

President Mark Breckheimer called the meeting of the Village Board to order at 7 p.m. on Monday, July 8, 2019.

Roll Call – all members reported present except Peggy Nolan. Others present were Dennis DuPrey, Charlie Fochs, Mike Loose, Jim Schmidt, Randy Boesch and Ed Byrne.

Pledge of Allegiance – The pledge of allegiance was recited by everyone present.

Citizen Questions and Concerns to be acted on at the next board meeting – none.

Announcements – Voices of Peace Gospel Fest on 8/16/19 and 8/17/19 at Hilbert Civic Park. The Annual Cheesehead Run on 8/17/19 by Village Centre on Main Street. The Brillion News 125th Anniversary Celebration on 7/18/19 from 1 p.m. – 8 p.m. at Zander Press in Brillion. The Crystal Ballroom Open House on 7/11/19 at 7 p.m.

Minutes – Action – to approve the board meeting minutes as presented – motion: Schrubbe; second: Roehrig; carried. There were no fire department minutes presented to the board. The first responder minutes were presented to the board. Action – to accept the first responder minutes and to place them on file – motion: Roehrig; second: Keuler; carried.

Treasurer's Report for the Village of Hilbert - balances – \$107,612.67 General fund; \$792,325.65 Sewer fund; \$154,660.03 Water fund; \$1.00 DOA Block Grant Fund; \$68,339.07 TID #1 fund; \$1,102,619.48 T-Plus fund; \$30,180.24 First Responder fund; (\$170,406.99) TID #2 fund; \$317,956.17 Capital Improvements fund. Action – to approve the treasurer's report as presented – motion: Starfeld; second: Keuler; carried. The fire department treasurer's report was presented to the board. Action – to approve the fire department treasurer's report as presented – motion: Starfeld; second: Schrubbe; carried. There was no first responder treasury report presented to the board.

Claims - examined and discussed. Action – to pay all claims – motion: Schrubbe; second: Roehrig; carried.

Correspondence – The MEG Newsletter presented to the board for their information. The Focus Newsletter was presented to the board for their information. There was no Boardman & Clark, LLP Newsletter presented to the board. The Calumet County Focus on Calumet Newsletters were presented to the board for their information. The notice from Wisconsin Retirement System – 2020 Contribution Rates was presented to the board for their information. DuPrey informed the board that there was an increase of .4% for pension and that will be split 50/50 between the employees and the Village.

Reports - The report of labor hours was presented to the board for their information. The monthly report on building permits was presented to the board for their information. The notice of receipt of the 2018 Insurance Dividend from the League of Wisconsin Municipalities Mutual Insurance (LWMMI) was presented to the board for their information. DuPrey explained that the Village received \$1,678 this year compared to last year's \$4,686. The difference was due to a large claim that was filed. The claim caused the mod factor to increase which increased the premium by \$5,231. Once you figure in the decrease in the dividend the cost to the Village was \$8,239. The notice of 2019 Full Value Assessment for Manufacturing Property was presented to the board for their information. DuPrey stated that the overall increase is \$5,379,000 or 28.7% based on the assessment ration of .9620. The gain would be approximately \$5,100,00 in assessed value mostly within TID #2 due to Sargento. The notice of receipt of the quarterly street aid payment in the amount of \$11,386.37 was presented to the board for their information.

Unfinished Business:

2018 Projects – Nothing new.

Change Orders - None. Payment Requests - A payment request to MCC, Inc in the amount of \$172,111.39 for the 2019 utility and streets improvements (12th St. and 4th St. project) was presented to the board. Action – to approve the payment request in the amount of \$172,111.39 to MCC, Inc – motion: Schrubbe; second: Bolwerk; carried.

Recycling/Rubbish – The monthly report was presented to the board for their information.

Police Protection for the Village – The monthly report was presented to the board for their information.

Fire Department – Chief Loose reported to the board that there were 6 fire calls the last month. He stated that the chief's convention went well and was very informative. He was informed that the whole county will need replacements of their radios due to the fact that Motorola is no longer offering parts for the current ones. The requirement to change tires on the trucks every 7 years is no longer in effect. There are new regulations for firefighters wanting to move up in the ranks. The SCBA's were also discussed. Chief Loose stated that some of the area fire departments are looking into a type of leasing program to acquire them. The 4th of July parade & picnic went well with the fire department receiving approximately \$4,275 for their share of the 50/50.

TID District #1 – Nothing new.

TID District #2 – Nothing new.

Wastewater Treatment Plant – Nothing new.

Well #4 – No update.

