

President Mark Breckheimer called the regular meeting of the village board to order at 7 p.m. on Tuesday, July 11, 2017.

Roll Call – all members reported present. Others present were Mike Loose, Charlie Fochs, Missy Kieso, Ken & Vicki Stenklyft, Randy & Kathy Boesch, Jeff Krueger, Tom Karman and Josh Swanson from Schenck SC and Ed Bryne from the Brillion News.

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 – Jeff Krueger appeared on behalf of the Gospel Fest to bring up issues with the electrical at the park buildings. He stated that they have done temporary fixes for the event but would like to do something more permanent. He stated that the information that he has received would put the total cost at \$4,000. He stated that the group would offset some of the costs and that the Lions Club would also contribute. Breckheimer explained that the board could not address it at this time because it was not on the agenda but it was referred to the Park & Recreation committee for further study and to come up with a recommendation.

Announcements – Voices of Peace Gospel Fest will be on 8/18/17 & 8/19/17 at Hilbert Civic Park. The Annual Cheesehead Run is scheduled for 8/19/17 by the Village Centre building on Main St.

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

Treasurer's Report for the Village of Hilbert - balances – \$147,949.72 General fund; \$440,037.39 Sewer fund; \$216,788.88 Water fund; \$3.00 Clean Water fund; (\$39,584.74) TID #1 fund; \$1,124,309.92 T-Plus fund; \$12,665.70 First Responder fund; (\$332,052.22) TID #2, \$399,033.58 Capital Improvements Fund. Action – to approve the treasurer's report as presented – motion: Starfeld; second: Koffarnus; carried. There was no fire department treasurer's report received. The first responder's treasurer's reports from April to June were presented to the board. Action – to approve the treasurer's reports from April to June for the first responders as presented – motion: Koffarnus; second: Roehrig; carried.

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

Correspondence – There was no MEG newsletter received. There were no Time Warner Cable letters received. There was no Focus newsletters received. There was no Boardman & Clark newsletter received. There was nothing received from the Wisconsin Retirement System regarding 2018 contribution rates. Email correspondence from Sustain Rural Wisconsin Network was presented to the board for their information.

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. Notice of receipt of the quarterly street aid payment in the amount of \$12,292.82 was presented to the board for their information. The condition of budgets for all funds was presented to the board for their information. All questions were addressed.

Unfinished Business:

2017 Projects – Action – to accept the committee meeting minutes as presented and to place them on file – motion: Roehrig; second: Koffarnus; carried. The first recommendation was to rebid the projects except the Highway 114 project for paving only and the employees would complete the storm sewer and curb & gutter work. This was discussed. Charlie informed the board that he is adding the paving of inside the salt shed since it is empty. He stated that there is water that stands in the shed and this paving would help keep the water out of the shed. These projects would be bid out separately so that they can act on each one separately. Because the salt shed is being added, we have to reject the original recommendation and then make a new motion that includes this project. Action – to deny the recommendation from the committee as presented – motion: Keuler; second: Nolan; carried. Action – to rebid the 2017 projects except Highway 114 for paving only and the employees will complete all sidewalk and curb & gutter work and that the proposed paving for the salt shed be added to the projects – motion: Keuler; second: Nolan; carried. The second recommendation was to proceed with finalized plans for Highway 114 and bid it out in 2018. It was noted that this will go back to committee because something came up. No action will be taken at this time.

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

Police Protection for the village – There was no monthly report received.

Fire Department – Chief Mike Loose reported that there were two fire calls since last month. He stated that there are four firefighters starting firefighter 1 class. He also discussed the signage at the fire station community center. Roehrig stated that there will be a committee meeting scheduled in the near future to discuss.

TID District #1 – nothing new.

TID District #2 – nothing new.

Wastewater Treatment Plant – Interceptor Sewer Main Replacement Project – nothing new. WWTP

Upgrades – nothing new. Hilbert Acres Mobile Home Park – nothing new.

Village South Residential Development Property – nothing new.

