

PUBLIC NOTICE

AGENDA FOR REGULAR VILLAGE BOARD MEETING #2060
Tuesday, September 7, 2021 at 7:00 PM
Village Board Room, 12621 W. Hampton Avenue

PLEASE TAKE NOTICE that a Regular Meeting of the Butler Village Board will be held on the 7th day of September, 2021 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) August 17, 2021 Regular Village Board Meeting Minutes
- 2) Application for Alcohol Beverage Retail License, Butler F&B, LLC d/b/a The Butler Inn, 12400 W. Hampton Avenue
- 3) Application for Game License, Butler F&B, LLC d/b/a The Butler Inn, 12400 W. Hampton Avenue
- 4) Resolution 21-08; A Resolution Establishing Eligibility for Exemption from the Waukesha County Library Levy
- 5) Application for Temporary Class “B” / “Class B” Retailer’s License for Nā Hale Cultural Arts Center, Inc. for Full Moon Sessions on Friday, September 24, 2021, Saturday, October 23, 2021, Saturday, November 20, 2021, and Saturday, December 18, 2021

V. Communications

VI. Committee Reports

- a) Building Board
- b) Park and Recreation Commission

VII. Report of the Administrator

VIII. New Business

- A. Discussion and Possible Action on a request from Milwaukee County Transit System to Install Bus Stop Signs in the Village of Butler Right-of-Way.
- B. Discussion and Possible Action on approving a request from Butler F&B, LLC for an extension of premise for The Butler Inn, 12400 W. Hampton Avenue, in conjunction with the Hot Rods on Hampton Event on September 12, 2021.

- C. Discussion and Possible Action on the Occupancy Permit for Elite B Detailing at 4757 N. 125th Street.
- D. Discussion and Possible Action on Ordinance 21-07, an Ordinance creating Article IV, Chapter 22 of the Municipal Code related to Chronic Nuisance Premises.

IX. Adjournment

Dated: September 3, 2021

VILLAGE OF BUTLER

Patricia Tiarks, President

Kayla Thorpe, 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.

Agenda 09-07-2021 # 2060

Minutes not formally approved until Regular Board Meeting on September 7, 2021

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

ROLL CALL

Present: Village President Patricia Tiarks, Trustees William Benjamin (via telephone), Amy Haynes Coe, Mark Holdmann, Paul Kasdorf, Thomas Sardina, and Michael Thew
Excused: None
Also present: Village Administrator Thorpe and Chief Wentlandt

PERSONS DESIRING TO BE HEARD - None

CONSENT AGENDA:

- 1) July 17, 2021 Regular Village Board Meeting Minutes
- 2) August 4, 2021 Joint Plan Commission and Village Board Meeting Minutes
- 3) Current Invoices
- 4) July Statement of Revenues and Expenditures
- 5) Street Use Permit for C&S Performance, 4687 N. 124th Street, for September 12, 2021

Motion by Sardina, seconded by Haynes Coe to adopt the consent agenda. Motion carried unanimously.

COMMUNICATIONS – Milwaukee County Transit System Bus Line

COMMITTEE ACTION

Building Board

Trustee Holdmann reported the following Building permits were approved.

- a. New Home, Brandon Wagner, Lot 11 on 125th Street.
- b. 3 Season Room Replacement, Brett and Nikki Zingshiem, 12721 W. Derby Place.

Finance Committee

Trustee Thew reported that the current invoices were reviewed and approved. The July Statement of Revenues and Expenditures was approved.

Library Board

Trustee Sardina reported that the Library Board met on August 10, 2021, and various items were discussed.

Park and Recreation Commission

Trustee Haynes Coe reported that the Park and Recreation Commission met on July 28, 2021, and various items were discussed.

Community Foundation

Trustee Kasdorf provided an update on the Foundation's recent activities.

REPORT OF THE ADMINISTRATOR

Administrator Thorpe provided an update on the current road project, budget process, and the resignation of Trustee Thew.

NEW BUSINESS

- A. Motion by Kasdorf, second by Benjamin to approve a request from David Tomter for an extension of premise for The Butler Inn, 12400 W. Hampton Avenue, in conjunction with the Hot Rods on Hampton Event on September 12, 2021.

- B. Motion by Kasdorf, second by Thew to approve 2021 Trick-or-Treat Hours for Saturday, October 31st from 4:00 p.m. to 6:00 p.m. Motion carried unanimously.
- C. Motion by Kasdorf, second by Sardina to approve the LED Street Light Conversion and Municipal Parking Lot Light Pole Replacement projects with a total project cost of \$73,395.00. Funding for these projects will come from American Rescue Plan Act (ARPA) Funding and residual capital funds in 2021. Motion carried unanimously.
- D. Motion by Benjamin, second by Haynes Coe to approve the Hampton Avenue Mural Project with a not to exceed budget of \$10,000. Motion carried 4-3 (Kasdorf, Sardina, Thew).

CLOSED SESSION

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

Items of Discussion under Section 19.85(1)(d):

- 1. July 30, 2021 Village Hall Shooting & Village Hall Security

Items of Discussion under Section 19.85 (1)(c):

- 1. Village Administrator Performance Evaluation
- 2. 2022 Non-Represented Employee Wages

Motion by Holdmann, second by Thew to convene into Closed Session. Motion carried unanimously. The Board went into Closed Session at 7:32 p.m.

OPEN SESSION

Motion by Sardina, second by Thew to return to Open Session at 8:59 p.m. Motion by Kasdorf, second by Sardina to approve the Village Administrators Performance Evaluation.

ADJOURNMENT

Motion by Sardina, second by Thew to adjourn. Motion carried unanimously. The meeting was adjourned at 9:01 p.m.

Submitted by:
Kayla Thorpe, Village Administrator/Clerk

Approval Date: 09/07/2021 Correction/Amendment
Minutes: MINUTES #2059-08-17-2021

Original Alcohol Beverage Retail License Application

(Submit to municipal clerk.)

For the license period beginning: 07/01/2021 ending: 06/30/2022
(mm dd yyyy) (mm dd yyyy)

To the Governing Body of the: Town of } Butler
 Village of }
 City of }

County of Waukesha Aldermanic Dist. No. _____
 (if required by ordinance)

Check one: Individual Limited Liability Company
 Partnership Corporation/Nonprofit Organization

Applicant's Wisconsin Seller's Permit Number	
[REDACTED]	
FEIN Number	
[REDACTED]	
TYPE OF LICENSE REQUESTED	FEE
<input type="checkbox"/> Class A beer	\$
<input checked="" type="checkbox"/> Class B beer	\$ <u>100.00</u>
<input type="checkbox"/> Class C wine	\$
<input type="checkbox"/> Class A liquor	\$
<input type="checkbox"/> Class A liquor (cider only)	\$ N/A
<input checked="" type="checkbox"/> Class B liquor	\$ <u>500.00</u>
<input type="checkbox"/> Reserve Class B liquor	\$
<input type="checkbox"/> Class B (wine only) winery	\$
Publication fee	\$ <u>12.00</u>
TOTAL FEE	\$ <u>622.00</u>

Name (individual / partners give last name, first, middle; corporations / limited liability companies give registered name)
Butler F&B LLC

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the full name and place of residence of each person.

President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
<u>Sangaijah</u>	<u>Kannan</u>		<u>[REDACTED], Naperville, IL 60564</u>
Vice President / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
<u>Bhambra</u>	<u>Gagandeep</u>		<u>[REDACTED], Northbrook, IL 60062</u>
Secretary / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Treasurer / Member Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
Agent Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)
<u>Orcholski</u>	<u>Frank</u>		<u>[REDACTED], Milwaukee, WI 53202</u>
Directors / Managers Last Name	(First)	(Middle Name)	Home Address (Street, City or Post Office, & Zip Code)

1. Trade Name Butler Inn Business Phone Number 262-783-5899
 2. Address of Premises 12400 W Hampton Ave Post Office & Zip Code Butler, WI 53007

3. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the sales, service, consumption, and/or storage of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.)

First and second floor retail food and alcohol-soft drink sales.

Basement storage.

Food and drink upstairs office records.

4. Legal description (omit if street address is given above): _____

5. (a) Was this premises licensed for the sale of liquor or beer during the past license year? Yes No

(b) If yes, under what name was license issued? TBI Corporation d/b/a Butler Inn

6. Is individual, partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? **If yes, explain** Yes No
7. Is the applicant an employe or agent of, or acting on behalf of anyone except the named applicant? Yes No
If yes, explain.
8. Does any other alcohol beverage retail licensee or wholesale permittee have any interest in or control of this business? **If yes, explain** Yes No
9. (a) **Corporate/limited liability company applicants only:** Insert state WI and date 10/29/20 of registration.
- (b) Is applicant corporation/limited liability company a subsidiary of any other corporation or limited liability company? **If yes, explain** Yes No
- (c) Does the corporation, or any officer, director, stockholder or agent or limited liability company, or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? **If yes, explain.** Yes No
Frank Orchołski is also agent for Hideaway Pub and Fox's Pub
10. Does the applicant understand they must register as a Retail Beverage Alcohol Dealer with the federal government, Alcohol and Tobacco Tax and Trade Bureau (TTB) by filing (TTB form 5630.5d) before beginning business? [phone 1-877-882-3277] Yes No
11. Does the applicant understand they must hold a Wisconsin Seller's Permit? [phone (608) 266-2776] Yes No
12. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, breweries and brewpubs? Yes No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signer. Any person who knowingly provides materially false information on this application may be required to forfeit not more than \$1,000. Signer agrees to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, will not be assigned to another. (Individual applicants, or one member of a partnership applicant must sign; one corporate officer, one member/manager of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

Contact Person's Name (Last, First, M.I.) Sangaiah, Kannan	Title/Member Member	Date 8/20/21
Signature 	Phone Number [REDACTED]	Email Address [REDACTED]

TO BE COMPLETED BY CLERK

Date received and filed with municipal clerk 8/23/2021	Date reported to council / board 9/7/2021	Date provisional license issued —	Signature of Clerk / Deputy Clerk
Date license granted	Date license issued	License number issued	

Received via email 8/20/2021
in person on 8/23/2021



VILLAGE OF
BUTLER
 EST 1913

GAME MACHINE APPLICATION

FEE: \$35.00 per machine
 (Make Check Payable to: Village of Butler)

Permit Number: _____

Business/Name: BUTLER F&B LLC dba THE BUTLER INN

Address: 12400 W. HAMPTON AVE, BUTLER WI 53007

Phone: 262-783-5899

Game Machine(s) on Premises:

5 VIDEO GAMES

NOTE: ANY DEVICE WHICH IS CONTRARY TO ANY PROVISION OF STATE LAW, INCLUDING THE CHAPTER 945 PROVISIONS AGAINST GAMBLING MACHINES, CAN NOT BE LICENSED AS AN AMUSEMENT DEVICE.