Village South Residential Development Property –

Discussion and possible action regarding Resolution 2019-06, Preliminary Resolution Declaring Intent to Levy Special Assessments – The special assessment would be for curb & gutter only. Those affected would be: Frontier (8th St. & Thorn Creek Dr. sides), St. Vincent DePaul's (Thorn Creek Dr. side and around the radius) and Sargento (8th St. Side). Breckheimer stated, that in his opinion, there should be

no special assessments in this case. He stated in the case of St. Vincent De Paul's and Frontier for example, the Village just bought the land from them and now we should turn around and special assess them for curb & gutter, which could possibly exceed the purchase price. Breckheimer stated that there will be a Plan Commission meeting in a week or two and that the final plat should be approved by the state. Action – To not approve Resolution 2019-06, Preliminary Resolution Declaring Intent to Levy Special Assessments – motion: Schrubbe; second: Roehrig; carried.

Village Economic Development Plan – Nothing new.

Purchase of Bel Brands Property – Nothing new.

WWTP Computer – Fochs stated that they are working on the set up of the new computer and configuring the lab sheets. Right now, both the old and new computers are running while they are doing the switch over, so the old system is the back-up until they know everything is working and ready to go on the new system. They are advancing and getting closer to completion.

Hilbert Housing Authority – Tom Piepenburg, the chairperson of the Hilbert Housing Authority, addressed the board. He explained that at the last committee meeting that Sara, a representative from Allegiant Property Management was in attendance. Allegiant Property is the management group that manages the Sunrise I and Sunrise II apartment buildings on 3rd Street. They have taken on this position in the last 18 months. Piepenburg stated that the group is currently delinquent on their PILOT payments (payment in lieu of taxes) for 2019. They have requested a waiver for this year's payment. Financially there is no money there to pay it and no reserves for it. Piepenburg said that Sara is the new contact for the village. He believes she's trying to get things in order and trying to stay on top of the residents' issues. However, she can't address them all though due to lack of funds. She also is trying to make the most out of marketing the units. Piepenburg stated that Allegiant is not taking any management fees most months because there is no money left to take. Breckheimer and Starfeld questioned why Allegiant wants to be involved in the managing of the units if there's no money to be made? Starfeld questioned how a big company like Allegiant, as a whole, could not have money? Schrubbe asked what the rental income is? DuPrey explained that these units (that are through HUD) are actually meant to be self-sustainable and the allowable rent collected is determined by each renter's income. So empty apartments play a huge role in the financial stability. Piepenburg stated that right now, Sunrise I has one unit vacant due to the fact that improvements are needed; without these improvements, it is unrentable. Sunrise II has 5 units available; 2 of which are unrentable. They are reaching out to the Village to see if there is anything monetary, or even if there are employees that can help with the improvements, available. Roehrig questioned whether the Village has any say on who manages the buildings since the Village owns the land? DuPrey stated that it is a renewable contract regarding management. The next committee meeting will be Tuesday, August 20th at 10:30 a.m. at the Sunrise Apartments. It was questioned whether the new contact, Sara, could be available for the board to go over their questions and concerns. Piepenburg said she would be at that committee meeting. Starfeld asked Piepenburg to check to see if she could make an evening meeting so more board members could attend. She is located in Lacrosse but Piepenburg said he would check with her on availability. Breckheimer stated that he can see forgiving the PILOT payment for 2019 but not giving more assistance than that. DuPrey stated that with levy limits it's hard to budget money for things such as this. In previous years the PILOT payments have been forgiven and HUD actually requested the board to do so; otherwise the buildings could have been shut down permanently. Action – to approve the committee's recommendation to forgive the PILOT payments in the amount of \$3,000 for 2019 – motion: Starfeld; second: Roehrig; carried by majority vote. No further action needed. There was no action taken on the request to have the village help subsidize the housing authority.

Fochs Trails Subdivision, 2nd Addition – The discussion and possible action regarding Resolution 2019-07, Preliminary Resolution Declaring Intent to Levy Special Assessments. The special assessments would be for curb & gutter, water & sewer mains, laterals and street upgrade. This is the initial resolution to start. Action – to approve Resolution 2019-07, Preliminary Resolution Declaring Intent to Levy Special Assessments regarding Fochs Trails Subdivision, 2nd Addition – motion: Schrubbe; second: Roehrig; Roll Call Vote – yes: Bolwerk, Schrubbe, Roehrig, Keuler, Starfeld, Breckheimer; carried.

New Business:

Application for Operator Licenses – None received.

Classes/Seminars/Schooling for Employees – None.

Reports on schooling/training sessions – None.

