLUTION AUTHORIZING THE REDEMPTION OF
COMMUNITY DEVELOPMENT AUTHORITY OF THE VILLAGE OF BUTLER
COMMUNITY DEVELOPMENT LEASE REVENUE REFUNDING BONDS,
DATED FEBRUARY 14, 2007

WHEREAS, the Community Development Authority of the Village of Butler (the "Authority") has outstanding its Community Development Lease Revenue Refunding Bonds, dated February 14, 2007 (the "2007 Bonds");

WHEREAS, the Village Board has determined that it is necessary, desirable and in the best interest of the Authority and Village to call the 2007 Bonds maturing in the years 2018 through 2020 for redemption on June 7, 2018 with funds of the Village on hand;

WHEREAS, Section 3.8 of the Amended and Restated Lease Agreement dated February 14, 2007 entered into between the Village and the Authority relating to the 2007 Bonds provides that the Village may redeem the 2007 Bonds on behalf of the Authority if it prepays rentals in an amount sufficient to pay or provide for the payment of the 2007 Bonds.

NOW, THEREFORE, BE IT RESOLVED by the Village Board of the Village of Butler, Waukesha County, Wisconsin, that the 2007 Bonds maturing in the years 2018 through 2020 are called for prior payment on June 7, 2018 at the price of par plus accrued interest to the date of redemption.

The Village hereby directs the Village Administrator/Clerk to work with Ehlers & Associates, Inc. to cause timely notice of redemption, in substantially the form attached hereto as Exhibit A and incorporated herein by this reference (the "Notice"), to be provided at the times, to the parties and in the manner set forth on the Notice.

Adopted, approved and recorded May 1, 2018.

Patricia Tiarks
President

ATTEST:

Kayla Chadwick
Village Administrator/Clerk

(SEAL)

EXHIBIT A

NOTICE OF FULL CALL*

Regarding

COMMUNITY DEVELOPMENT AUTHORITY OF THE VILLAGE OF BUTLER
WAUKESHA COUNTY, WISCONSIN
COMMUNITY DEVELOPMENT LEASE REVENUE REFUNDING BONDS,
DATED FEBRUARY 14, 2007

NOTICE IS HEREBY GIVEN that the Bonds of the above-referenced issue which mature on the dates and in the amounts; bear interest at the rates; and have CUSIP Nos. as set forth below have been called by the Village for prior payment on June 7, 2018 at a redemption price equal to 100% of the principal amount thereof plus accrued interest to the date of prepayment:

<u>Maturity Date</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>CUSIP No.</u>
9/1/2018	\$275,000	4.10 %	12388RAK3
9/1/2019	275,000	4.125	12388RAL1
9/1/2020	275,000	4.15	12388RAM9

The Village shall deposit federal or other immediately available funds sufficient for such redemption at the office of The Depository Trust Company on or before June 7, 2018.

Said Bonds will cease to bear interest on June 7, 2018.

By Order of the
Village Board
Village of Butler
Village Administrator/Clerk

Dated _____

* To be provided by registered or certified mail, overnight express delivery, facsimile transmission or electronic transmission to The Depository Trust Company, Attn: Supervisor, Call Notification Department, 570 Washington Blvd., Jersey City, NJ 07310, not less than thirty (30) days nor more than sixty (60) days prior to June 7, 2018 and to the MSRB electronically through the Electronic Municipal Market Access (EMMA) System website at www.emma.msrb.org.



VILLAGE OF
BUTLER
EST 1913

Resolution 18-09

RESOLUTION HONORING AND EXPRESSING APPRECIATION TO

Debbie Briggs

FOR HER 24 YEARS OF SERVICE REPRESENTING BUTLER ON THE
HAMILTON SCHOOL BOARD

WHEREAS, Debbie Briggs has served as the Village of Butler representative to the Hamilton School District Board of Directors for the last 24 years;

WHEREAS, through the course of her career on the School Board, Debbie assisted in planning and financing the growth of the Hamilton School District and advocated on behalf of the students and residents of the Village of Butler;

WHEREAS, Debbie faithfully served the Hamilton School Board and the Village of Butler with professionalism, dignity and respect;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Butler hereby honors Debbie Briggs and wishes her the best of luck in her future endeavors.

PASSED AND ADOPTED this 1st day of May, 2018.

THE VILLAGE OF BUTLER

Patricia Tiarks, President

William Benjamin, Trustee

Jerry Orvis, Trustee

Marc Van Gompel, Trustee

Tom Sardina, Trustee

Michael Thew, Sr., Trustee

Mark Holdmann, Trustee

ATTEST:

Kayla J. Chadwick,
Administrator/Clerk

WOLVERINE FIREWORKS DISPLAY, INC.