12621 West Hampton Avenue Butler, WI 53007
 P: 262-783-2525 F: 262-783-2522

BUTLER.WI.GOV



741 N. Grand Ave., #210
Waukesha, WI 53186

P 262.896.8080
W bridgeslibrarysystem.org

To: Chief Elected Officials/Administrators in Municipalities with Libraries, Library Directors
From: Karol Kennedy, Bridges Library System Director
Re: Waukesha County Library Tax Exemption Notice
Date: August 19, 2021

Annually Waukesha County sets a special levy for library services. The funds are distributed to the county's public libraries to compensate them for use by non-residents. State law (ss. 43.64(2) Wisc. Statutes) provides that municipalities with libraries may avoid double taxation and exempt themselves from this special levy if they meet certain conditions:

- Exempting library municipalities must levy and expend an amount equal to or greater than the mill rate set by Waukesha County in the preceding year with the exception of joint libraries whose participating municipalities have an alternate option for exempting which is to levy and expend an amount not less than the average of the previous 3 years (ss.43.64 (2)(c)).
- Exempting library communities are required to provide written notification to the county annually.
- The County Code requires that the notification be from the **local governing body** rather than from the clerk alone.
- The County Code also requires a deadline of September 30 so that the County Executive Budget available to supervisors and the general public can properly reflect the county library taxation levels in the Adopted Budget in November.
- Exempting communities must also have a library that meets or exceeds minimum service levels and quality assurance standards (**as revised by the new county library plan and formally adopted by the Waukesha County Board of Supervisors in 2017**) which are certified by the library board. (The libraries have already received their standards certification letters.)

If you would like to exempt your municipality from the Waukesha County library tax, the form (on page 2), **Request for Exemption from Waukesha County Library Levy 2021 Tax for 2022 Purposes** must be completed, approved by the Municipality's governing body, signed, and returned to Bridges Library System no later than September 30, 2021. A copy of your adopted municipal ordinance or resolution certifying that your library appropriation meets or exceeds the requirements is also required. Email submission is acceptable as long as the form includes the actual signature.

Thank you for providing library services to our citizens. Strong libraries build strong communities and your commitment to support your library is vital and valued!

Serving the libraries of Waukesha and Jefferson Counties

OUR MISSION: Improving member libraries through leadership, collaboration, & support

**Request for Exemption from Waukesha County Library Levy
2021 Tax for 2022 Purposes**

Name of Community:

Name of library:

We recognize that, pursuant to 43.64 of Wisconsin Statutes, to obtain an exemption from the 2021 county library levy for 2022 purposes, the municipality must certify that during budget year 2022, its library will be provided and be allowed to expend no less than the county library tax rate in the prior year, \$0.238931 per \$1,000 Equalized Value.

In the case of a joint library, an alternate exemption option exists pursuant to ss 43.64 (2) (c). Under this language, each participating municipality in the joint library has the option to certify that during its budget year 2022, the library will be provided and allowed to expend no less than the average of the funding levels of the previous 3 years.

We further recognize that, pursuant to state law, listed funding must be only from municipal sources, not the entire library budget. Reported amounts must exclude fines, fees, and other revenues. Capital expenditures are excluded as well.

I am authorized to certify that the governing body of the municipality has enacted an ordinance or resolution pledging that it will appropriate and allow the library to expend no less than a rate of \$0.238931 per \$1,000 of the actual state Equalized Value amount for the community that was published by the state on August 10, 2021 or, in the case of a joint library whose municipality may choose this option, that the participating municipality will appropriate and allow the library to expend no less than the average of the funding levels of the previous 3 years.

The community meets its requirement stated above and is therefore eligible for exemption from the 2021 Waukesha County library levy.

Name and Title of Person filling out this form:

Signature

Date

This form, along with a copy of the municipal resolution/ordinance, must be filed no later than September 30, 2021.

Send to:

Bridges Library System

741 N. Grand Avenue, Suite 210

Waukesha, WI 53186

Or email to kkennedy@bridgeslibrarysystem.org

RESOLUTION 21-08

**RESOLUTION ESTABLISHING ELIGIBILITY FOR EXEMPTION FROM THE
WAUKESHA COUNTY LIBRARY LEVY**

WHEREAS, the Village of Butler is a member of the Bridges Library System; and

WHEREAS, the Bridges Library System required a minimum level of expenditures from revenue made available from the Village of Butler sources; and

WHEREAS, the level of expenditures established for the Year 2022 library purposes is \$0.238931 per \$1,000 of Equalized Value;

NOW, THEREFORE, BE IT RESOLVED, that the Village Board of the Village of Butler does hereby authorize the expenditure for library purposes an amount not less than \$0.238931 per \$1,000 of Equalized Value to be made from local revenue sources.

PASSED by the Village Board of the Village of Butler this 7th day of September, 2021.

THE VILLAGE OF BUTLER

By: _____
Patricia Tiarks, President

ATTEST:

Kayla J. Thorpe, Administrator/Clerk

Application for Temporary Class "B" / "Class B" Retailer's License

See Additional Information on reverse side. Contact the municipal clerk if you have questions.

FEE \$ 40.00 \$10.00 x 4 events Application Date: 8.31.21 Tue.
 Town Village City of Butler County of WAUKESHA

The named organization applies for: (check appropriate box(es).)

- A Temporary Class "B" license to sell fermented malt beverages at picnics or similar gatherings under s. 125.26(6), Wis. Stats.
 A Temporary "Class B" license to sell wine at picnics or similar gatherings under s. 125.51(10), Wis. Stats.

at the premises described below during a special event beginning SEE BELOW and ending SEE BELOW and agrees to comply with all laws, resolutions, ordinances and regulations (state, federal or local) affecting the sale of fermented malt beverages and/or wine if the license is granted.

1. Organization (check appropriate box) → Bona fide Club Church Lodge/Society
 Veteran's Organization Fair Association or Agricultural Society
 Chamber of Commerce or similar Civic or Trade Organization organized under ch. 181, Wis. Stats.

(a) Name Nā Hale Cultural Arts Center, Inc. (a.k.a. Nā Hale Studios)

(b) Address 12519 W. Hampton Ave. Butler WI 53007
(Street) Town Village City

(c) Date organized ~~10/02/2018~~ 5.1.2018

(d) If corporation, give date of incorporation 10.1.2019

(e) If the named organization is not required to hold a Wisconsin seller's permit pursuant to s. 77.54 (7m), Wis. Stats., check this box:

(f) Names and addresses of all officers:

President Maha Chow

Vice President N/A

Secretary Wes Manko

Treasurer Tina Hecker

(g) Name and address of manager or person in charge of affair: Maha Chow
[REDACTED] BUTLER WI 53007

2. Location of Premises Where Beer and/or Wine Will Be Sold, Served, Consumed, or Stored, and Areas Where Alcohol Beverage Records Will be Stored:

(a) Street number 12519 W. HAMPTON AVE. BUTLER WI 53007

(b) Lot _____ Block _____

(c) Do premises occupy all or part of building? PART

(d) If part of building, describe fully all premises covered under this application, which floor or floors, or room or rooms, license is to cover: UPPER + LOWER OF STUDIO FACING HAMPTON AVE

3. Name of Event

(a) List name of the event FULL MOON SESSIONS

(b) Dates of event Fri 9/24 / SAT 10/23 / SAT 11/20 / SAT 12/18

DECLARATION

An officer of the organization, declares under penalties of law that the information provided in this application is true and correct to the best of his/her knowledge and belief. Any person who knowingly provides materially false information in an application for a license may be required to forfeit not more than \$1,000.