736 W. Main St. Property – DuPrey reported that work is progressing on the application. All of the village information has already been submitted.

Village Economic Development Plan – We should hear by the end of the month if we are getting a grant or not.

Council Room Improvements – DuPrey stated that he is still waiting on some prices.

New Business:

Application for Operator Licenses – There were two applications received. DuPrey stated that they both checked out records check wise. Action – to approve the operator license for Stacey Elliott – motion: Koffarnus; second: Starfeld; carried. Action - to approve the operator license for Shambhu Lamichhane – motion: Koffarnus; second: Starfeld; carried.

Classes/Seminars/Schooling for employees – nothing new.

2016 Audit – Tom Karman and Josh Swanson appeared before the board to present the 2016 audit report. Tom Karman reviewed the report with the village board. He reported that the financial statements fairly states the financial condition of the Village of Hilbert for the period ending 12/31/16. He stated that our fund balance is quite healthy and we have about a year's worth of expenses in fund balance. He stated that with a lot of municipalities they are not in this good of financial shape. He also reviewed our two TIF Districts. He stated that currently both have a negative cash balance but it is anticipated that the revenues will still be sufficient so that there is no deficit at the termination of the TIF. He stated that they appear to be in good financial shape. For the water and sewer utility, both show a profit. He also stated that with the sewer fund, the debt principal retired is not shown as an expense so there has to be a profit to pay the debt back. He stated that this fund appears to be in good shape also. Overall, he stated that for a community our size and with the project that we now have going on, we are in good financial shape compared to other communities. The board seem satisfied with the report and thanked Tom Karman for presenting it.

Improvements and Building Permits Committee – It was noted for the record because he is part of the agenda item, Dan Starfeld has recused himself from the board and has moved to the audience. Action – to accept the committee meeting minutes as presented and to place them on file – motion: Koffarnus; second: Bolwerk; carried. The first recommendation was to have the trees inspected ASAP by a certified arborist to determine if this is chemical damage or something else. Breckheimer stated that whoever has signed up to address the board may do so and then the board will discuss it. He reminded everyone that when they are speaking, they are addressing the board and not members of the audience. The first speaker was Randy Boesch. He stated that if everyone has their minutes they know the gist of what happened last night but there are some that were not present and so he brought a sample of what is happening to the trees. He stated that he believes that it happened on the 30th day of June and he cut it off the trees on the 5th. He stated that they can open the bag and play with it, smell it, etc. He stated that Friday he sent the sample to the EPA and it is down there now but they have not tested it yet. Koffarnus questioned if he had seen spider webs there. Randy Boesch stated that he had not. He stated that 2 years ago, he had the same problem and hired Jack's Maintenance on Oneida St., a state certified arborist and the trees were cleared for any types of bugs back then. He stated that he was told by the arborist that without it being tested, it is one of the worst chemical burns that he has ever seen. He stated that now it has happened again and he is asking for the village to help because he doesn't know where else to go and it is coming down to a health issue thing. He stated that he thought it was just his trees but he started walking around to other properties and found that it is going up the back yards on 1st and 2nd St. also. He stated that on Mr. Geiser's property, there is a Douglas fir that is burned just as bad. He stated that it affects the new growth of trees. Koffarnus stated that he didn't know that this was going on or he would have checked it out himself. Randy Boesch stated that he can come down anytime. He stated that he felt that this is coming from Dan Starfeld's operation because if you look at the pines trees on the north side of his property, they are burned bad. He stated that it is on the north/northwest side of his trees and by Jesse Dohr also. He stated that he feels that it is a big health issue. Randy Boesch stated that he is looking at finding out what they are actually breathing in on that end of town. He stated that there are little kids in the area and that they were out there last Friday and it was raining when the smell came across and he stated that a person would not want to be out there. He stated that he appreciates what everyone did last night with coming down there and hopefully it gets figured out. Keuler questioned Randy Boesch if he was sure it was the 30th. Randy Boesch stated that he was because he mowed lawn the 29th which was Thursday and the trees were perfectly fine. Keuler stated that on the 30th the wind was out of the east and also on the 29th. He stated that on the 1st the wind was out of the north. Keuler stated that they have to check the wind direction and weather details each day for the treatment plant. He stated that he is questioning it because if that time frame is what Randy Boesch states it happened, the wind was out of a different direction. Randy Boesch stated that last night they discussed checking with WHBY on weather conditions but he stated that there are different weather conditions in different areas. Randy Boesch again stated that this is a health issue with what they have going on with the trees here. Randy Boesch stated that Jack's Maintenance told him that we should be more concerned about the health of humans instead of the trees because they do regenerate. He stated that this is all he had to say and thanked the board for their help. Next up was Kath Boesch and she stated that she hopes that the board take's the committee's recommendation and understands that there is a cost but feels that the health of the public is more important than a little money. She stated that she knows we have all smelt it at one time and it is going into your bodies. Wouldn't you want to find out what it is? Next speaker was Vicki Stenklyft. She stated that she wants to reiterate and it happened two

