

PUBLIC NOTICE

AGENDA FOR REGULAR VILLAGE BOARD MEETING #2010

Tuesday, May 21, 2019 at 7:00 PM

Village Hall Board Room, 12621 W. Hampton Avenue

PLEASE TAKE NOTICE that a Regular Meeting of the Butler Village Board will be held on the 21st day of May, 2019 at 7:00 PM at the Village Hall Board Room, 12621 W. Hampton Avenue, Butler, Wisconsin, at which time and place the following items of business will be considered and possibly acted upon:

- I. Pledge of Allegiance
- II. Roll Call
- III. Persons Desiring to be Heard
- IV. Consent Agenda:
Note: Prior to voting on the Consent Agenda, items may be removed at the request of any Trustee and be placed on the agenda under New Business.
 - 1) May 7, 2019 Regular Meeting Minutes
 - 2) Current Invoices
 - 3) April Statement of Revenues and Expenditures
 - 4) Street Use Permit for C&S Performance, 4687 N. 124 Street for September 8, 2019 Open House and Car Show – Hot Rods on Hampton, 10 AM – 5 PM
 - 5) April Monthly Department Reports
 - 6) Bartender Licenses
- V. Communications
- VI. Committee Reports
 - a. Building Board
 - b. Finance Committee
 - c. Library Board
- VII. Report of the Administrator
- VIII. New Business
 - A) Presentation from Walter Jankowski from Better Dash Faster about the Strategic Plan Timeline and Process.
 - B) Discussion and Possible Action on Ordinance 18-08 Ordinance Amending Section 2-33 of the Municipal Code with Regard to Village Board Salaries.
- XI. The Board may consider convening into Closed Session pursuant to Section 19.85(1) (c) to consider employment, promotion, compensation or performance evaluation of any public employee.

Items of Discussion: Village Administrator
- X. Reconvene into Open Session and Possible Action on Closed Session Items.
- IX. Adjournment

Dated: May 16, 2019

VILLAGE OF BUTLER

Patricia Tiarks, President

Kayla Chadwick, Administrator/ Clerk

Notice: It is possible that members of, and possibly a quorum of, other governmental bodies of the Village may be in attendance at the above-stated meeting to gather information. No action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to in the above notice. Please note that, upon reasonable notice, good faith efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact the Village Administrator /Clerk at 262-783-2525 at least 24 hours in advance of the meeting.

Minutes.Agenda 05-21-19 #2010

MINUTES OF THE BUTLER VILLAGE BOARD REGULAR MEETING #2009 May 7, 2019

Minutes not formally approved until Regular Board Meeting on May 21, 2019

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

PLEDGE OF ALLEGIANCE

ROLL CALL

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

Also present: Administrator Kayla Chadwick

PERSONS DESIRING TO BE HEARD: None

CONSENT AGENDA:

- 1) April 16, 2019 Regular Meeting Minutes
- 2) Bartender Licenses -
 - Jill M. Frisk Bottoms Up
 - Ronny L. Ruedinger Kwik Trip
 - Brandi N. Wojciuk Bottoms Up

Motion by Van Gompel, seconded by Orvis to adopt the consent agenda. Motion carried unanimously.

COMMUNICATIONS None

COMMITTEE REPORTS

Building Board

Trustee Sardina reported the following Occupancy permit were approved:

- a. Perfect Produce LLC, 5207 N. 125 Street
- b. Thermal Exteriors, 4823 N. 132 Street

Park & Recreation Commission

Trustee Orvis reported the Park & Recreation Commission met. Trustee Orvis reported on Softball Leagues; Horseshoe Leagues; Fence-Line Banner Sales; 4th of July Parade; new programs and park improvements.

REPORT OF THE ADMINISTRATOR Administrator Chadwick updated the Board about Community Building progress and that DPW is still looking for Summer Seasonal help.

NEW BUSINESS

- A) Motion by Thew; second by Benjamin to approve awarding contract for the 2019 Road Improvement Project to Zenith Tech. Motion carried unanimously.
- B) Motion by Sardina; second by Orvis to approve a contract for Strategic Planning Services to Better Dash Faster. Motion carried unanimously.
- C) Motion by Van Gompel; second by Orvis to approve awarding a Business Façade, Sign and Awning Matching Grant and entering into a grant agreement with Institech. Motion carried unanimously.

CLOSED SESSION

The Board may consider convening into Closed Session pursuant to Section 19.85(1)(c) to consider employment, promotion, compensation or performance evaluation of any public employee.

Item of Discussion:

- 1. Village Administrator

Motion by Thew; second by Van Gompel to adjourn into Closed Session. Motion carried unanimously. The Board went into Closed Session at 7:35 PM.

OPEN SESSION

Motion by Sardina; second by Orvis to return to Open Session. Motion carried unanimously. The Board return to Open Session at 7:55 PM. No action was taken in open session.

ADJOURNMENT

Motion by Orvis; second by Sardina to adjourn. Motion carried unanimously. The meeting was adjourned at 7:55 PM.