Officer [Signature] 8.31.21 Tue Nā Hale Cultural Arts Center, Inc
(Signature / Date) (Name of Organization)

Date Filed with Clerk 8.31.21 Tue

Date Reported to Council or Board 9/7/2021

Date Granted by Council _____

License No. _____

REC # 47672

PUBLIC NOTICE

Meeting - Building Board
Tuesday, September 7, 2021
6:45PM – Village Board Room

PLEASE TAKE NOTICE that a Regular Meeting of the Butler Building Board will be held on the 7th day of September, 2021 at 6:45 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. Roll Call
- II. Persons Desiring to be Heard
- III. Consideration of Minutes – August 17, 2021
- IV. New Business:
 1. Occupancy Permit:
 - a. Per Mar Security Services, 12521 W. Hampton Avenue
 - b. Butler F&B, LLC d/b/a The Butler Inn, 12400 W. Hampton Avenue
 - c. Emergency Locksmith Services LLC, 12577 W. Custer Avenue
 - d. Integrity Taxes LLC, 12577 W. Custer Avenue
 - e. Journey 2a Better Health Inc, 12579 W. Custer Avenue
 2. Building Permit:
 - a. Sign, Vang Aquatic Life, LLC, 4837 N. 124th Street
 - b. Sign, All Aspects Restoration, LLC, 4568 N. 127th Street
 - c. Sign, St. Agnes School, 12801 W. Fairmount Avenue
- VI. Adjournment

Dated: September 3, 2021

Mark Holdmann
Chairman
Building Board

BY: Kayla Thorpe
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 OF THE **BUILDING BOARD**

August 17, 2021

Village Board Room, Village of Butler

Minutes not formally approved until the next Building Board Meeting.

The meeting was called to order at 6:42 PM.

ROLL CALL

Present: Haynes Coe, Holdmann, Klibowitz, Sardina

Excused: None

Also present: President Tiarks, Trustees Kasdorf and Thew, and Administrator Thorpe

PERSONS DESIRING TO BE HEARD – None.

CONSIDERATION OF MINUTES

Motion by Sardina, second by Haynes Coe to approve the July 20, 2021, Building Board minutes.

Motion carried unanimously.

NEW BUSINESS:

1. Building Permit:

- a. Motion by Sardina, second by Haynes Coe to approve a building permit for Brandon Wagner, Lot 11 on 125th Street, to build a new home. Motion carried unanimously.
- b. Motion by Haynes Coe, second by Sardina to approve a building permit for Brett and Nikki Zingshiem, 12721 W. Derby Place. Motion carried unanimously.

Motion by Sardina, second by Haynes Coe to adjourn. Motion carried unanimously. The meeting adjourned at 6:45 PM.

Mark Holdmann
Chairman
Building Board

Kayla Thorpe
Village Administrator/Clerk

PUBLIC NOTICE

Meeting - Parks & Recreation Commission
Wednesday, July 28, 2021
5:30 PM - Village Board Room

Committee Members: Kevin Endries, Chairman
Sarah Johnson
James Smith
Alex Baier

Brad Meyer
Amy Haynes Coe, Trustee
Diana Armstrong

PLEASE TAKE NOTICE that a meeting of the Parks & Recreation Commission will be held on the 25th day of August, 2021 at 5:30 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:

1. Roll Call
2. Persons Desiring to be Heard
3. Consideration of Minutes
4. Financial Report
5. Old Business
 - a. Bingo
 - b. Horseshoe league
 - c. Landscaping at Community Building
6. New Business
 - a. Election of Officers
 - b. Discussion on New Programs
 - c. Discussion and possible action of replacing the annual Christmas parade with breakfast with Santa.
 - d. Discussion and possible action for re-chipping the playground.
 - e. Discussion and possible action to have food trucks at Frontier Park next summer.
7. Next meeting
8. Adjournment

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 OF THE VILLAGE OF BUTLER PARKS & RECREATION COMMISSION COMMITTEE MEETING

July 28, 2021.

Minutes not formally approved until the next Parks & Recreation Commission Meeting.

The meeting was called to order at 5:30 p.m.

ROLL CALL

Present: Kevin Endries, Brad Meyer, Trustee Amy Haynes Coe, Sarah Johnson, Diana Armstrong, James Smith, Alex Baier

CONSIDERATION OF MINUTES

Motion by Brad, seconded by Amy, to approve the Park & Recreation Commission minutes of June 23, 2021. Motion carried unanimously.

FINANCIAL REPORT

Committee discussed finances.

Persons Desiring to be Heard

Nothing presented to the board.

OLD BUSINESS

- a. Review 4th of July Parade – The parade went smoothly for the most part. Reviewed for possible improvements. Brad was open for suggestions for next year.
- b. Bingo – Brad will look into getting the license to run Bingo next year. Looking to have it the 3rd Saturday of the month January-May 2022. Will discuss in future meetings to finalize dates and times.
- c. Horseshoe Leagues – Leagues are doing well. Wednesday leagues have filled up but there are some openings for Thursday.
- d. Decision of Fall Softball – Motion to cancel by Brad and seconded by Kevin. Not enough interest to participate.
- e. Landscaping at Community Building – Discussed options for plants/flowers, need to consider the cost of making adjustments and the future maintenance. James will look into this further.

NEW BUSINESS

- a. Discussion and possible action of replacing the annual Christmas parade with breakfast with Santa.
- b. Discussion and possible action for re-chipping the playground.
- c. Discussion and possible action to have food trucks at Frontier Park next summer.

ADJOURNMENT

Motion by Kevin, 2nd by Sarah; adjourned at 6:54 p.m.

Next meeting is scheduled for August 25th, 2021 in the Conference Room at Village Hall.

Submitted by: Sarah Johnson, Park & Recreation Commission

2021-08-31



MCTS Proposed Bus Stop Locations Village of Butler Fall 2021



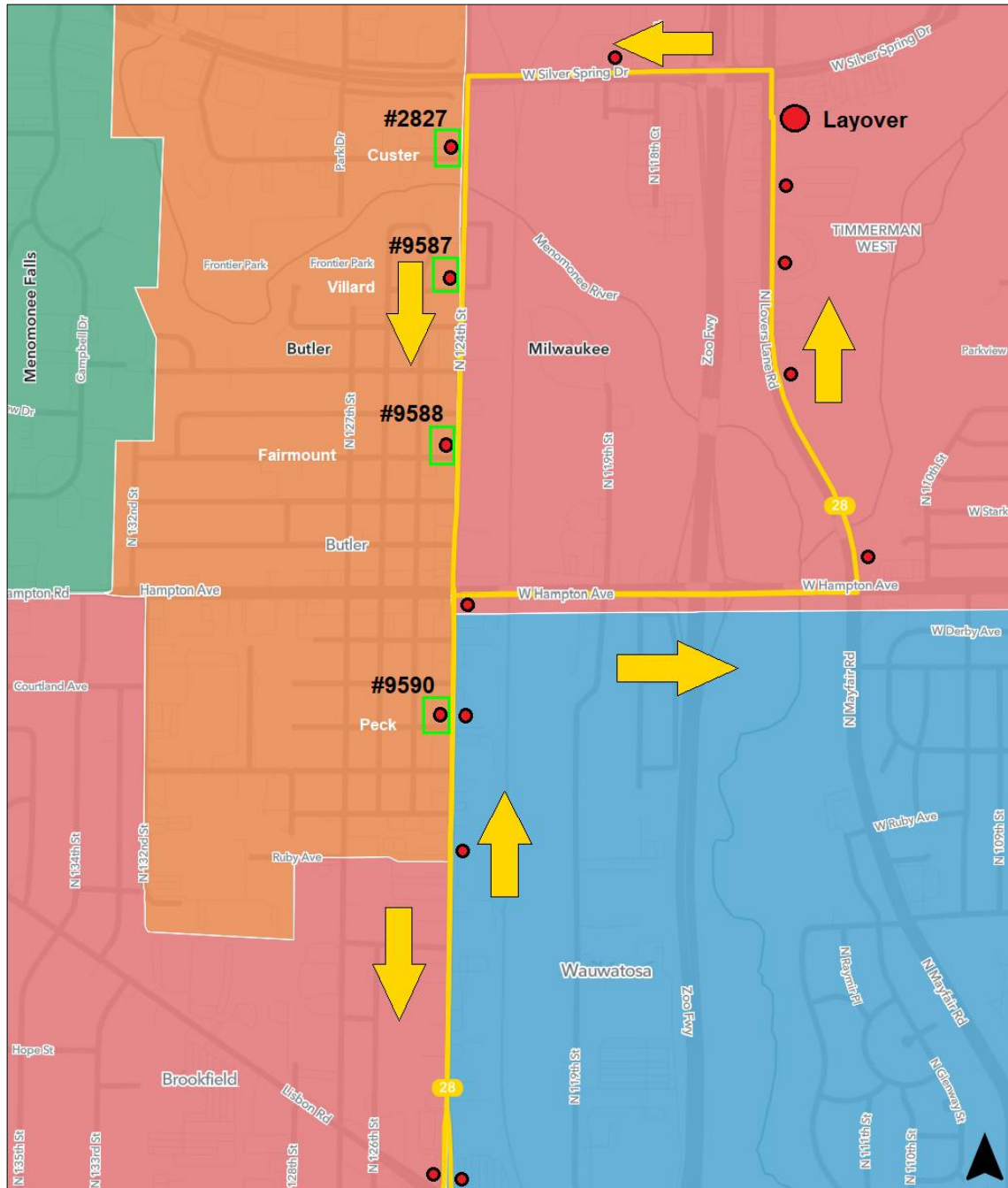
David Locher
Transportation Manager
414-343-1727
dlocher@mcts.org