years ago and now it happened again and most likely if nothing is done about it, it may happen again in the future. She stated that we don't know if it is little bits happening all the time or it is just happening sometimes at bigger amounts. She stated that we don't really know what is in the air but at certain times something is being done that is causing this. She stated that this is what concerns her. She has a 24 month old, 5 year old and a 9 year old that live in close proximity of this property where they think that this is happening. She stated that it scares her because the kids are outside all the time. She stated that she hoped that everyone take it seriously and do what they can to try to figure it out and try to prevent it from happening. Ken Stenklyft then spoke. He stated that while he was sitting here and listening and counting in his head the number of kids in the area and he stated that all you see is swing sets, swing sets, swing sets. There are 21 kids in this area. He stated that he felt that it would be terrible that if they as a board do nothing. He stated that we should find out what it is, what is causing it and address the issue on how to fix it. Money should be nothing. He stated that he sees the new floor and the new office and so we spend \$400 - \$500 on an arborist. So be it. He stated that he felt that it would be harder to take the flack for not doing anything than if we did nothing. He stated that if it comes back as bugs, then it is bugs. He prays that it is bugs. He also stated that if he was a business owner and someone was assuming that it was his fault, he would be on the bandwagon right away. He stated that if he did nothing wrong he would be on that bandwagon to prove that he was doing nothing wrong. He stated that as a group here, we should go forward. He stated that he knows that last night they talked about the DNR and EPA and he brought up about not dragging our feet. He stated that when you put all the facts together, he feels that the village needs to push a little bit to get this thing going. Dan Starfeld then spoke. He stated that he agrees totally. He stated that if everybody in this room thinks that he is doing something illegal and trying to hurt people, you are absolutely wrong. He stated that as far as his equipment, his equipment is certified and tested yearly by an outside source in Green Bay. He stated that he talked with the manufacturers of the equipment to find out what exactly they thought it could be. He stated that he is actually running his chimney cleaners hotter than what is required. He runs his at 1,500 degrees when 1,400 degrees is required. Starfeld stated that he questioned if he raised the temperature would that help and the manufacturer stated that once the product is burned off, it is burned off and legal to go out into the environment. He stated that this is why the EPA was out there and why the DNR was out there. He stated that they did all the testing that they could do. Dan Starfeld stated that he even called them today and asked if there was any concerns or anything different. He stated that he is not in this thing to harm everybody in the neighborhood. This is not a fly by night thing here and he has been doing it for 20 years. He stated that if something is stated that he does things at certain times of the year that is not true. He stated he does the exact same thing every day for the last 8 to 9 years since he has had the ovens. He stated that he just does more of it. Dan Starfeld stated that in another 16 weeks there is going to be 3 chimneys coming out of the roof. He stated that they are all state certified and they are \$200,000 ovens. They are manufactured by companies that know what they are doing. He stated that he talked with the DNR and American Finishing has the same issue with people filing complaints and they go there and check them out and they are doing everything that they should be doing. He stated that all the temperatures are set at the proper temperatures. He stated that this is the only thing that he can adjust. He stated that what is burning off in the oven which is powder coat paint once it becomes liquefied, it is burned off (dried up) at the set temperature and if it gets too hot, water is sprayed on it. It then goes through a chimney which is an after burner and that is controlled by a computer and must be 1,300 degrees and if it falls below that, the machine shuts off. Dan Starfeld stated that he doesn't know what else to do. He stated that his paint ash is tested every 3 years now when in the beginning it was yearly. He stated that the material is a non hazardous material and they dump it once or twice a year and is taken to the landfill. He stated that he will be tested again in October. He stated that the companies he works for request to see his certifications. He stated that as far as cutting corners, it doesn't pay. He stated that he contacted a couple of tree arborists today and set pictures to one of them and the other one has time to come up on July 25th - July 27th. He stated that he agreed with Randy Boesch and he doesn't think that it is spider mites. He stated that he did say that it could be a fungus. Dan Starfeld stated that this was from just pictures but he wants someone there on site to verify. Breckheimer then restated the recommendation which was to contact the DNR and EPA to investigate and to hire an arborist inspect the trees. He stated that the question came up last night if the county has an arborist. He stated he contacted them and they hire a master gardener, Bryan Hacker which is a volunteer position. He left him a message and he hasn't called back. He stated that he contacted the DNR and asked them the question about the trees to have an arborist on their end look at the trees. He was referred to Tracey Salisbury who is with the DNR forestry department and we can email pictures and they will review them and if they feel the need to further investigate they can do that. Koffarnus stated that with the concerns with health we should push it and have them come out in person and see it right away instead of wasting time. Breckheimer stated that what she told him is their protocol. Randy Boesch stated that he talked with Jack's Maintenance and he referred Ranger Services to Randy as another arborist that could be contacted. Randy Boesch also stated that he contacted the EPA this morning and his case is still active from 2 years ago and they are aware of what is going on. Breckheimer stated that the trick with this is that we are the regulating agency. We are essentially the middle man and all we can do is contact them. Breckheimer felt that the pictures could be sent to the DNR. Keuler stated that he feels that we should find out what it is first. Breckheimer stated that this is