Submitted by:
Kayla Chadwick
Village Administrator/Clerk

Approval Date: _____

Correction/Amendment

Minutes: MINUTES 2009 05 07 19

STREET USE PERMIT
(Block Parties, Organizational Events)

Municipal Code Reference: Article VII Street Use Section 30-207

Fee: \$ 25.00

Applicant Information: CTS Performance LLC
Business / Organization / Individual
4687 N. 124th St.
Address
Shawn Clausing
Contact Person
(262) 781-0469
Telephone

Event date: Sunday, Sept. 8, 2019

Time of Event: From 10am to 5pm

Proposed Street to be Used: Courtland between 124th + 125th
Street Name(s)

Approximate number of persons using the proposed street area: 100

Describe in detail the proposed use: Annual Open House
to coincide with Hot Rods on Hampton

FOR VILLAGE USE ONLY

Certificate of Comprehensive General Liability Insurance Required: Yes No

Performance Bond Required: Yes No

Special Conditions: _____

Village Board Approval: Signature _____ Date _____

To: President Tiarks
Village Board of Trustees
From: Kayla Chadwick, Village Administrator
Date: May 16, 2019
Re: April Administration/Finance Report



**VILLAGE OF
BUTLER**
EST 1913

Administrator

- Attended 12 meetings on behalf of the Village.
- Prepared for 2 Village Board Meetings, 1 Finance Committee Meeting, and 2 building board.
- Assisted in the preparation and administration of the Spring Election
- Met with County and Municipal DPW Directors to discuss county policies.
- Met with Senator Darling, Representative Brantjen and other state officials regarding Governor Evers budget proposals.

Clerk/Elections

- Spring Election was held on April 2nd with 419 voters for a 38% turnout.
- Working on paper work for Renewals of Alcohol Beverage License applications, Bartender Licenses, Soda, Cigarette and Gaming Licenses.
- Prepared and distributed agenda, packets/minutes for all public meetings.

Treasurer

- Completed payroll and accounts payable activities.
- Filed and distributed permits to businesses/residents
- Completed bank reconciliations.

Building

- Issued 21 Permits
 - 2 Sign
 - 5 HVAC Permit
 - 8 Electrical
 - 2 Plumbing
 - 3 Building
 - 0 Zoning
 - 1 Occupancy
 - 0 Fire System
 - 0 Plan Review
- Issued permits resulted in \$2,606.96 of revenue.



To: President Tiarks
Village Board of Trustees
From: David Wentlandt, Chief of Police
Date: May 16, 2019
Re: April Police Report

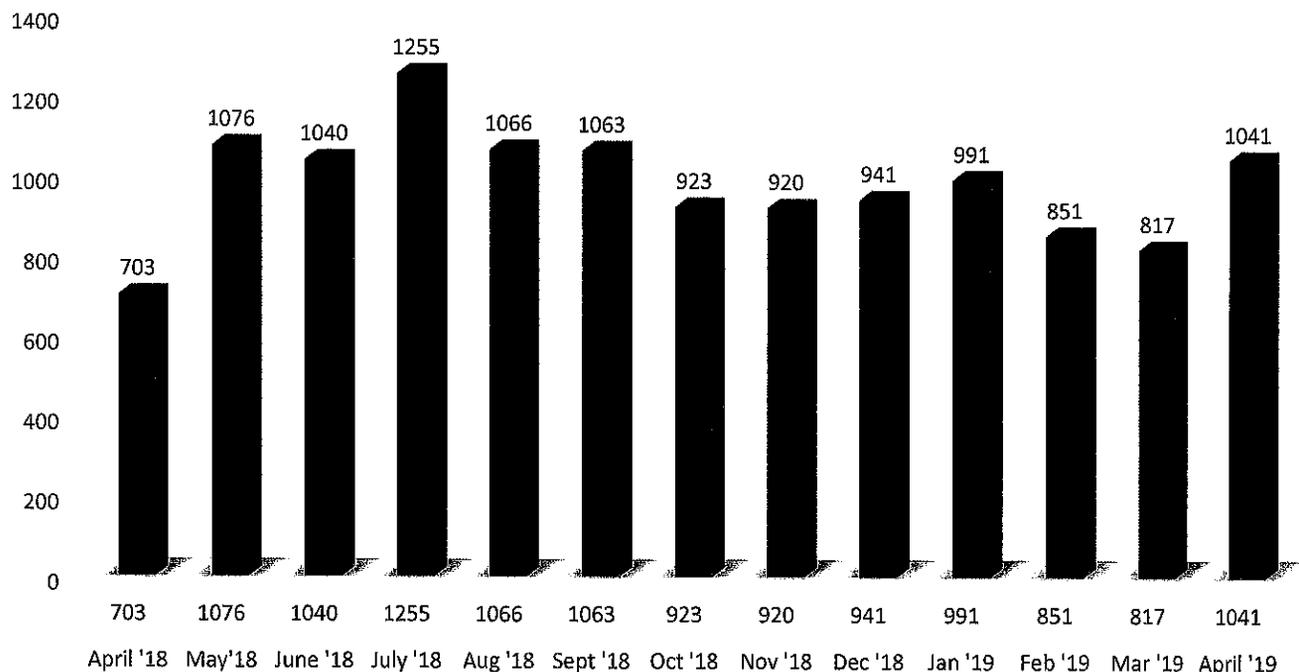
Squad Car Usage

| | <u>Miles</u> | <u>Gallons</u> | <u>MPG</u> |
|------------|--------------|----------------|------------|
| All Squads | 3601 | 345.965 | 10.40 |