Police & License Committee – Committee Minutes – Action – to approve the committee minutes as presented – motion: Schrubbe; second: Keuler; carried. Ordinance 2019-02 Amending Chapter 4.08,

Golf Carts of the Code of Ordinances – This ordinance is in regards to making the following changes for use of golf carts: 1) State Hwy 114 from State Hwy 57/32 to 850' west east of the west edge of 12th Street. Also, State Hwy 57/32 from the south line of the south driveway of the property located at 463 S. 8th Street to 171' south of the south edge of Birch Street. The boundaries have changed due to the Town of Woodville passing an ordinance now allowing golf carts. 2) Other prohibited areas such as: any Village parks, cemeteries and any property owned or leased by the Village where vehicular traffic is *not* allowed. 3) A person 16 or 17 years of age who possesses a valid golf cart safety certificate *or* holds a valid Wisconsin Driver's License may operate a golf cart. Action – to approve Ordinance 2019-02 as presented – motion: Keuler; second: Schrubbe; Roll Call Vote – yes: Bolwerk, Schrubbe, Roehrig,

Keuler, Starfeld, Breckheimer; carried. Ordinance 2019-03 Amending Chapter 4.09 ATV/UTV of the Code of Ordinances - This ordinance is in regards to making the following changes for use of an ATV/UTV: 1) State Hwy 114 from State Hwy 57/32 to 850' west east of the west edge of 12th Street. Also, State Hwy 57/32 from the south line of the south driveway of the property located at 463 S. 8th Street to 171' south of the south edge of Birch Street. The boundaries have changed due to the Town of Woodville passing an ordinance now allowing ATV's. 2) Other prohibited areas such as: any Village parks, cemeteries and any property owned or leased by the Village where vehicular traffic is *not* allowed. Action – to approve Ordinance 2019-03 as presented – motion: Schrubbe; second: Starfeld; Roll Call Vote – yes: Bolwerk, Schrubbe, Roehrig, Keuler, Starfeld, Breckheimer; carried.

Joint Review Board – Committee Minutes – Action – to approve the committee minutes as presented – motion: Schrubbe; second: Roehrig; carried. Breckheimer asked if there were any questions. There were none.

Plan Commission – Committee Minutes – Action – to approve the committee minutes as presented – motion: Schrubbe; second: Starfeld; carried. Committee recommendation for the Property split for JJMRS Entertainment, LLC located at 408 N. 8th Street – The board was provided a map to show where the land split request was located. It also showed information on how the boundaries of the other lots were getting cleaned up a bit. Action – to approve the committee recommendation to have the property split as presented at 408 N. 8th Street – motion: Starfeld; second: Keuler; carried. No further action needed. Committee recommendation regarding the petition to rezone property from Business District to Industrial for the property being split off at 408 N. 8th Street – DuPrey explained how the front end of the parcel and the small area behind it is zoned as Business District. Everything going east is zoned Industrial already. DuPrey explained how rezoning the property would not be considered spot zoning due to the fact that there are Industrial zones around it. If the board would like to proceed it would have to set up a date for a public hearing. Action – to set up the public hearing for the petition to rezone property from Business District to Industrial for the property being split off at 408 N. 8th Street for Tuesday, August 13, 2019 at 7 p.m. – motion: Schrubbe; second: Keuler; carried. No further action needed. Committee recommendation regarding Fochs Trails Subdivision, 2nd Addition – The final plat for the 2nd addition to the subdivision was presented to the board. Action – to approve the final plat as presented – motion: Schrubbe; second: Roehrig; carried. No further action needed.

Employee Review/Grievance Committee – Committee Minutes – Action – to approve the committee minutes as presented – motion: Schrubbe; second: Roehrig; carried. Committee recommendation regarding the updates to the Employee Handbook – The changes requested are: (1) All earned vacation days must be used prior to requesting unpaid time off. All requests for time off without pay will need to be made in writing to the Clerk's Office and will need to be approved by both the Employee Review/Grievance Committee and the Village Board prior to taking that time off without pay. In the event of an emergency, the Administrator Clerk Treasurer, the Director of Public Works and the Village President must approve the unpaid time off. (2) In regards to funeral days; sick days no longer have to be used for the allowable days to be taken off; it will just be paid out as bereavement pay. (3) Any Village employee that is a member of a Volunteer Fire Department or a First Responder Group will be allowed to respond to any call during regular work hours provided that the municipality is not under a disaster situation where the employee would be needed to perform required municipal duties. The employee will be eligible to receive their regular compensation during this absence. Over-time compensation will not be paid out. (4) It also removed the 100-125 pounds of required lifting for the Public Work Department. Action – to approve the recommendations to the Employee Handbook as presented – motion: Schrubbe; second: Starfeld; carried. No further action needed. Committee recommendation regarding increasing the employee's share of the health insurance premiums – The employee's share would raise from 10.5% to 13% as of August 1, 2019. Action – to approve the increase of the employee's share of health insurance premiums as presented – motion: Schrubbe; second: Keuler; carried. No further action needed. Committee recommendation regarding the renewal of the health insurance package – The recommendation is to renew the current health insurance policy. Action – to renew the current health insurance package as presented – motion: Starfeld; second: Keuler; carried. No further action needed.