why he likes the DNR because it is a team of individuals and not just one. Koffarnus provided a summary of what he believes was on the table and the village will stay in touch with Dan and Randy and the village will call this arborist, Ranger Services. Randy Boesch stated that he is seeking the village's help with this. Vicki Stenklyft stated that earlier Dan Starfeld stated that he does the same thing every day and she is not saying it is coming from him but on two separate occasions something was different than it was on other days to cause this damage. Keuler again questioned about finding what is causing it. He questioned why only one side and not the entire tree? He stated that it is important to find out what caused it and proceed accordingly. Ken Stenklyft stated that to keep everyone happy, it should be a neutral person so that neither party can make accusations. He stated hire an arborist but keep him neutral. Breckheimer stated that this is why he felt that it should go through a state agency, the DNR. Keuler questioned what the cost is on hiring an arborist. Randy Boesch asked what his health is worth? Keuler stated that the first step is to figure it out what it is. Boesch stated that he has been trying for 2 years to figure out what it is. Koffarnus stated let's get the DNR and put it on a high priority. Breckheimer stated that as soon as he emails the pictures, they will investigate. Roehrig stated that the other option is to hire an arborist. Roehrig thinks we should go that route. He stated to Breckheimer that it needs to be controlled by him (village). Breckheimer asked how far we are willing to go? Do we just have him investigate? Do we have them conduct testing? Koffarnus stated that we need to go all the way. We need to find out what's going on. Roehrig stated we need to find out what is going on. Breckheimer stated that he doesn't know how much testing would be required. He stated that it could be tens of thousands of dollars. We don't know. Breckheimer stated that he would like to see a cap so that the whole board is clear so no one comes back and says we shouldn't have spent that much. Roehrig stated that we could put a cap of \$500. The recommendation would need to be denied so that we can set a cap. Keuler asked if it comes back as bugs, do we still foot the bill? Roehrig stated yes. Koffarnus stated that we are acting on a complaint from a citizen and that is what we have to do. Keuler stated that he is concerned with these trees are there going to be others we are requested? Koffarnus stated let's get this problem solved. Action – to deny the original recommendation as presented by the committee – motion: Roehrig; second: Koffarnus; carried. Action – to hire an arborist at a cost not to exceed \$500 and notify the DNR and EPA to investigate the complaint and to also turn it over to the forestry division of the DNR – motion: Roehrig; second: Koffarnus; carried. It was noted for the record that Dan Starfeld then rejoined the village board because this item was finished. No further action was needed.