Notes of Interest

- Many officers continued to attend specialized training during the month of April. A total of 64 hours of training was completed by numerous officers
 - BPD Completed our annual in-service training consisting of 24 hours of various topics. All officers have completed their State mandated training for the training year.
 - Officers had a total of 1041 citizen contacts throughout the month. This equals **34.70** contacts per day or just over **11.56** contacts per shift.
 - The Village of Butler Police Department had **471** calls for service in April 2019.
-

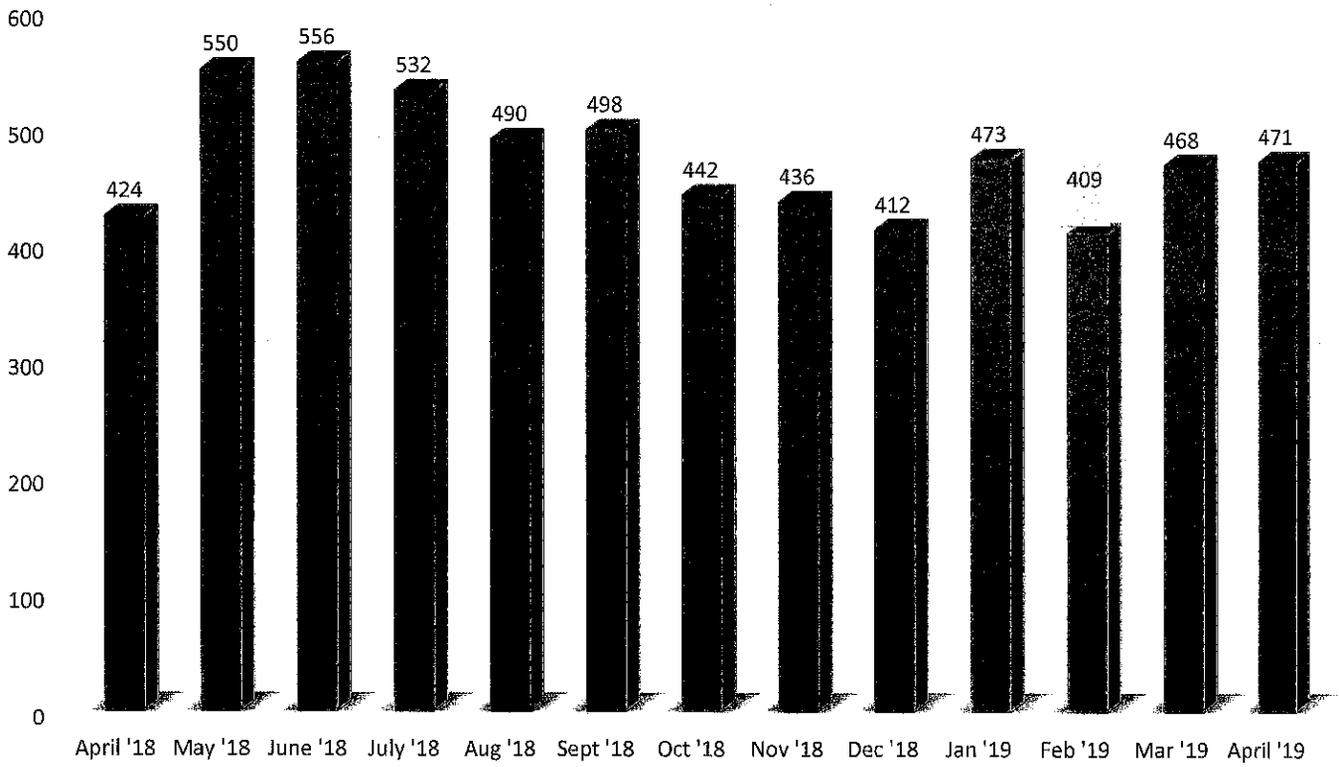
CITIZEN CONTACTS



Total Calls for Service

| | |
|------------------|------------|
| April '18 | 424 |
| May '18 | 550 |
| June '18 | 556 |
| June '18 | 556 |
| July '18 | 532 |
| Aug '18 | 490 |
| Sept '18 | 498 |
| Oct '18 | 442 |
| Nov '18 | 436 |
| Dec '18 | 412 |
| Jan '19 | 473 |
| Feb '19 | 409 |
| Mar '19 | 468 |
| April '19 | 471 |