Request from resident for a variance on the number of dogs allowed – Sheri Giese is requesting this variance. She has recently purchased her mother's home on 9th Street. She currently has 3 dogs and was unaware of the Village's ordinance which limits 2 dogs per residence. One of her dogs is 16 yrs. old. She is looking for a variance with the understanding that when something happens to one of her dogs that she would not replace the dog and would hence remain within the ordinance there on after. Action – to approve the variance as requested – motion: Roehrig; second: Schrubbe; carried.

Request to block off Chestnut Street between 8th Street and 7th Street for the Annual Gospel Fest – This is the same request as previous years and is requested due to safety issues. Action – to approve the request as presented – motion: Schrubbe; second: Roehrig; carried.

Request to replace furnace in nutrition site room at the Village hall – Fochs stated that since this topic was last discussed he has gotten some prices on the different options that were mentioned. After reviewing the options, it was decided that the best route to go would be hooking the current furnace up so it can also heat the nutrition site room. The estimated cost is \$2,800. Fochs said that after running the duct work from the current furnace; the furnace will be close to maxed out. That's just something to keep

in mind for the future, because if that goes out then everything is out. Action – to proceed with getting the work done to connect the current furnace to the nutrition site room – motion: Schrubbe; second: Starfeld; carried.

Concerns regarding air quality – Before the topic was discussed, Dan Starfeld, Village Trustee, removed himself from the board and joined the public seating, due to fact that the issue is in regards to DS Enterprises, Inc.; a business owned by Starfeld. Randy Boesch then addressed the board. He stated last time he was here it was 2017 and was regarding the same issue. He distributed photos to the board showing the dark smoke coming from the stacks at DS Enterprises, Inc. He stated this is no longer about tree damage; this is about air quality. Boesch is concerned because his grandchildren play in the yard and whenever the smoke starts, he doesn't want to feel like they have to run into the house. He questioned whether Fochs has ever noticed it since he lives in the area? Fochs responded that he has not. Boesch stated he thought that was strange. Fochs replied that periodically he can smell it. Boesch stated that he contacted Village Trustee, Peggy Nolan on June 22nd to discuss this situation with her and that she informed him that the smell got so bad that she had to close all her windows. Unfortunately, Nolan could not be in attendance at tonight's meeting. He thinks this smoke is not normal. He said other neighbors don't come in to address the issue because they want him to take care of it and they don't want to get involved. He feels like it's a buddy-buddy thing and no one wants to step on the next one. Boesch informed the board that he also called the Calumet County Sheriffs Department on June 23rd and an officer responded. Boesch wanted the officer to be the third party to cut the branches but the officer refused. Boesch stated that the officer said that Boesch needs to contact his local governing body or a legislator in Madison to figure it out. Boesch stated that due to the tree damage once again; which he feels is a result of the smoke; he has hired an arborist. The samples are now in Madison. Boesch stated that the EPA does not have as much authority as the DNR; so, the DNR is who needs to be contacted. Keuler stated that EPA does actually have a lot of authority; they make the rules; the DNR then enforces them. Keuler asked who the arborist recommends to monitor the situation since the board can't regulate the air quality? So, then this is ok? Boesch questioned; referring to the smoke in the pictures. Keuler stated that he's not saying it's ok or not ok but there's proper channels that have to be followed and as a board we have to depend on the DNR. Boesch stated that just because you have the permit doesn't mean you follow it. For example; he has a driver's license but it's still up to him if he goes 55mph or 100mph. Breckheimer stated so if someone speeds down your street, do you call the Village Board or the Sheriff's Department? You'd call the Sheriff's department because they are in charge of enforcing the law. Same with this situation regarding air quality; you'd go to the DNR because they enforce these laws, not the Village Board. Boesch replied that Breckheimer may want to look at State Statute 299.01. Boesch stated that the Village doesn't have to be in charge of regulating air quality in order to just make a call asking the DNR some questions. Breckheimer referred Boesch to the testing and the reports from the 2017 from the DNR and EPA. Breckheimer stated that both agencies were contacted by the Village in 2017 and they have stated that DS Enterprises, Inc. is in compliance; it's all in the report in black and white from the regulating departments. What else can we do? Boesch wants the Village to get the DNR to do a stack test. Boesch stated that if the Village Board does not want to be involved by contacting the DNR; that was fine and he wasn't going to beg them. But he then wants a letter stating that the board would not get involved, with all the board members' signatures on it, on Village letterhead. Breckheimer stated that you obviously are not getting anything in writing from the board stating what we are not doing; no one would do that and Boesch is well aware of that. Keuler asked Starfeld what the black smoke could mean? Starfeld stated that when the smoke is black, more than likely, it's due to a fire in the oven and the temperature not being high enough in the afterburner, this causes the smoke to be darker until the temperature rises. Boesch stated that he spoke to American Finishing and they seemed appalled at how the smoke was and that it was out of the realm. Starfeld stated that he doubts that. Breckheimer told both Starfeld and Boesch to only address the board, not each other. Breckheimer questioned who Boesch talked to from American Finishing? Boesch stated that Breckheimer would have to call for himself; also stating that Breckheimer doesn't even want to make a call to the DNR to figure this thing out. Keuler stated that we did last time. Starfeld said that he would be glad to call the DNR and EPA himself. He has no problem making the call. Starfeld stated that he does 127 burns a month and will be purchasing another furnace soon. If there was a problem, he's sure he would have burnt the whole town down by now if it's that bad. Boesch stated that right now Starfeld is speaking as a citizen, and he is asking the board; not Starfeld; to take action. Schrubbe asked Starfeld if he has to have air quality testing done because where he works, they do. Starfeld said no. Starfeld stated that Boesch is treating him like he's trying to hide something. Boesch responded with asking "What's all the smoke about then?" Starfeld said the smoke is not a big deal. Boesch stated "Oh the smoke is not a big deal; what about the poison falling everywhere then?" Starfeld stated "Don't use the word poison; because it's not poison." The disagreement continued and Breckheimer reminded them both again that they are to speak directly to the board and not to each other. Boesch stated that he would like a stack test done and would like the Village to contact the DNR regarding this. Starfeld stated that by law he doesn't have to do a stack test and it's a \$15,000 test. Breckheimer asked if Boesch contacted the DNR this year himself? He did not. Breckheimer asked if there were any more questions anyone had? Roehrig stated that visually Boesch is noticing more smoke and variations in color correct? Boesch said yes. Boesch feels like the smoke is a health issue. Roehrig stated that, in his opinion, the Village should contact the DNR and see if there's