Overview

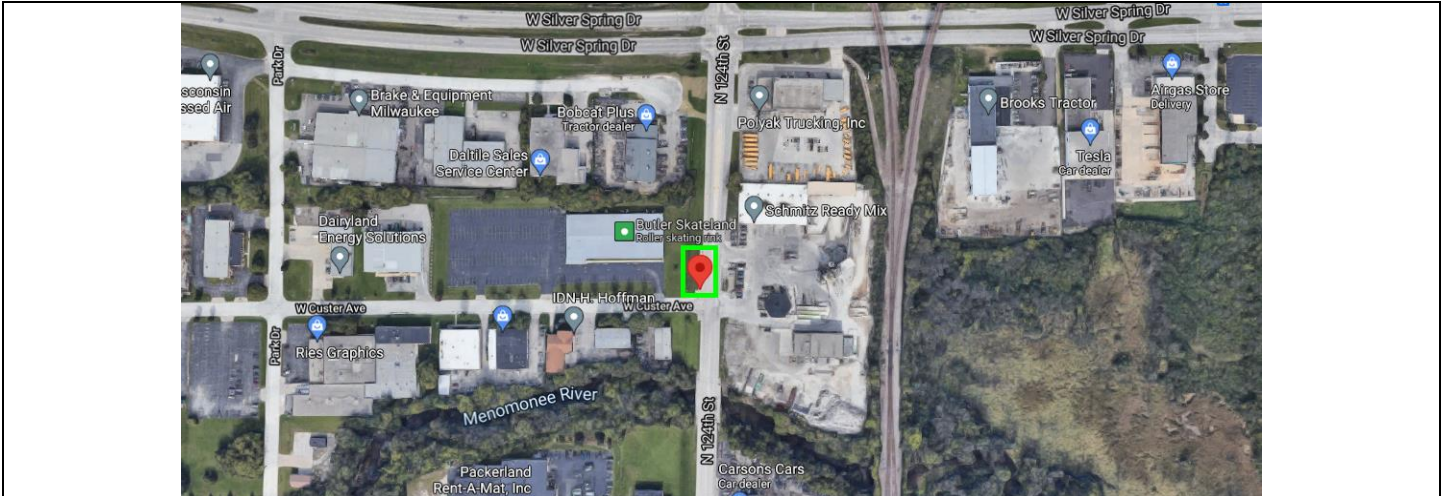
The Milwaukee County Transit System (MCTS) is seeking approval for the permanent installation of new bus stops in the Village of Butler in Waukesha County. This is to accommodate ridership along Route 28, a local line serving North 124th Street. Trips operate every 40-to-60 minutes: Weekdays 5:45am-12:30am, Saturdays 6am-11:15pm, Sundays 7:30am-9:45pm. There are four locations for consideration. Each is intended to provide passenger access to job generators lining N124th Street, a retail-industrial roadway which shares a border between the Village of Butler and City of Brookfield of Waukesha County and the cities of Wauwatosa and Milwaukee of Milwaukee County.

Details for each bus stop in Butler are provided in the following pages.

MCTS Route 28 (Butler section)



BUS STOP ID #2827	SOUTHBOUND N124 & CUSTER (NEARSIDE) #2827 (43.115222, -88.065780)
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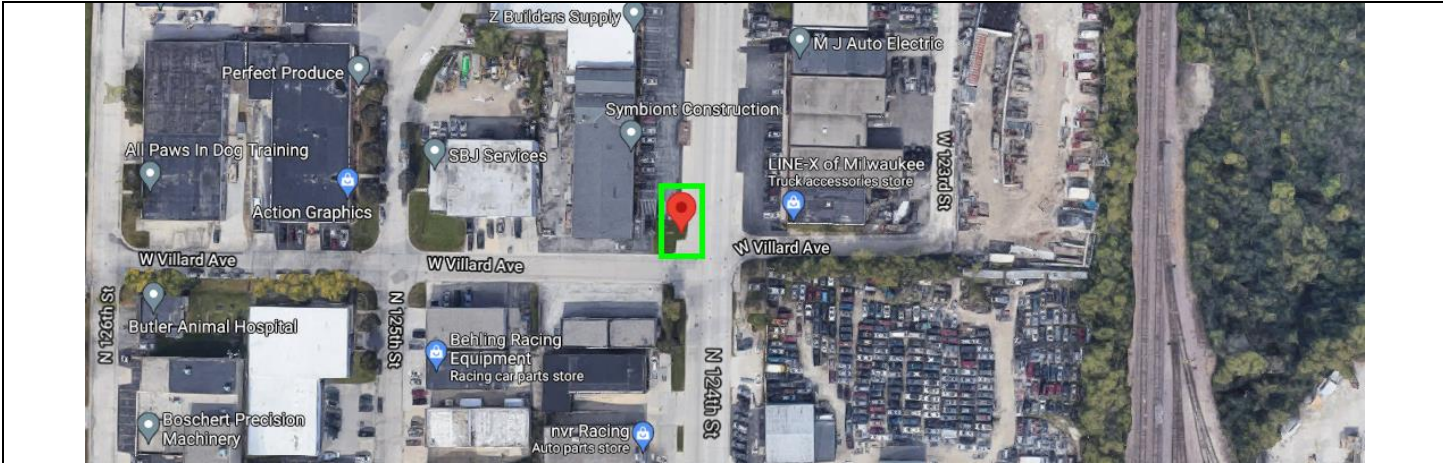


Route(s)	Route 28
Reason for New Location	New routing for MCTS Next (MCTS NEXT MAP)
Distance from previous stop	0.4 miles, WB SILVER SPRING & RAE #9586 (43.117190, -88.060820)
Distance to following stop	0.2 miles, SB N124 & VILLARD #9587 (43.112050, -88.065919)
Parking Impacts	Currently signed NO PARKING ANYTIME
Mobility/Accessibility	Mobility standards met
Pedestrian Safety	
County Supervisor	Jacob LaFontain, Dist. 7
Village Board	Patricia Tiarks, Board President

Comments

Butler Admin & PD – Concerns regarding traffic and parking volumes weekend nights for Butler Skateland.
MCTS – Apparent bus stop post without sign on site from at least 2007 to present. “No Parking” signage still in place.

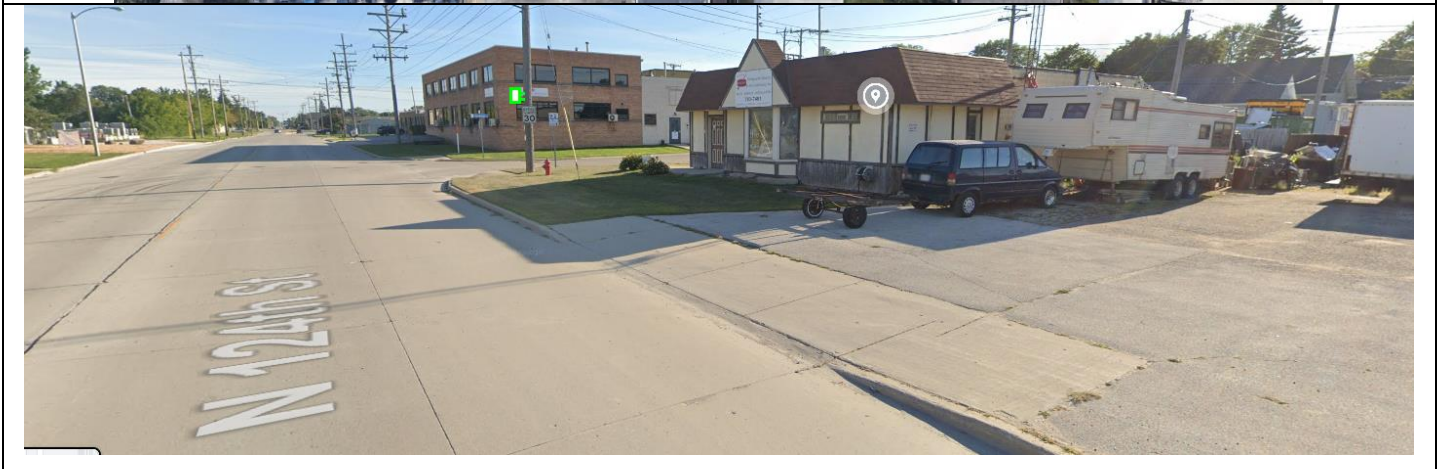
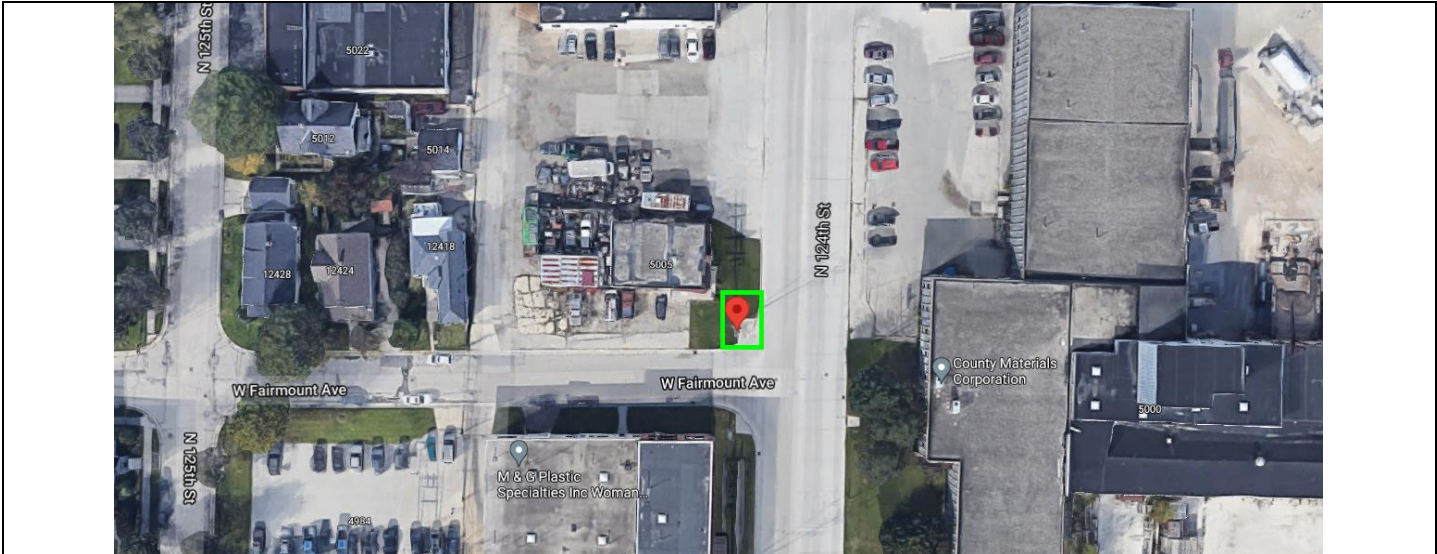
BUS STOP ID #9587	SOUTHBOUND N124 & VILLARD (NEAR SIDE) #9587 (43.112050, -88.065919)
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Route(s)	Route 28
Reason for New Location	New routing for MCTS Next (MCTS NEXT MAP)
Distance from previous stop	0.2 miles, SB N124 & CUSTER #2827 (43.115222, -88.065780)
Distance to following stop	0.3 miles, SB N124 & FAIRMOUNT #9588 (43.108030, -88.066073)
Parking Impacts	None
Mobility/Accessibility	Currently no boarding pad or walk. Passengers board in packed gravel. Coordinate future ped improvements if possible.
Pedestrian Safety	
County Supervisor	Jacob LaFontain, Dist. 7
Village Board	Patricia Tiarks, Board President