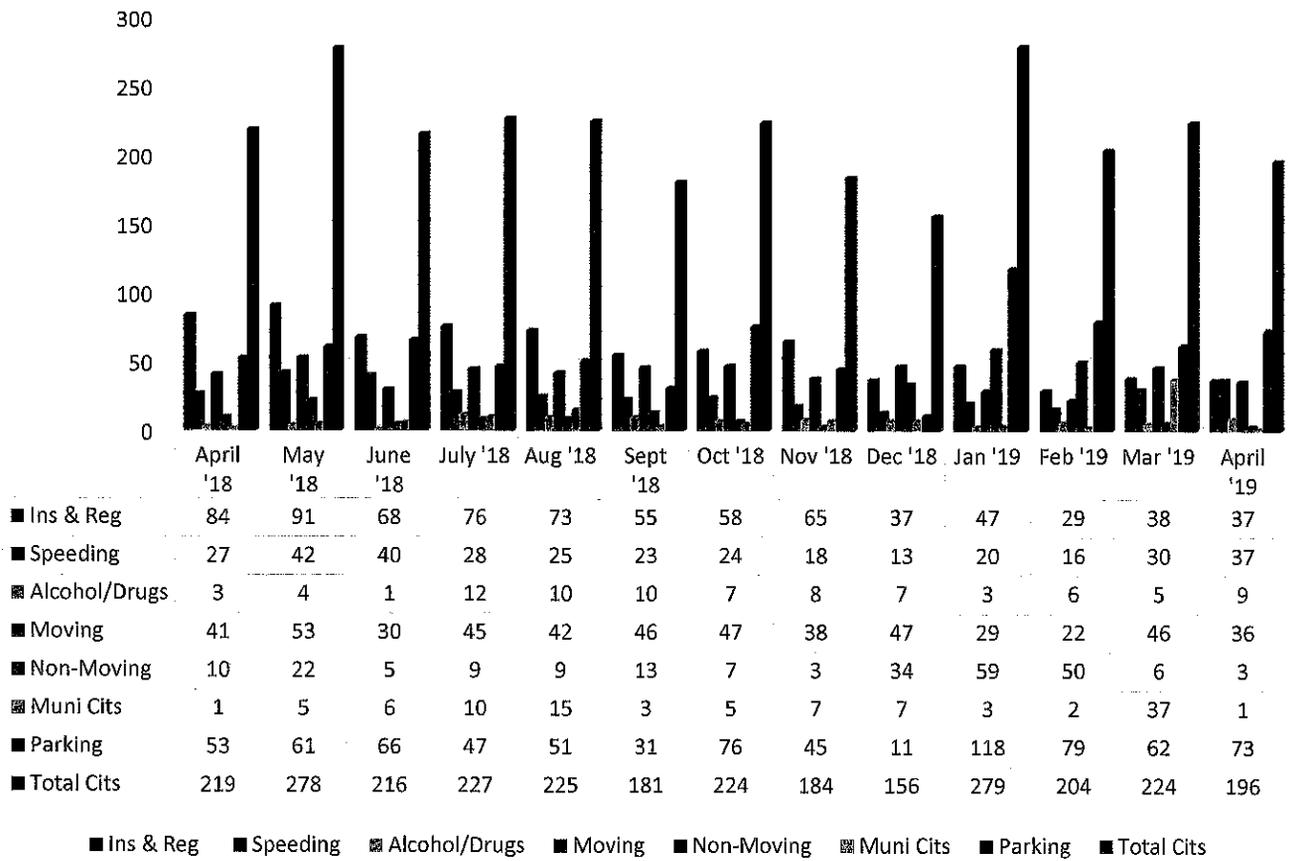
Calls for Service



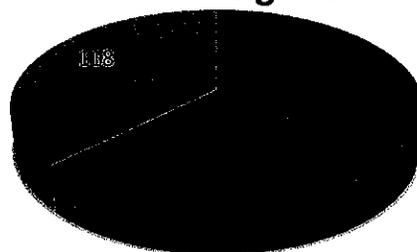
April Citation Totals

| | |
|---|------------|
| Insurance, Registration Citations | 37 |
| Speeding Citations | 37 |
| Alcohol/Drugs Citations | 9 |
| Moving Citations | 36 |
| Non-Moving Citations | 3 |
| Municipal Citations | 1 |
| Parking Citations | 73 |
| Warnings Issued | 118 |
| Total Citations & Warnings Issued: | 314 |