205 W. Seidlers Road
Kawkawlin, Michigan 48631
Phone: (989) 662-0121
Fax: (989) 662-0122

WISCONSIN WAREHOUSE:

Phone: (262) 968-4178
Fax: (262)968-2254
Wolverine Fireworks Display
PO Box 5
Genesee Depot, WI 53127

CONTRACT

This contract entered into this 8th day of March, 2018, by and between WOLVERINE FIREWORKS DISPLAY, INC., hereinafter referred to as "**WOLVERINE**" A Michigan Company, duly licensed by the BATFE, and Village of Butler, hereinafter referred to as "Sponsor".

1. Wolverine agrees to furnish Sponsor, in accordance with the terms and conditions set forth herein, One (1) fireworks display as per this signed and accepted contract. This will include trained and qualified Pyrotechnicians to deliver, setup, execute and take down the pyrotechnic display.
2. Wolverine agrees to provide insurance coverage of Ten Million Dollars, Bodily Injury and Property Damage and the statutory limits for Worker's Compensation Insurance. The Sponsor will be named as additional insured on the certificate. This insurance covers the operations of Wolverine only and does not extend to any other aspect of the event.
3. The date of this display is: July 4th, 2018 at: Dusk 9:15 pm. In the event of inclement weather, the display will be rescheduled for the next night July 5th, 2018 at no additional cost to the Sponsor (dates around the 4th of July are excluded unless approved by Wolverine). In the event the display is rescheduled to a date not the next night, there will be an additional 15% cost added to the contract amount to cover additional expenses involved. In the event the Sponsor does not choose to reschedule another date or cannot agree to a mutually convenient date, the Sponsor shall pay the Contractor an amount equal to 40% to cover Wolverine's cost, damages, and expenses.
4. The cost of the display is: **\$8,000.00** plus tax (unless exempt). A deposit in the amount of: **\$4,000.00** shall be made at the time of signing this agreement. The balance due shall be paid to Wolverine within 10 days following the display. A 2.5% Hazardous Material Handling fee will be added to the invoice (based on the display cost) along with any permit fees paid by Wolverine. There will be a 1.5% late charge added to the invoice on any outstanding amount not paid in full by the agreed upon date.
5. Sponsor, at Sponsor's expense, agrees to provide Wolverine with a suitable display site that meets the guidelines as set forth in NFPA 1123 and meeting the approval of Wolverine. All permits necessary for the display shall be the responsibility of the Sponsor. All necessary police, fire, and other appropriate protection necessary for proper crowd control, automobile parking, and display site security will be the responsibility of the Sponsor and in accordance with the provisions of NFPA 1123.

6. After the display, Wolverine will conduct a post display search of the area/fallout zone for any unexploded fireworks. Sponsor explicitly acknowledges that an early morning first light search of the Display Site as defined in NFPA 1123 is of utmost importance and the search will be conducted by the Sponsor. If any unexploded shells or devices are found, Wolverine will be contacted immediately to properly disposed of said material. Wolverine will be responsible for the removal of all equipment provided by Wolverine. Sponsor will be responsible for any remaining cleanup that may be required after the display.

7. Sponsor agrees to defend and hold Wolverine harmless from and against all claims and any penalties, damages, and costs made against and/or incurred by Wolverine in the event (1) the display does not commence on the date and time contemplated by this contract, or is otherwise disrupted as a result of equipment or product malfunction or failure, and/or (2) Sponsor's breach of its obligations under the contract.

8. The laws of the State of Wisconsin shall govern this contract. Nothing in this contract shall be construed as forming a partnership between the Sponsor and Wolverine. Neither party shall be held responsible for any agreements nor obligations not expressly provided for herein, and shall be severally responsible for their own separate debts and obligations.

9. This contract constitutes the entire agreement between the parties and shall be binding on the parties, their heirs, executors, administrators, successors, and assigns.

10. Any Additional Provisions:

WOLVERINE FIREWORKS DISPLAY, INC.

VILLAGE OF BUTLER
c/o Kayla Chadwick

By: _____

By: _____

Date Signed: ___/___/___

Date signed ___/___/___

Address: 205 W. Seidlers Road
Kawkawlin, MI 48631
Gina.wolverinefireworks@gmail.com

Address: 12621 W. Hampton Ave
Butler, WI 53007

Phone: 262-783-2525

Email: Kayla Chadwick
kchadwick@butlerwi.gov

PERMIT TO POSSESS AND DISPLAY FIREWORKS

_____ County _____ State

_____ 2018

TO WHOM IT MAY CONCERN- GREETINGS:

Application having been made in accordance with the laws of the State of _____,

This permit is issued to _____

Giving them the right to exhibit display fireworks on the _____ day of _____, 2018,

At _____ o'clock P.M. at _____ in said County,

In connection with _____ celebration.

Rain Date (In the event of inclement weather): _____

WOLVERINE FIREWORKS DISPLAY, INC.
205 WEST SEIDLERS RD.
KAWKA WLN, MI 48631
WISCONSIN DIVISION:
262-968-4178
gina.wolverinefireworks@gmail.com

SHERIFF OR CHIEF OF FIRE DEPARTMENT