Comments

BUS STOP ID #9588	SOUTHBOUND N124 & FAIRMOUNT (NEAR SIDE) #9588 (43.108030, -88.066073)
-------------------	---



Route(s)	Route 28
Reason for New Location	New routing for MCTS Next (MCTS NEXT MAP)
Distance from previous stop	0.3 miles, SB N124 & VILLARD #9587 (43.112050, -88.065919)
Distance to following stop	0.4 miles, SB N124 & PECK (NEAR SIDE) #9590 (43.101650, -88.066196)
Parking Impacts	None
Mobility/Accessibility	Currently no boarding pad or connecting walk. Passengers board in grass. Coordinate future upgrade if possible.
Pedestrian Safety	
County Supervisor	Jacob LaFontain, Dist. 7
City Alders	Patricia Tiarks, Board President

Comments

BUS STOP ID #9590	SOUTHBOUND N124 & PECK (NEARSIDE) #9590 (43.101650, -88.066196)
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Route(s)	Route 28
Reason for New Location	New routing for MCTS Next (MCTS NEXT MAP)
Distance from previous stop	0.4 miles, N124 & FAIRMOUNT (NEARSIDE) #9588 (43.108030, -88.066073)
Distance to following stop	0.8 miles, SB N124 & LISBON (slip lane island) (43.090470, -88.066449)
Parking Impacts	None
Mobility/Accessibility	Currently no boarding pad, passengers board in grass terrace near sidewalk connection. Coordinate future upgrade if possible.
Pedestrian Safety	Crosswalk
County Supervisor	Jacob LaFontain, Dist. 7
Village Board	Patricia Tiarks, Board President

Comments

Butler PD – Limited to two live traffic lanes. Congestion and safety concerns while bus is stopped in live traffic lane for boarding.
MCTS – Typical dwell time (time bus is stopped for loading/unloading passengers) is 15-to-20 seconds, longer on infrequent occasions if a passenger requires additional assistance requiring the bus’s ADA ramp.

Kayla Thorpe

From: Kayla Thorpe
Sent: Thursday, August 26, 2021 12:00 PM
To: David Locher
Cc: David Wentlandt; Jeff Sponcia; dboehm@mcts.org; khoffman@mcts.org; jzeledon@mcts.org
Subject: RE: MCTS Proposed Locations for Permanent Bus Stops
Attachments: MCTS Proposed Bus Stops Butler Fall 2021.pdf

David,

Thank you for your email.

As we have discussed over the last week, prior to Monday, August 16 the Village of Butler was completely unaware of MCTS plan to extend bus service into the Village, though everything on MCTS website and publications note that this extension has been in the works since 2018 with 15 public hearings and 40 stakeholder meetings held, none of which included any inclusion/invitation to the Village of Butler.

MCTS has been unclear and contradictory over the last week of the process MCTS **should have used** to notify the Village of this plan and then to collectively and cooperatively decided on stop locations and public outreach. MCTS is now asking the Village to determine the process by which MCTS should use to facilitate municipal approval. The Village of Butler is not a public transit authority and should not have to outline how MCTS, which does this as their sole business operation, should work with municipalities to facilitate approval, outreach, and education. The most honest answer I have received to date on MCTS under breakdown in communication and engagement on this issue was "we forgot" to reach out to Butler.

124th Street, like all streets in the Village of Butler, is a public road and therefore, outside of seasonal weight restrictions and parking restrictions, the Village does not regulate who can and cannot operate on a public road.

I believe extending bus service provides great benefit to businesses located in the Village, especially during this tough workforce shortage, but giving the Village **10 days notice** is not transparent, is not cooperative, and ties the hands of the elected officials of the Village of Butler as to what feedback could be provided on the route.

When you, Chief Wentlandt, myself, and Jeff Sponcia met last week, met last week we only discussed stop locations and traffic/safety concerns we had about a few of the stops. In review of the packet you sent me yesterday (attached) my concerns have grown, both from a logistical standpoint, but also from a practical standpoint for MCTS philosophy.

MCTS, at least on your website, prides its self on safe, accessible public transit. Three of the five stop locations you are proposing have no concrete loading pad, are not handicap accessible, and provide little to no safe pedestrian access. This seems completely contradictory to MCTS mission, and could have been discussed between the Village and MCTS over the last 4 years that MCTS has been working on the MCTS Next initiative.

Furthermore, I, personally, have questions about who is responsible for snow removal, future pedestrian upgrades (as you noted in your memo), and garbage collection. As it stands, the Village does not have the labor force to take on any of these responsibilities. And again, these are issues that should have been vetted and discussed over the last 4 years.

At this point, I am not sure what you need or want from the Village. I have no authority to grant sign location approval, etc. The Village does not regulate who can and cannot operate on a public road. The Village Board is the only authority who can grant sign location approvals, and as I have noted before, their next meeting is on September 7, 2021 at 7 pm.

I will look forward to receiving information from you next week to be included in the Village Board's September 7 packet. I am out of the office this afternoon and tomorrow. I believe we are at the point that further conversation should take place before the Village Board.

I appreciate your time.

Kayla J. Thorpe, ICMA-CM

Village Administrator/Clerk
Village of Butler



12621 W. Hampton Ave
Butler, WI 53007
P: 262-783-2525 x: 1222
www.butlerwi.gov

Are you signed up for the bi-weekly e-newsletter?



Please consider the environment before printing this email.

From: David Locher <DLocher@mcts.org>
Sent: Wednesday, August 25, 2021 4:54 PM
To: Kayla Thorpe <KThorpe@butlerwi.gov>
Cc: David Wentlandt <DWentlandt@butlerwi.gov>; Jeff Sponcia <JSponcia@mcts.org>
Subject: RE: MCTS Proposed Locations for Permanent Bus Stops

Kayla,

Thank you for the follow-up, as this was helpful in facilitating internal review. From our perspective, we've been hearing for weeks from our riders and elected officials that they are excited about the new access to N. 124th Street via transit and job opportunities that surround the corridor. We understand the need to adhere to your bus stop approval process and commit to not installing any type of bus stop until officially approved by your Village.

However, we do hope we can at least start running our new Route 28 buses southbound on N. 124th Street despite not stopping anywhere in Butler. That way, people will begin to know where the route goes, how often it runs there, etc. If that is not possible, we would appreciate if you could send us a copy of your municipality's ordinance that prohibits a bus route operating on Village right-of-way, in case any riders or elected officials inquire.

We owe you some materials by close of Tuesday 8/31. Thanks again for your time in this process.

Best,
David Locher
Transportation Manager
414-343-1727
dlocher@mcts.org

Milwaukee County Transit System
1942 N 17th Street
Milwaukee, WI 53205
Check us out on Facebook & Twitter

From: Kayla Thorpe <KThorpe@butlerwi.gov>
Sent: Wednesday, August 25, 2021 12:40 PM
To: David Locher <DLocher@mcts.org>
Cc: David Wentlandt <DWentlandt@butlerwi.gov>; Jeff Sponcia <JSponcia@mcts.org>
Subject: RE: MCTS Proposed Locations for Permanent Bus Stops

[EXTERNAL EMAIL - CAUTION]: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Also, as a follow up...

I was of the understanding that MCTS had the authority to extend transit service across county lines at their discretion, that what had been communicated to me by MCTS in the past – and was only seeking the Villages cooperation/approval of sign location placements. I am now hearing that might not be the case and the MCTS needs municipal approval to operate bus routes in Village ROW.