Citation Totals

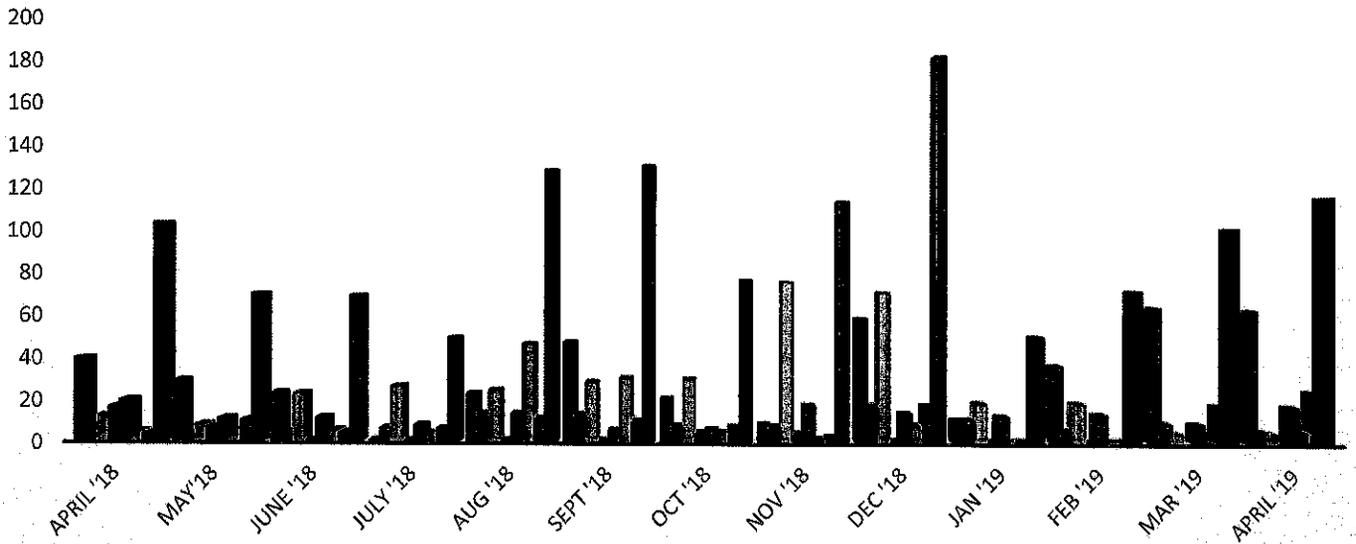


Citations v. Parking v. Warnings



■ Traffic ■ Parking ■ Warnings

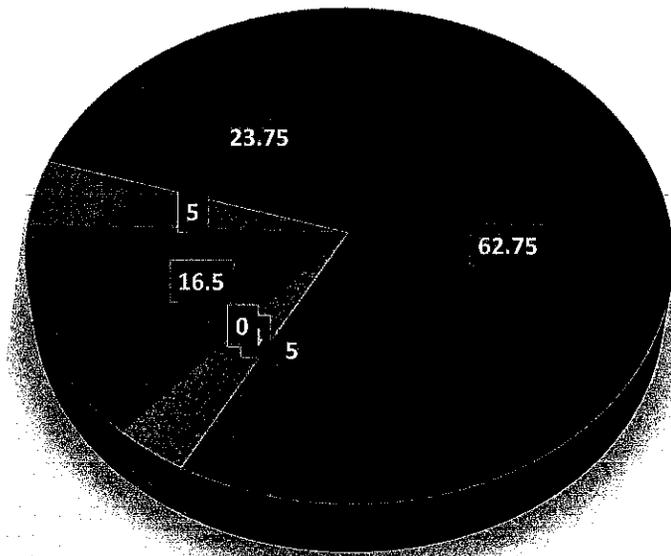
Overtime Totals



| | April '18 | May '18 | June '18 | July '18 | Aug '18 | Sept '18 | Oct '18 | Nov '18 | Dec '18 | Jan '19 | Feb '19 | Mar '19 | April '19 |
|---------------------|-----------|---------|----------|----------|---------|----------|---------|---------|---------|---------|---------|---------|-----------|
| ■ Training | 39 | 28.5 | 22.75 | 0 | 22.5 | 47 | 20 | 8 | 58.5 | 10 | 36 | 64 | 62.75 |
| ■ Court | 10 | 3 | 4 | 6 | 13 | 12.5 | 7 | 7 | 17 | 10 | 5 | 8.5 | 5 |
| ■ Vac/Hol | 12 | 7.5 | 22.5 | 26 | 24 | 28 | 29.5 | 76 | 71 | 18 | 18 | 4 | 4 |
| ■ Sick | 16 | 6.5 | 0 | 0 | 0 | 0 | 4 | 3.5 | 0 | 0 | 0 | | 0 |
| ■ Calls for service | 19.25 | 10.5 | 11 | 7.5 | 13 | 5 | 5.5 | 17 | 13.25 | 11.75 | 12.75 | 8.25 | 16.5 |
| ■ Special Events | 4 | 4.25 | 5 | 3.75 | 46 | 29.75 | 4 | 1 | 7.25 | 0 | 0 | 0 | 5 |
| ■ Misc | 3.5 | 9.75 | 4 | 5.75 | 10.75 | 9.5 | 6.75 | 2 | 16.75 | 0 | 0 | 17 | 23.75 |
| ■ Total | 103.75 | 70 | 69.25 | 49 | 129.25 | 131.75 | 76.75 | 114.5 | 183.75 | 49.75 | 71.75 | 101.75 | 117 |

Training
 Court
 Vac/Hol
 Sick
 Calls for service
 Special Events
 Misc
 Total

April 2019 OT Breakdown



Training
 Court
 Vac/Hol
 Sick
 Calls for service
 Special Events
 Misc

Municipal Court

Docket: April 4 2019

Total: 224 adult cases /1 juvenile

Appearances: 38 Persons

- 28 Adjournment
- 130 Initial appearance
- 62 Indigency hearing
- 2 Motions
- 5 Pre-Trial
- 0 Sentencing hearing
- 2 Trial

Citation List for 4-4-19 court date:

- Total due \$23,958
- Total paid \$2,765
- Balance due \$21,193

Monthly financial total \$19,067

AMOUNT RETAINED BY MUNICIPALITY: \$13,022

- Above includes \$2,420 received through the WI State Income Tax Refund Intercept program (TRIP).