Plan Commission – Action – to accept the committee meeting minutes as presented and to place them on file – motion: Koffarnus; second: Roehrig; carried. The first recommendation was to approve Ordinance 2017_03 amending Section 9.01(7D) of the Code of Ordinances. No action is required at this time. It will need to be set for public hearing prior to action on the recommendation. The second recommendation was to approve Ordinance 2017_04 amending Section 9.01(8B) of the Code of Ordinances. Again, no action is required at this time. It will need to be set to public hearing prior to action on the recommendation. Action – to set the public hearing on these proposed ordinances for Tuesday, August 8, 2017 at 7 p.m. – motion: Koffarnus; second: Bolwerk; carried.

Conditional Use Permits – The proposed application was presented to the board. DuPrey explained the changes made by the attorney and he suggested that the plan commission also review it prior to approval since they would be the ones doing the review. The board agreed. It was referred to the plan commission for review and to come back with a recommendation.

Request by first responder group to place memorial tree at the park – DuPrey stated that the group would like to place a memorial tree at the park in memory of Lisa VandenElzen. He stated that they were thinking somewhere by the ballfields. The board felt that this would not be an issue but it should be coordinated between the director of public works and the athletic club for the exact location. Action – to approve the request by the first responder group to place a memorial tree in the park on the condition that the location is coordinated with the director of public works and the athletic club – motion: Nolan; second: Starfeld; carried.

Joint Review Board – Action – to accept the committee meeting minutes as presented and to place them on file – motion: Koffarnus; second: Starfeld; carried.

Discussion and possible action regarding health insurance renewal for 8/1/17 – DuPrey presented the information to the board for their review. He stated that the overall increase is 4.07% which has been one of the lowest if not the lowest in the last several years. DuPrey stated that the options available don't really amount to substantial savings and the employees are okay with the current insurance company and would like to see some stability since we have had 3 different insurance companies in the last 3 years. Action – to approve the renewal of health insurance as presented with the same companies as last year – motion: Roehrig; second: Koffarnus; carried.

Village Board member Informational Report – none.

Village Employee Informational Report – none.

President's Report – none.

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

reconvene back into open session – motion: Starfeld; second: Keuler; Roll Call Vote – yes: Bolwerk, Koffarnus, Roehrig, Nolan, Keuler, Starfeld, Breckheimer; carried.

The board noted for the record that they made a \$25,000 offer to the Hilbert Revitalization Group for the former elementary school property. That bid was rejected. The village will no longer pursue that property at this time.

Adjournment – Action – to adjourn – motion: Starfeld; second: Roehrig; carried. The meeting was adjourned at approximately 850 p.m.

Dennis DuPrey

Dennis DuPrey, Clerk

President Mark Breckheimer called the special meeting of the village board to order at 7 p.m. on Wednesday, July 26, 2017.

Roll Call – all members reported present except Roehrig. Others present were Randy & Kathy Boesch, Charlie Fochs, Ed Byrne from the Brillion News, Ken & Vicki Stenklyft, Gary Boesch (after the first closed session) and Tyler Wollersheim.