If that is the case, I do not have the authority to grant MCTS approval to operate bus service on Village ROW. That approval can only come from the Village Board. Their next meeting is September 7, 2021 at 7 pm. If MCTS needs municipal approval, I would need a proposal from MCTS by next Tuesday (August 31) to include in the meeting packet materials and I would ask that a representative of MCTS be present at the meeting.

Please let me know if you have any questions. Thank you,

Kayla J. Thorpe, ICMA-CM
Village Administrator/Clerk
Village of Butler



12621 W. Hampton Ave
Butler, WI 53007
P: 262-783-2525 x: 1222
www.butlerwi.gov

Are you signed up for the bi-weekly e-newsletter?



Please consider the environment before printing this email.

From: David Locher <DLocher@mcts.org>
Sent: Wednesday, August 25, 2021 12:13 PM
To: Kayla Thorpe <KThorpe@butlerwi.gov>
Cc: David Wentlandt <DWentlandt@butlerwi.gov>; Jeff Sponcia <JSponcia@mcts.org>
Subject: MCTS Proposed Locations for Permanent Bus Stops

Hello Kayla,

Again, to both you and Chief Wentlandt, thank you for the meeting last week. There were multiple items that I hope we can continue to work through per your process and timeline.

Regarding bus stops, see attached. I have incorporated your initial feedback from our meeting, and I have not included the southbound bus stop at N124th and Arden, per your request. This packet is intended for circulation as you see fit. Please advise on proper board and agenda coordination you need from me – deliverables and dates I should adhere to.

Regarding bus routing. The packet includes a map of the routing MCTS has envisioned for activation this Sunday, August 29. For clarification, what are the proper steps required before MCTS is allowed to travel on right-of-way controlled by Village of Butler, Waukesha County? MCTS wants to respectfully adhere to your process.

Best,
David Locher
Transportation Manager
414-343-1727
dlocher@mcts.org

Milwaukee County Transit System
1942 N 17th Street
Milwaukee, WI 53205
Check us out on Facebook & Twitter



August 25, 2021

Elite B Detailing
Attn: Centrell Minter
4757 N. 125th Street
Butler, WI 53007

VIA EMAIL AND CERTIFIED MAIL DELIVERY

RE: Hearing Regarding Occupancy Permit

Dear Mr. Minter;

This letter is in reference to your occupancy permit for Elite B Detailing at 4757 N. 125th Street.

As you are aware, on May 4, 2021 the Building Board denied your application for an occupancy permit. You subsequently appealed that denial to the Village Board. At their May 18, 2021 meeting, the Village Board granted a temporary conditional approval of the occupancy permit which included a 6-month review, unless issues arose in the meantime.

Unfortunately, I have been made aware that you are currently operating outside of the approvals of your occupancy permit, specifically by operating a barber shop within your automotive detailing shop. Additionally, you stated on your occupancy application that the business operations for your business would be "auto detailing (interior/exterior) window tinting, vinyl wrapping, car wash, car restoring, radio install, vehicle enhancing, small dent removal, small window repair." I have been made aware that you are performing mechanical repair as part of your operations that was not approved as part of your occupancy permit.

At this time, I believe it is prudent for the Village Board to reconsider your occupancy application earlier than the 6-month review. I am scheduling a review before the Village Board on September 7, 2021 at 7 pm in the Village Hall Board Room.

Please feel free to contact me at 262-783-2525 or kthorpe@butlerwi.gov if you have any further questions.

Sincerely,

Kayla J. Thorpe
Village Administrator/Clerk

cc: Police Dept., Fire Dept., Public Works Dept., Building Inspector, Village Board

Kayla Thorpe

From: Kayla Thorpe
Sent: Tuesday, August 31, 2021 11:36 AM
To: 'jeneaya johnson'
Subject: RE: Elite B

Thank you for your response. These issues will be addressed at the September 7 Meeting.

Kayla J. Thorpe, ICMA-CM
Village Administrator/Clerk
Village of Butler

12621 W. Hampton Ave
Butler, WI 53007
P: 262-783-2525 x: 1222
www.butlerwi.gov

Are you signed up for the bi-weekly e-newsletter?
Please consider the environment before printing this email.

-----Original Message-----

From: jeneaya johnson [REDACTED]
Sent: Tuesday, August 31, 2021 11:33 AM
To: Kayla Thorpe <KThorpe@butlerwi.gov>
Subject: Elite B

To whom this concerns,

I received a barber letter with some concerns and I just would like to clear some things up. Thank you for reaching out although I would prefer the village to reach out to me questioning your concerns instead of implying that these things are true. I do not have a barber shop. I have no signs saying that I am running a barber shop. I have an employee who cuts my other employee hair. I am allowed to set up my business as I see fit. If I had to make you guys aware of things I do inside I do apologize for that. I do work on all the services I listed I do minor repairs, body work, tints and details. I may service my car or an employee car but I don't do mechanical jobs. I do feel like I again am being picked with because we really aren't doing anything to anyone in this community. We have issues where the police get involved just to calm situations down. We try not to call because of the last few times we called it did not work in our favor but more so used against us. We are trying to do our best out here but it seems like we are being watched and talked about more then trying to include us in the village. We will be at the meeting on the 7th. Thank you so much for reaching out.

Sent from my iPhone



VILLAGE OF BUTLER

EST 1913

OCCUPANCY PERMIT APPLICATION

VILLAGE OF BUTLER
12621 West Hampton Avenue
Butler, WI 53007
262-783-2525
www.butlerwi.gov

FEE: \$150.00 plus 40% Admin = \$210.00

OCCUPANCY PERMIT # _____

Name of Business Elite B Detailing - Tinting - automotive Services

Phone [REDACTED]

Address in Butler 4757 N 125th St. Butler, WI 53007

Describe Business Operations **IN DETAIL** (Products, process, business form, other locations, etc. Attach additional sheet if necessary) operations not listed below will not be permitted and enforcement will be taken if non-permitted operations take place:

Auto Detailing; Tinted exterior, window tinting, vinyl wrapping, car wash, car restoring, radio install, vehicle engraving, small dent removal, small window repair.

Hours of Operation: 8am - 6pm Monday - Saturday

Number of employees at this location: Six employees

Has a Knox Box Been Installed? Yes No

Applicant is the owner of the property.

Whole / Part of Building (circle one)
(If Part, please provide Floor Plan of Building)

Applicant is a tenant.

Building Owner Name & Contact Information: Distinctive Ventures, LLC

Building Owner Signature: [Signature] (Richard Dahl - [REDACTED])

Building owner acknowledges that if tenant violates municipal code and fails to comply with enforcement that building owner will also be held liable for municipal code violations.

Do you have, or will you have, any of the following Vending Machines operating on the premises:

Cigarette/Tobacco Yes No Games Yes No (Pinball/Pool/Etc.)

ATTACH A CERTIFIED SURVEY, PLAT OF SURVEY, OR SITE PLAN DRAWN TO SCALE SHOWING NUMBER AND LOCATION OF PARKING, LOCATION OF DUMPSTER, OUTSIDE STORAGE, ETC.

- Garbage dumpsters or containers MUST be screened from public view
- Outside storage of materials must be screened
- Alterations/Remodeling may require other permits (Building, Plumbing, Electrical, etc.)
- Parking on approved areas only - see Municipal Code

The undersigned applies for a permit to occupy the premises described herein for the uses and purposes as set forth and in accordance with all of the provisions of the Ordinances of the Village of Butler, and the Village of Butler reserves the right to revoke an occupancy permit for violations of Municipal Code.

04/22/2021
Date

Applicant (Sign)

Centrell Minter
(Print Name)

Email

LIST NAME, ADDRESS AND PHONE NUMBER OF PERSONS TO CONTACT IN AN EMERGENCY

Name	Address	Phone
[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]

(FOR OFFICE USE ONLY)

Building Board Approval: (Please Note - Building Board Approval is contingent on completion of all inspections)

Current Zoning: _____

The Proposed Use is Permitted?

Yes No

Floor Plan Received: _____
Date

Site Plan Received: _____
Date

COMMENTS: _____

BUILDING INSPECTOR

Inspection Date(s): _____

Approval Date: _____

FIRE INSPECTOR

Inspection Date(s): _____

Approval Date: _____

Date Copies Made for Fire Department and Building Inspector: _____

Date/Department of Second Request: _____ Date Issued _____

Exit (Front)

Bathroom

Front Garage

4600 sq ft
3/16" = 12"
22" x 34" size D

Front Shop

Half wall Divided

Connection Between Back and Front

Back Shop

Exit (Back)

Back Garage

4757 N 125th St. C

Office 2

Connection

Office 1

Exit

**ORDINANCE TO CREATE
ARTICLE VI, CHAPTER 22 OF THE MUNICIPAL CODE
OF THE VILLAGE OF BUTLER
RELATED TO CHRONIC NUISANCE PREMISES**

WHEREAS, the Chapter 22 of the Village of Butler Code of Ordinances regulates public nuisances; and

WHEREAS, the Village Board finds that certain premises within the Village receive and require more than the general, acceptable level of Police services and/or Building Inspection Services, thereby placing an undue and inappropriate burden on those Village Departments that and further resulting in unnecessary additional costs to Village of Butler taxpayers, and constitute public nuisances; and

WHEREAS, the Village Board finds that adoption of the regulations set forth in this Ordinance will promote the public health, safety and welfare;

NOW, THEREFORE, The Village Board of the Village of Butler DO ORDAIN AS FOLLOWS:

SECTION I: Article VI, of Chapter 22 of the Village of Butler Municipal Code is hereby created to read as follows:

Article VI, CHRONIC NUISANCE PREMISES.