Parking ticket payments received in April: \$1,507

To: President Tiarks
 Village Board of Trustees
From: Jim Bremberger, DPW Supervisor
Date: May 16, 2019
Re: April DPW Report



**VILLAGE OF
 BUTLER**
 EST 1913

The top April priorities were;

- Storm sewer catch basin repairs

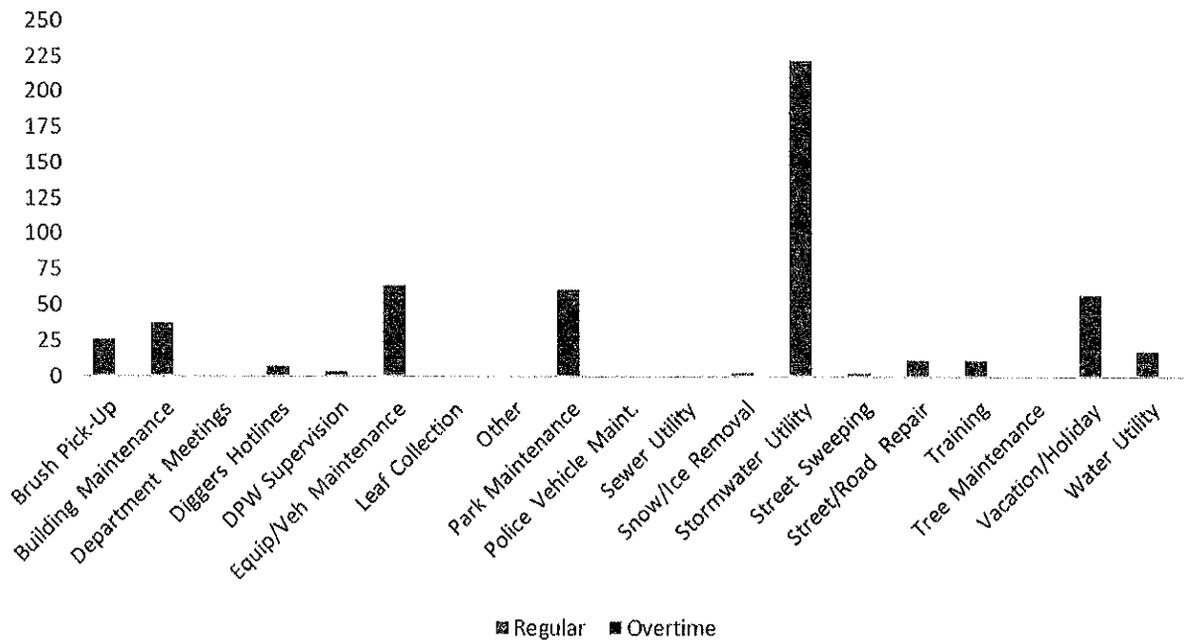
April Activity

- Repaired two storm sewer catch basins on 127th and Courtland
- Opened parks and put up tennis nets
- Graded lower level parking lot at Frontier Park
- Began Street sweeping operations
- Repair of fire hydrant in DPW parking lot

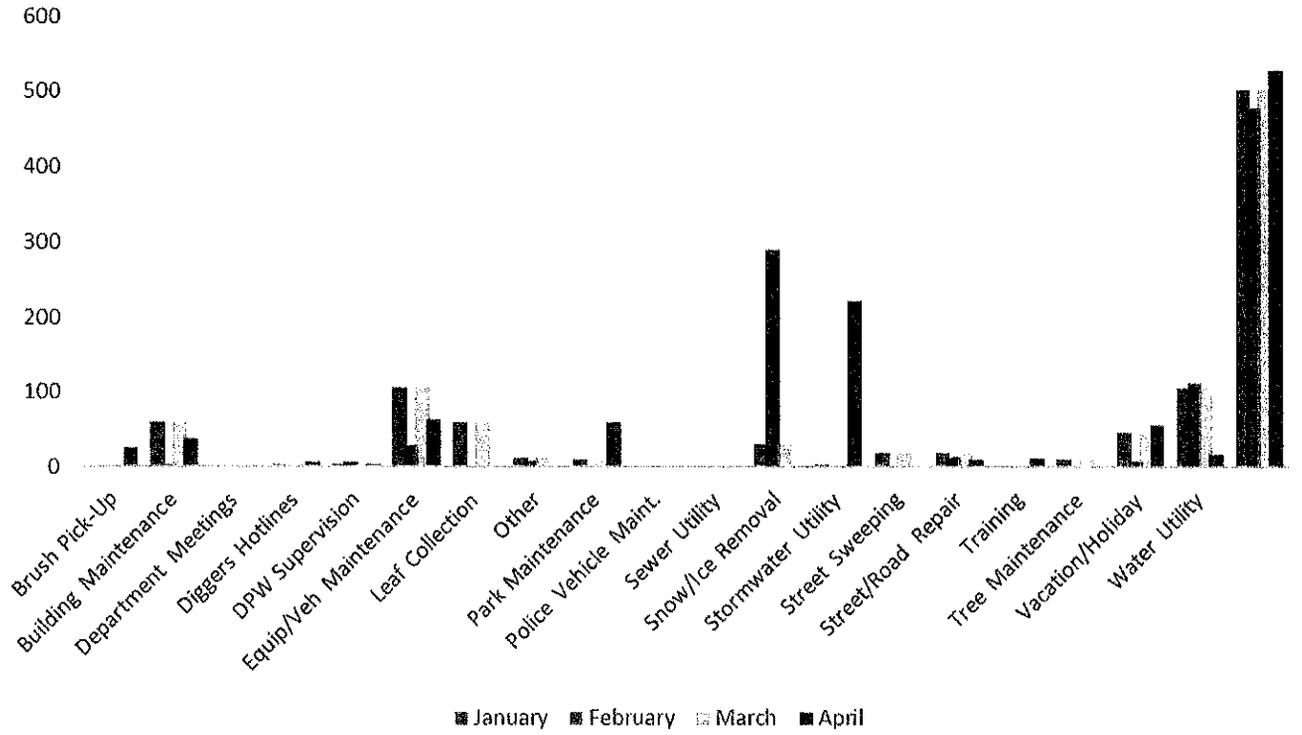
Utility Activity

- Daily, monthly, and quarterly water samples.