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 – none.

President's Report – Breckheimer stated that he received a call from ThedaCare Corporate and they notified him that they will be closing the clinic on Main St. by early October. He stated that they told him that there were several factors such as the current market, insurance factors and it was only part-time.

The village board then convened into closed session under S.19.85(1)(c) of the Wisconsin Statutes to conduct an employee review for a public employee. Action – to convene into closed session – motion: Starfeld; second: Koffarnus; Roll Call Vote – yes: Bolwerk, Koffarnus, Nolan, Keuler, Starfeld, Breckheimer; absent: Roehrig; carried.

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

There was no action to be taken from the closed session.

Unfinished Business:

Boesch Tree Issue – A report on the arborist that was hired was presented to the board along with a timeline notes from President Breckheimer on the timeline of phone calls and contacting the arborists, etc. Breckheimer asked if there was anyone that wanted to address the board. It was noted for the record that Dan Starfeld recused himself from the board due to the issue being discussed was related to him. He joined the audience at this time. DuPrey touched on the email received late today from the EPA. An inquiry was submitted to the EPA and he had received a call this afternoon and asked that he put the information discussed over the phone in an email so that there was a record of it. The email was passed out to everyone. DuPrey then reviewed the email and stated that in a nutshell, the village filed the inquiry with Region 5 which is in Chicago informing them that we received the complaint and asked that they investigate it. He called this afternoon and DuPrey asked that he follow up with an email about the phone conversation. DuPrey stated that everyone can read it for themselves and it is not necessary for him to read it in full. DuPrey stated that he had a couple of conversations with Randy and informed that their investigation is ongoing and that they will work with the Wisconsin Department of Natural Resources to investigate the air quality. DuPrey stated that he would forward the information to the WDNR Air Quality Region and that they will be the lead agency to handle the matter and that if we had any other questions we should contact him. Breckheimer also asked Dennis to contact the City of Brillion and check with them as far as the Iron Works and complaints that they may have received such as stuff on the cars, parking lots, etc. DuPrey stated that he talked with Lori Gosz who is the administrator there and asked if first they received complaints from residents there regarding the iron works if it was ash, odor or whatever and how the city handled it. He stated that she informed him that yes, they did receive complaints over the years and each complaint that the city received they told the individual to contact the iron works directly. The city did not get involved with any of the complaints that were issued. She stated that the DNR is the regulating agency and that they had to submit reports to the DNR and EPA to prove that they were in compliance and that the city had no enforcement authority or ordinances to regulate the air quality. DuPrey stated that he asked if the city had a nuisance ordinance and she informed him that they do. DuPrey stated that the complaint that was filed was a public nuisance and her opinion which was just her comment to him was that she felt that this was a stretch. Randy Boesch questioned if anyone knew what the definition of abiotic that was in the arborist report. Ed Byrne stated that it means that it was not have a biologic source. Randy Boesch agreed. Randy Boesch questioned if anyone

