

# Eastmorland Community Association Monthly Meeting – July 10, 2018

## Minutes

<b>Board Directors &amp; Officers:</b>	Bobbi Nowak
Kathy Soukup, President	Carrie Ezzell
Fred Svensson, Vice Presiden	Grant Foster
Dan Zimmerman, Treasurer and Secretary	Kris Whitman
	Bryn Thompson
	Patrick Soukup

### 1. Call to order and call for changes to the agenda

All Board Directors/Officers were present with the exception of Kris Whitman, who was excused. One item was added to the agenda: 1) Report on the Planning Commission hearing to add outdoor seating to the restaurant/tavern, the Horseshoe Bar, at 3900 Dempsey Road – Kathy Soukup.

### 2. Review and approval of minutes of the June 12, 2018 meeting

**Ms. Ezzell moved to approve the minutes with the following correction (strikeout font used for deletions and underlined font used for additions):** The motion under the “Discussion of ECA’s tax status” should read, “Mr. Foster moved to have Mr. Zimmerman identify potential issues with the above three options and report on his findings at the next meeting.” **Mr. Svensson seconded the motion. The motion passed unanimously.**

Several attendees indicated that they would like to see a broad distribution of the agenda and minutes, including a posting of these documents on NextDoor, to the ECA distribution listsev, etc. This message will be forwarded to Jennifer Moore and Dan Glassman.

### 3. Update on the neighborhood sign

A formal report was not available. It is believed that MG&E has indicated the desired placement of the sign at Leon and Milwaukee Street is okay (no buried lines).

### 4. Update from city staff on the reconstruction of Atwood Avenue

Mr. Andrew Zweig, the project manager for the Atwood Avenue reconstruction project, reviewed slides from the last public hearing and answered questions from the attendees. A description of the project with a project schedule and links to the PowerPoint slides from the public hearings may be found at <http://www.cityofmadison.com/engineering/projects/atwood-avenue>. The following links provide the thoughts on the design presented at the most recent public hearing:

[Plan - Fair Oaks Ave to Walter St PDF](#)

[Plan - Walter St to Cottage Grove Rd PDF](#)

[Typical Section - Fair Oaks to Oakridge PDF](#)

[Typical Section - Oakridge to Dennett PDF](#)

[Typical Section - Dennett to Cottage Grove Rd PDF](#)

The primary points Mr. Zwieg made are:

- There are many city committees and commissions (e.g., the Board of Public Works, the Parks Commission, Common Council, City Transportation Committee, etc.) that need to approve the design of the project before the design is submitted to the Department of Transportation. The Metropolitan Planning Organization (MPO) and Department of Transportation approval for funding is pending. The project design staff will address all the comments received from the Department of Transportation, make necessary revisions to the project design and specifications, etc. The next public meeting will be held in 2019.
- The earliest work will begin on the reconstruction will be 2021. Potential issues with the needed revisions to address comments from all parties and potential issues related to state and federal funding may delay the project.

5. Update on any issues in the continued publication of the ECA quarterly newsletter

Mr. Hoelter, the managing editor of the newsletter, believes the publication and distribution of the last newsletter went well. The deadline for submission for content for the August newsletter was today, July 10<sup>th</sup>.

6. Report on the Planning Commission hearing to add outdoor seating to the restaurant/tavern at 3900 Dempsey Road – Kathy Soukup

The Horseshoe Bar at 3900 Dempsey Road wants to add 20 – 30 outdoor tables and to be open from 10:00 a.m. to midnight on the weekends. In addition to the Planning Commission approval, the Alcohol and Licensing Review Committee needs to approve these changes to the bar's license.

7. Treasurer's Report

The plant sale for treatment of neighborhood ash trees raised \$512.08. The following table provides corrections to the information presented at the meeting.

	Balances as of 05/31/2018	This month		Total
		Contributions	Ad Revenue	
General fund	\$12,318.70	\$220.00	\$1,502.10	\$14,040.80
Save the Park Ash Trees	\$4,392.26	\$1,062.08		\$5,454.34
Total Checking/Savings	\$16,710.96			\$19,495.14
Paypal account (ash trees)	\$0.00	\$325.00		\$325.00
Accounts Overdue			\$90.13	\$90.13
Checks not Cashed (Liability)	\$0.00	\$77.88		\$77.88
Prepaid ads	\$1,744.10			\$1,744.10
Balance	\$15,056.99	\$1,607.08	\$1,502.10	\$18,166.17

Mr. Zimmerman reported that the Biergarten at Olbrich Park held a fundraiser, based on 15% of sales for one night, for treatment of ash trees in the neighborhood on June 29<sup>th</sup>. As a result, the Biergarten will be donating \$450 for the treatment of the ash trees. In addition, patrons at the Biergarten gave an additional \$120 in cash for this purpose.