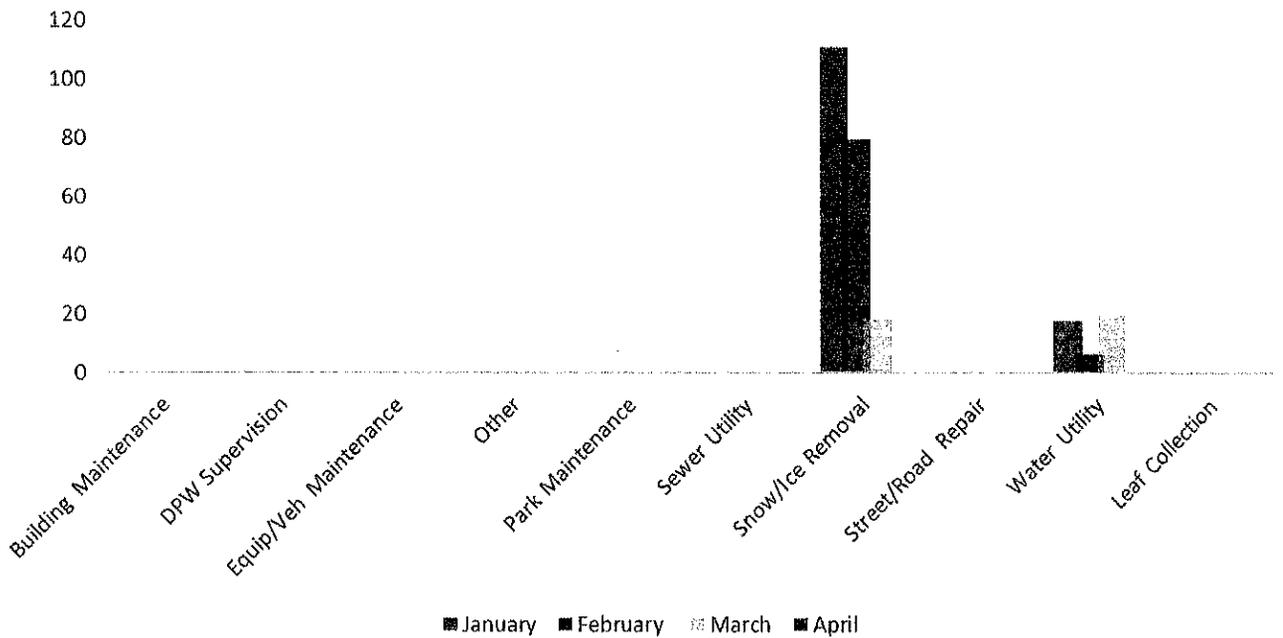
April Public Works Hours



YTD Regular Hours



YTD Overtime Hours



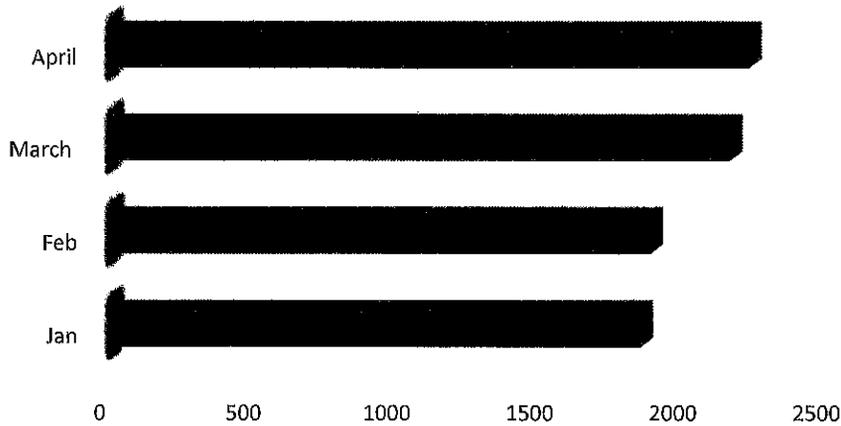
To: President Tiarks
Village Board of Trustees
From: Jodi Kessel Szpizar, Library Director
Date: May 16, 2019
Re: April Library Report