22-201 Findings.

The Village Board finds that:

- (a) Certain premises within the Village receive and require more than the general, acceptable level of Police services and/or Building Inspection Services, place an undue and inappropriate burden on Village of Butler taxpayers, and constitute public nuisances.
- (b) Nuisance activity contributes to the general decay of an affected neighborhood and negatively impacts law-abiding residents in these neighborhoods. The vast majority of properties with chronic nuisance activity are non-owner occupied. This ordinance is enacted to encourage premises owners to recognize their responsibility to ensure that activities occurring on their premises conform to the law and do not unduly burden the Village's police and Building Inspection resources and to provide a mechanism for the Village to take action against premises owners who fail to ensure premises they own do not require a disproportionate level of police and Building Inspection resources to be devoted to such premises.

-
- (c) This ordinance provides a method for Police and the Building Inspector to use in a progressive manner when working with property owners to abate nuisance activities occurring on their premises.
 - (d) Therefore, the Village Board determines that the Village will charge the owners of such premises with the costs associated with abating nuisance activity at premises where nuisance activities chronically occur.
 - (e) This section is not intended to discourage crime victims or a person in legitimate need of police services from requesting them. This section does not affect a Premises owner's duty to comply with the Fair Housing Laws, nor does it affect a Premises owner's duty to comply with all other laws governing residential tenancies which are contained in Chapter 704 of the Wisconsin Statutes, Chapter ATCP 134 of the Wisconsin Administrative Code.

22-202 Definitions. For the purposes of this Article VI:

- (a) "Chronic Nuisance Premises" means a premises that meets any of the following criteria:
 - 1. Is a Premises which has generated three (3) or more calls for police services or building inspection services that have resulted in Enforcement Action for Nuisance Activities on three (3) separate days within a ninety (90) day period. Three (3) or more calls for police services resulting in Enforcement Action for Nuisance Activities includes Enforcement Action taken against any person associated with the Premises while at or within two hundred (200) feet of the Premises for a Nuisance Activity; and/or has generated a number of cases from the Building Inspection Department for Nuisance Activities from separate inspections occurring within a one (1) year period, with such calls resulting in Enforcement Action based on the following:
 - a. Five (5) cases with one resulting in Enforcement Action, or
 - b. Four (4) cases with two resulting in Enforcement Acton, or
 - c. Three (3) cases all resulting in Enforcement Action; or
 - 2. Is a Premises for which a Waukesha County Court of law has determined that, pursuant to a search warrant request, probable cause exists that manufacture, distribution or delivery of a controlled substance has occurred on or in association with the Premises within thirty (30) days prior to the date of the search warrant application; or
 - 3. Is a Premises which has had at least one (1) Enforcement Action associated with the Premises resulting from the manufacture, delivery or distribution of a controlled substance(s) as defined in Chapter 961 of the Wisconsin Statutes.
 - (b) "Chronic Nuisance Premises Notice" means the notice issued by the Chief of Police and/or the Building Inspector and referred to in Section 22-203(a).
 - (c) "Enforcement Action" means any of the following: The physical arrest of an individual(s), the issuance of a citation for a law violation, and/or referral of a citation or charges by the Police or the Building Inspector to the Village Attorney or District Attorney for prosecution for Nuisance Activities.
-

(d) "Nuisance Activities" means any of the following activities, behaviors or conduct:

1. An act of harassment as defined in s. 947.013, Wis. Stats.
2. Disorderly conduct as defined in § 947.01, Wis. Stats.
3. Crimes of violence as defined in ch. 940, Wis. Stats.
4. Resisting or obstructing an officer as prohibited § 946.41, Wis. Stats.
5. Crimes against sexual morality under Ch. 944, Wis. Stats.
6. Receiving stolen property, as prohibited in § 943.34, Wis. Stats.
7. Damage to property as prohibited by § 943.01, Wis. Stats.
8. The production or creation of noises in violation of sec. 24-31 of this Code.
9. Gambling crimes under Ch. 945, Wis. Stats.
10. Discharge of a firearm as prohibited by Sec. 24-29 of this Code.
11. Crimes involving illegal possession of firearms as defined in §§ 941.23, 941.26, 941.28, 941.29 and 948.60, Wis. Stats.
12. Trespass to land as defined in § 943.13, Wis. Stats. or criminal trespass to dwelling as defined in s. 943.14, Wis. Stats.
13. Obstructing a public way, as prohibited by Sec. 30-63 of this Code.
14. Theft as defined in § 943.20, Wis. Stats.
15. Arson as defined in § 943.02, Wis. Stats.
16. Unlawful dumping as prohibited by Sec. 30-36 of this Code.
17. Loitering for purposes of soliciting prostitutes, as prohibited by Sec. 24-72 of this Code.
18. Loitering and/or curfew violations under Chapter 24 of this Code.
19. Selling, offering for sale or giving away of any intoxicating liquors or fermented malt beverages without a license as provided in § 125.04(1), Wis. Stats.
20. Possession, manufacture, distribution or delivery of a controlled substance or related offenses as defined in ch. 961, Wis. Stats.
21. Maintaining a drug dwelling as defined in § 961.42, Wis. Stats.
22. Illegal gambling as defined in § 945.02, Wis. Stats.
23. Alcohol violations as defined in Chapter 24 of this Code or Chapter 125, Wis. Stats.
24. Animal violations under Chapter 6 of this Code.
25. Violations of the Property Maintenance requirements set forth in Ch. 50, Art. VI of this Code.

-
26. Violations of Public Nuisance Ordinances, as contained in Chapter 22, Village of Butler Municipal Code.
 27. Violations of Minimum Housing Standards Ordinances, as contained in Chapter 18, of this Code.
 28. Violations of the Fire and Safety ordinances set forth in Chapters 14 and 22 of this Code.
 29. Weapons violations under Chapter 24 of this Code.
 30. Violations of Building Code Ordinances set forth in Chapter 14, Village of Butler Municipal Code.
- (e) "Person" means any natural person, agent, association, firm, partnership, limited liability company, corporation or other entity capable of owning, occupying or using property in the Village of Butler.
- (f) "Person Associated With" means any person who, whenever engaged in a Nuisance Activity, has entered, patronized, visited, or attempted to enter, patronize or visit, or waited to enter, patronize or visit a premises or person present on a premises, including without limitation any officer, director, customer, agent, employee, or any independent contractor of a property, person in charge, or owner of a premises.
- (g) "Person in Charge" means any person, in actual or constructive possession of a Premises including but not limited to an owner or occupant of Premises under his or her ownership or control.
- (h) "Chief of Police" means the Village of Butler Police Department Chief of Police or designee.
- (i) "Building Inspector" means the Village of Butler Building Inspector or designee.
- (j) "Premises" means a place of abode, a residence, a house or multiple dwelling unit for one (1) or more persons including, for example, apartments, duplexes, rooming houses, and associated common areas, yards, and parking lots. In the case of multiple dwelling units, "Premises", as used in this Section, may consist of any single unit providing complete, independent living facilities for one (1) or more persons, including provisions for living, sleeping, eating, cooking and sanitation.

22-203 Procedure.

- (a) Upon finding that a Premises meets the definition of a Chronic Nuisance Premises, the Chief of Police or the Building Inspector may declare the Premises a Chronic Nuisance Premises. The Chief of Police or the Building Inspector shall provide written notice of his or her determination to the Premises owner of record as identified by the Village of Butler Assessor's records for that Premises. The Chronic Nuisance Premises Notice ("CNP Notice") shall be deemed delivered if sent either by First Class mail to the Premises owner's last known address or delivered in person to the Premises owner. If the Premises owner cannot be located, the notice shall be deemed to be properly delivered if a copy of it is left at the Premises owner's usual place of abode in the presence of some competent member of the family at least 14 years of age, or a competent adult currently residing there and who shall be informed of the contents of the CNP Notice. If a current address cannot be located, it shall be
-

deemed sufficient if a copy of the CNP Notice is sent by first class mail to the last known address of the owner as identified by the records of the Village Assessor. The CNP Notice shall contain the following information:

1. Street address, parcel number or a legal description sufficient to identify the Premises.
 2. A concise statement, including descriptions and dates of the relevant incidents supporting the determination that the Premises is a Chronic Nuisance Premises.
 3. A statement that the owner shall immediately notify the Chief of Police or Building Inspector of any change in address to ensure receipt of future notices.
 4. A statement that the cost of future enforcement may be assessed as a special charge against the Premises.
 5. A statement that the owner shall, within ten (10) days of receipt of the CNP Notice, respond to the Chief of Police, or the Building Inspector as the case may be, either with an appeal or to propose a written course of action to abate the Nuisance Activities. The Statement shall direct the Premises owner to schedule a meeting with the Chief of Police and/or Building Inspector to discuss the Nuisance Activity and the Premises owner's intent regarding abatement.
 6. A statement that the Premises owner shall, when appropriate, consider and implement alternatives to eviction when formulating an abatement plan.
 7. A statement that the Premises owner shall at all times comply with the fair housing laws when considering any action against a tenant based upon a CNP Notice.
 8. A statement that the Premises s owner may be subject to a forfeiture action with a penalty of not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000), plus costs, for permitting a Chronic Nuisance Premises and may be subject to imprisonment for failure to pay such forfeiture.
 9. A statement that if the Premises is not an owner-occupied residential Premises, the Premises owner shall attend a landlord training, approved by the Office of the Village Administrator, within thirty (30) days of issuance of the CNP Notice.
- (b) In reaching a determination that a premises is a Chronic Nuisance Premises, activities that were reported to the Police or Building Inspector by the Premises owner or on-site Premises manager shall not be included as Nuisance Activities.
- (c) Section 968.075, Wis. Stats., broadly defines "domestic abuse". Therefore, in reaching a determination that a Premises is a Chronic Nuisance Premises, activities that are "domestic abuse" incidents pursuant to Wis. Stat. § 968.075, shall not be included as Nuisance Activities unless the incidents have been reviewed by the Chief of Police and the Office of the Village Attorney and a determination is made that, based upon the specific facts of each incident, the activities should be deemed Nuisance Activities under Section 22-202(d). In determining whether to include such activities, the Chief of Police and Village Attorney shall consider the strong public

policy in favor of domestic victims reporting alleged abuses, and this ordinance shall not operate to discourage such reports.