any testing or something that can be done. Breckheimer stated that DuPrey could reach out to representatives from the DNR, as he did in 2017, and see if they have any opinions. DuPrey said he can contact the DNR but remember it's their call; not ours, to decide what they want to do. If the DNR comes back and states that they cannot make a stack test mandatory to perform, then there's nothing as a board that can be done. The board does not regulate air quality. Action – to have DuPrey reach out to the DNR through e-mail so see if they can require any additional testing – motion: Roehrig; second: Schrubbe; carried.

Village Board Member Informational Report – Starfeld stated that on July 17th there will be an emergency government training day at the courthouse. He is unable to attend. He would like someone to take his place. DuPrey mentioned that Mark Fochs may be a good idea due to the fact that he is a Village employee and also a member of the Volunteer Fire Department. Starfeld stated that they really don't want someone who is involved in both due to the fact that Fochs could get tied up with Fire Department situations and not have the availability to assist in both. Fochs also mentioned that Kim Plate might be a good candidate for the training. It was suggested that either Charlie Fochs or DuPrey attend. They will discuss it.

Village Personnel Information Report – DuPrey gave updates on the state budget and which items were signed into law and which ones were not. He noted that there are no TID changes and there's the same restrictions on levy limits.

President's Report – nothing.

The board then convened into closed session under Section 19.85(1)(c) of the Wisconsin Statutes to discuss the possibility of pursuing the purchase of public property. Action – to convene into closed session – motion: Roehrig; second: Schrubbe; Roll Call Vote – yes: Bolwerk, Schrubbe, Roehrig, Keuler, Starfeld, Breckheimer, carried.

The board then reconvened back into open session. Action – to reconvene back into open session – motion: Schrubbe; second: Keuler; Roll Call Vote – yes: Bolwerk, Schrubbe, Roehrig, Keuler, Starfeld, Breckheimer, carried.

Discussion and possible action regarding the purchase of public property, investing public funds and other directly related items of business – No action taken.

Adjournment – Action – to adjourn – motion: Starfeld; second: Keuler; carried. This meeting was adjourned at approximately 8:39 p.m.

Missy Kieso

Missy Kieso, Deputy Clerk Treasurer