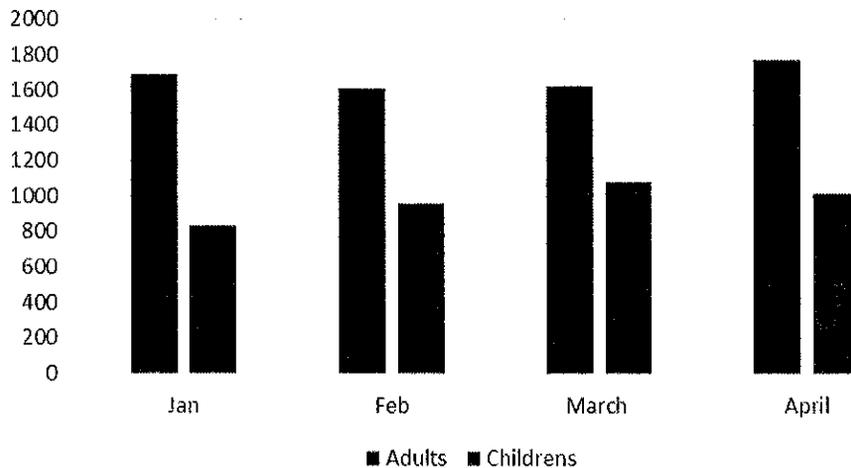
**VILLAGE OF
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EST 1913

- Children's Programs:
 - January – 40 attendees
 - February – 51 attendees
 - March – 66 attendees
 - April – 57 attendees
- Adult Programs – 47 attendees
- New Library Cards Issued: 14
- Conference Room Usage: 13 uses, 68 patrons

2019 Patron/Visitors



Circulation by Month



Kayla Chadwick

From: Paul Alexy <palex@ammr.net>
Sent: Sunday, December 02, 2018 9:01 PM
To: Kayla Chadwick
Subject: Re: quick question

Importance: High

Hi Kayla,

Unfortunately, I don't have a quick answer to this one, in that the question spans multiple statutes.

The Village Board may authorize a change in compensation for elective Village offices under Wis. Stat. sec. 61.193. The operative language is going to be found in 61.193(2), which provides:

(2) Except as provided in sub. (3), and subject to s. 61.32, the compensation for an elective village office shall be established before the earliest time for filing nomination papers for the office or, if nomination papers are not used, before the caucus date determined under s. 8.05(1)(a). After that time or date, no change may be made in the compensation for the office that applies to the term of office for which the deadline or date applies. The compensation established for an elective office remains in effect for ensuing terms unless changed.

Wis. Stat. § 61.193

Since sub. (3) refers to newly established villages, we refer to the second proviso, (i.e. Wis. Stat. 61.32) which provides, in pertinent part, that the "The president and board of trustees of any village, whether operating under general or special law, may by a three-fourths vote of all the members of the village board determine that a salary be paid the president and trustees." So, rad together, the Board may change the salaries, by 3/4 vote of all members, change the compensation, provided that it has to be done before the earliest time for filing nomination papers for the office.

2009 Wis. Act 173 removed the requirement that changes to compensation must be done by ordinance. Instead, Wis. Stat. § 61.193 now merely refers to compensation being "established" by the Village Board and the time frames for doing so, and § 61.32 now merely refers to the ability of a village board to "determine" by a ¾ vote of all the members of the village board that a salary be paid. Having said that, Sec. 2-33(a) of the Municipal Code requires that changes in salaries of the Village Board be changed by ordinance:

(a) *Generally.* The village president and other trustees who make up the village board, whether operating under general or special law, may, by majority vote of all the members of the village board, determine that a salary be paid the president, trustees, and other village officials. Salaries heretofore established shall so remain until changed by ordinance and shall not be increased or diminished during their terms of office.

As a result, unless an ordinance is adopted to change sec. 2-33(a), any change to Village Board salaries will need to be accomplished via an ordinance. There are, however, some additional caveats that must be considered.

First, the salaries of elected officers are also regulated by Wis. Stat. sec. 66.0505, and sub. (2) of that statute provides:

(2) Establishment of salary. An elected official of any political subdivision, who by virtue of the office held by that official is entitled to participate in the establishment of the salary attending that office, shall not during the term of the office collect salary in excess of the salary provided at the time of that official's taking office. This provision is of statewide concern and applies only to officials elected after October 22, 1961.

Wis. Stat. § 66.0505 (West)

Read together, with Wis. Stat. sec's 61.193 and 61.32, an increase of the salary of elected officials may be made by 3/4 vote of all members of the Village Board prior to the first day that nomination papers may be circulated. Any increase, however, will only apply to those members taking office pursuant to the next upcoming election. Other members of the Board would not benefit from any increase until their current term of office expires and their next term of office commences.

Second, Section 66.0507 of the Wisconsin Statutes authorizes the adoption of an ordinance to that includes cost of living adjustments to be included in salary schedules for municipal employees and officers, but not for a city council or village or town board:

Whenever the governing body of any city, village, or town enacts by ordinance a salary schedule for some or all employees and officers of the city, village or town, other than members of the city council or village or town board, the salary schedule may include an automatic adjustment for some or all of the personnel in conformity with fluctuations upwards and downwards in the cost of living, notwithstanding ss. 60.32, 61.193, 61.32, 62.09(6) and 62.13(7).

Wis. Stat.. § 66.0507.

As a result, COLA increases are not authorized for the Village Board.

Please let me know if you have any additional questions in this regard. Please contact me via cellular this week to avoid any delay in responding, as I am in Atlanta this week for my daughter's wedding on Friday. I will be watching emails and voicemail, but don't want to delay response to you.

Paul

Regards,

Paul E. Alexy
Municipal Law & Litigation Group, S.C.
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Waukesha, WI 53186-4821
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palex@ammr.net

This message originates from the law firm of Municipal Law & Litigation Group, S.C. It contains information that may be