- (d) If the owner responds to the CNP Notice pursuant to Sec. 22-203(a) with a nuisance abatement proposal, the Chief of Police or the Building Inspector may accept, reject or work with the owner to modify the proposal. The plan is acceptable if it may reasonably be expected to result in abatement of the Nuisance Activities described in the CNP Notice within sixty (60) days.
- (e) Premises owners shall be counseled regarding nuisance abatement methods and strategies and shall be encouraged to submit a comprehensive nuisance abatement plan that considers alternatives to eviction in situations where eviction is not the sole remedy available to abate the nuisance activity.
- (f) Premises owners shall be counseled regarding use of available resources, including community service providers, when Nuisance Activity associated with the Premises is not caused or contributed to by the direct actions of a tenant.
- (g) If the Premises owner meets with the Chief of Police and/or the Building Inspector and presents an acceptable abatement plan and initiates action to abate the Nuisance Activities occurring on the Premises, the Police Department and/or Building Inspector will delay further enforcement of this ordinance, including cost recovery under Section 22-204(a).
- (h) If the Premises owner ceases to cooperate with the efforts to abate the Nuisance Activities, the Chief of Police and/or Building Inspector will reinstitute enforcement of this ordinance and the Premises owner will be sent a Change In Status Letter. This letter will document the Police Department and/or Building Inspector's efforts to contact and/or obtain cooperation of the owner.
- (i) Failure by the Premises owner to respond within ten (10) days as directed in this subdivision shall result in a forfeiture of one thousand dollars (\$1,000) plus court costs and fees.
- (j) Any Premises owner who has been notified by the Chief of Police or the Building Inspector that their non-owner-occupied Premises is a Chronic Nuisance Premise shall attend a landlord training approved by the Village Administrator within thirty (30) days of said notification.
- (k) Whenever the Chief of Police or the Building Inspector determines that any of the following have occurred:
 - 1. A Premises owner has failed to respond to the CNP Notice in Section 22-203(a), or
 - 2. Enforcement action for an additional Nuisance Activity has occurred at a Premises for which Notice has been issued pursuant to Subdivision (a) and this Enforcement Action has occurred not less than fifteen (15) days after the CNP Notice has been issued, or
 - 3. A course of action submitted pursuant to Section 22-203(a)(5) has not been completed,

Then the Chief of Police and/or the Building Inspector may calculate the cost of enforcement to abate this and any subsequent Nuisance Activities and may refer such cost to the Village Administrator so that the cost may be billed to the Premises owner. The Chief of Police and/or the Building Inspector shall notify the Premises owner of the decision to refer the cost of enforcement to the Village Administrator. Delivery of this notice, along with a copy of the Chief's or Building Inspector's referral letter to the Village Administrator, shall be made as set forth in Subdivision (a). The notice shall contain:

- a. The street address or legal description sufficient for identification of the premises.
 - b. A Statement that the Chief of Police and/or the Building Inspector has referred the cost of enforcement to the Village Administrator with a concise description of the Nuisance Activities and the relevant sections of the ordinances.
 - c. Notice of the premises owner's right to appeal pursuant to Section 22-205.
- (l) Each subsequent incident of enforcement action for Nuisance Activity shall be deemed a separate violation and costs will continue to be assessed pursuant to Section 22-204(a) until the nuisance is abated pursuant to Section 22-209.

22-204 Penalties and Remedies.

- (a) Cost Recovery. The Chief of Police and the Building Inspector shall keep an accurate account of the cost of enforcement and shall report it to the Village Administrator. The Village Administrator shall establish a reasonable charge for the costs of enforcement of this section based upon costs actually incurred by the Village. Upon receipt of a notice from the Chief of Police or the Building Inspector issued pursuant to Section 22-202(k), the Village Administrator shall charge any Premises owner found to be in violation of this section the costs of enforcement in full or in part. Such costs shall be billed to the Premises owner by invoice sent by regular mail and must be paid within thirty (30) days of the date on the invoice. Any unpaid invoice shall be a lien on such Premises and may be assessed and collected as a special charge pursuant to Wis. Stat. § 66.0627. A one hundred dollar (\$100) administrative fee shall be added to the cost of enforcement charged to the benefited premises any time the premises is declared a chronic nuisance premises.
- (b) Suspension of Cost Recovery. If after the receipt of a billing notice from the Village Administrator, the Premises owner develops an acceptable plan and initiates action to abate nuisance activities occurring on the Premises, the Chief of Police and/or Building Inspector will suspend further enforcement of this ordinance. The Premises owner is still responsible for any enforcement costs incurred prior to the Premises owner's submitting an abatement plan, including the administrative fee. If the Premises owner ceases to cooperate with the efforts to abate the Nuisance Activities, the Chief of Police and Building Inspector will reinstitute enforcement of this ordinance after sending the Premises owner a Change In Status letter.
- (c) Forfeiture. A forfeiture action may be commenced by the Village Attorney for each Enforcement Action for Nuisance Activity occurring after the Premises has been

declared a Chronic Nuisance Premises. The forfeiture shall be not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000) for each enforcement action. Upon default of payment, the Premises owner may be imprisoned in the county jail for a period of not more than ninety (90) days.

22-205 Appeal. Appeal of the determination of the Chief of Police and/or the Building Inspector pursuant to either Section 22-203(a), or the action of the Village Administrator imposing special charges pursuant to Section 22-204(a) against the Premises, may be submitted in writing in accordance with Article II, Chapter 9 of this Code.

22-206 Eviction or Retaliation Prohibited.

- (a) It shall be unlawful for a landlord to terminate the lease agreement or periodic tenancy of any tenant or otherwise retaliate against any tenant because that tenant complained to the Chief of Police or Building Inspector about Nuisance Activities on the landlord's premises. It shall be unlawful for a landlord or any person acting as an agent for the landlord, to intimidate or actively discourage a tenant and/or persons associated with a tenant, from calling the police to report Nuisance Activity associated with a Premises. It shall be presumed that any attempt to increase charges, reduce services, or to otherwise harass or retaliate against the tenant during the 12-month period following receipt of the complaint by the Chief of Police or Building Inspector constitutes unlawful retaliation under this Article. Such presumption shall be rebutted by the preponderance of evidence that the actions taken by the landlord were based upon good cause. Notwithstanding the foregoing, a tenant's lease agreement or periodic tenancy may be terminated for a failure to pay rent; committing Nuisance Activity as defined in Section 22-203(d); for the commission of waste upon the Premises; violating the terms and conditions of the lease agreement or periodic tenancy or as otherwise provided in Wis. Stat. ch. 704, and Wis. Admin. Code ch. Ag. 134. A landlord's failure to renew a lease agreement or periodic tenancy upon expiration of such lease agreement or periodic tenancy shall not be deemed a violation of this Article.
- (b) "Good cause" as used in this Article means that a landlord must show good cause for his or her actions, other than one related to or caused by the operation of this section.
- (c) Penalty. Any person violating this Article shall be subject to a forfeiture of not less than \$100 nor more than \$2000 for each violation and upon failure to pay said forfeiture, may be imprisoned in the county jail for a period of not more than ninety (90) days.

22-207 Injunction. This section may be enforced by injunction.

22-208 Abatement In Accordance With State Law. Nothing in this section shall be construed as prohibiting the abatement of public nuisances by the Village or its officials in accordance with the laws of the State.

22-209 When Nuisance Is Deemed Abated. The public nuisance created by a Chronic Nuisance Premises shall be deemed abated when no Enforcement Action to address Nuisance Activities occurs for a period of six (6) consecutive months from the date stated on the notice declaring the Premise a Chronic Nuisance Premises and/or there are no building inspection cases generated for a period of six (6) consecutive months from the date stated on the notice declaring the Premises a Chronic Nuisance Premises.

22-210 Severability. The provisions of any part of this Article are severable. If any provision or section hereof or the application thereof to any person or circumstances is held invalid, the other provisions, subsections and applications of such ordinance to other persons or circumstances shall not be affected thereby. It is declared to be the intent of this section that the same would have been adopted had such invalid provisions, if any, not been included herein.

22-211 Report. The Chief of Police shall annually report to the Village Board on the following:

- (a) How many Premises were declared Chronic Nuisance Premises.
- (b) How many Premises that were declared Chronic Nuisance Premises were abated and the length of time it took for abatement to occur.
- (c) How often the Cost Recovery provision have been used and the dollar amount collected under this provision.

SECTION 2: SEVERABILITY. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE. This Ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this _____ day of _____, 2021.

Village of Butler

Patricia Tiarks, Village President

ATTEST:

Kayla J. Chadwick, Village Administrator/Clerk

Published and/or posted this _____ day of _____, 2021.