Ms. Schacter sent the following proposal as a request for funds from ECA for treatment of ash trees in the neighborhood: A donation of \$367.50 from the ECA general fund to cover the initial investment in 50 t-shirts at a cost of \$7.35 each. The t-shirts will be sold for \$15 each, thus funneling the initial \$367.50 plus an additional \$382.50 into the park ash tree re-treatment fund. The plan for selling and distributing t-shirts: The t-shirts will be advertised on the ECA Facebook page, on the ECA website, in “Hi Neighbor,” and via word of mouth. Parthy Schachter (and any other volunteers willing to help with this) will coordinate pickup or delivery of shirts. Any shirts not sold in the first few months will be made available for purchase at future ash tree fundraisers such as the yearly garage and plant sale. **Mr. Zimmerman moved to approve Ms. Schacter’s proposal. Ms. Ezzell seconded the motion. Ms. Nowak moved to amend the motion by approving up to \$500 for this purpose. Mr. Woolsey seconded Ms. Nowak’s motion. Both the motion and the amendment passed unanimously.** Additional comments were made with the intention that they would be passed along to Ms. Schacter: 1) The intent of the amendment was to ensure that the T-shirts are of high quality; 2) A brief article with the logo for the T-shirts included should be written for the August “Hi, Neighbor!” newsletter; and 3) The suggested donation/price of the T-shirts should be \$20 instead of \$15.

#### 8. Further Discussion of ECA’s tax status

During the June ECA meeting, Mr. Zimmerman noted that ECA was incorporated on May 17, 1957 as a non-stock, non-profit corporation pursuant to ch. 181, Wisconsin Statutes (see <https://docs.legis.wisconsin.gov/statutes/statutes/181.pdf>). ECA files an annual report with the Wisconsin Department of Financial Institutions (DFI) as required in the statutes. However, ECA has not sought tax exempt status with the federal IRS and has not filed tax returns. Mr. Zimmerman discussed three options for ECA to address this issue:

- a) Continue “as is” by filing the annual report with DFI and not file any federal tax return.
- b) File a tax return for CY 2018. The IRS may notice and request tax returns to be filed for the prior six years and payment of any tax due in addition to applicable penalties and interest.
- c) Dissolve ECA and reincorporate on the same day or next day while concurrently applying for a new federal EIN and for § 501 (c) (4) tax exempt status with the IRS.

Mr. Zimmerman discussed potential issues with the above three options with a tax attorney, who has been providing legal advice free-of-charge. The risks of option “a” above are low given that the ECA has generated little profit (revenue minus expenses = profit) and that the ECA hasn’t come onto the IRS radar over the past sixty-one years. The risk of option “b” above is that the IRS likely will require ECA to file tax returns for the preceding three to six years and assess penalties and interest on any taxes owed. Option “c” above allows for ECA to come into compliance with federal law and is not likely to generate questions from the IRS. Mr. Zimmerman discussed the many details that need to be addressed if the membership decides to choose to implement option “c”.

#### 9. Call for agenda items for the August 14<sup>th</sup> meeting

In addition to the regular business agenda items (e.g., approval of the prior meeting’s minutes), the following items were identified: 1) Update from city staff on the reconstruction of Atwood Avenue; 2) Update on the neighborhood sign; 3) Further discussion on ECA’s tax status; and 4) Update on any issues in the continued publication of the ECA quarterly newsletter.

A presentation from city or Olbrich Gardens staff on the master plan for Olbrich Gardens will be on the agenda for September.

For some future meeting, it was noted that there should be a discussion of how to engage potential volunteers and to recognize the work done by volunteers. Also, an ad hoc committee comprised of Heather Daniels, Bobbi Nowak, Kathy Soukup, Grant Foster, and Dan Zimmerman will meet to review state and federal requirements and the current ECA By-Laws and make recommendations for potential motions and actions to dissolve and reincorporate ECA.

Adjourned at 9:00.

Submitted by Dan Zimmerman, Secretary