actually checked into what the report meant? He felt that he would think that they would have checked it out to see what the report meant. He next questioned why this report was held for a week. He stated that he understood that Dennis was gone but if Dennis had a heart attack tomorrow what would happen? Breckheimer questioned why was the report held on for a week or how was it. Randy Boesch stated that the report was given to Breckheimer on the 18th of July. Breckheimer acknowledged receiving it Wednesday afternoon. Breckheimer stated that we had a board meeting within a week. Randy Boesch stated that he received it first yesterday. Breckheimer stated that the village board received it at the same time. He stated that none of the board members received it until yesterday either. Breckheimer stated that in order to keep it equal for all parties involved. Breckheimer stated that when Randy contacted him on Monday that he was more concerned that Dan Starfeld had the report before Randy received it. Breckheimer stated that Randy turned around and contacted the arborist that the village hired twice trying to get the report even after he had talked with him on Monday. Breckheimer questioned why it is okay for him (Randy Boesch) to have the report before Dan Starfeld but not him before Randy. Randy Boesch stated that it was because he was not returning his calls. Breckheimer stated to Randy Boesch that he did return his calls. Randy Boesch stated that he received a call from Breckheimer at 12:30 p.m. and only informed him about the meeting and Randy stated that he called at 4 p.m. and left a message. Breckheimer wasn't sure on the exact time called but did state that he did return every call. Randy Boesch stated that when he called on the 3rd of July, Breckheimer didn't return his call and Randy had to come over to his house on the 4th of July. Breckheimer stated that the phone call received on the evening of the 3rd of July he did not return his call because he was with his family. He stated that on the morning of the 4th, Randy Boesch showed up at his house on a holiday. Randy Boesch agreed. Breckheimer stated that his family is going to come first before anything in this room every single time. He stated that Randy Boesch is correct and this is the way it will be every time with him and if is an issue with that, elections are in the spring. Breckheimer stated that he is explaining that he did return calls and if he looks at the meetings held from the time he filed the complaint, it could not legally have happened any faster with open records laws with the committee meeting and board meeting it could not have been done faster. Breckheimer stated that he felt that this not a good route to be going down. Breckheimer asked if there was anything else related to this issue that he would like to add to address the board on. Randy Boesch stated that when he talked with Breckheimer, he mentioned the EPA and Breckheimer was dead set against it. Breckheimer stated that he wasn't set against it and from what his understanding was, he thought it was just the DNR and the arborist. Randy Boesch commented that he felt that Breckheimer had the phone shut off on him. Breckheimer stated that he thought it was the DNR and arborist only and that was the motion and he did have Dennis check into it like he said he would and said it was the EPA too and he contacted the EPA and this was the email received today. Ken Stenklyft then stated that he wanted some clarification on it that the EPA has been contacted and they will work with the DNR to investigate what it was and what the source was. Breckheimer stated that yesterday afternoon, he spoke with Craig Stemler from the DNR and basically it was the same person Randy spoke with 2 years ago. He informed Breckheimer that he was aware of the site and conducted an investigation 2 years ago and said that other businesses in the same industries doing the same processes have never had any trees being damaged. He stated that Craig Stemler informed him that there are other businesses in this area that do the same type of business that do the same thing. He stated that his one concern was that even it can be determined that the tree damage was being caused by DS Enterprises, he said that he didn't know how or if he would be able to take any other action because he is within the air quality regulations. In other words even if there is tree damage and he is meeting regulations, it essentially means that there could be nothing that they could do. He stated that Craig Stemler then stated at that point, it comes down to the neighbor dispute. Ken Stenklyft stated that he is getting feeling that the village will be backing off. He stated that he understands that there was a complaint file and watching for the health of the residents and as long it is not bugs and that it how it seems based upon the arborist report, he feels that it is in the best part of the village for the board in the interest of their residents is to make sure that their health concerns comes first and that we just don't push it off and say that we don't regulate it. He stated he thinks it would look much better for the board members if they are proactive instead of reactive. He stated that right now the board is proactive. If the board takes a step back and doesn't make sure the steps are followed and not oversee it then we are being reactive. Ken Stenklyft stated again that the board is being proactive now but don't walk away from it. He stated that it wouldn't look good for the board members if they are perceived as to not doing enough to try to help if it ends up being a neighbor dispute. Breckheimer stated that the issue is that we don't regulate it and he feels that the village should not have been involved with it to the point that they are already. He stated that it is a neighbor dispute and our attorney states to never get involved. Breckheimer stated that the lab that the arborist went to said it should go to the DNR. Nolan questioned if they were going to get back to us on their findings. She questioned if the DNR is coming out to inspect the situation? Breckheimer stated that at this point, it did not appear that they were. DuPrey stated that the EPA is forwarding the information to the DNR. DuPrey stated that it is up to the DNR if they wish to investigate or not. We can't force them. Nolan questioned if they will respond? DuPrey stated that it is his guess that they will. Vicki Stenklyft stated that no one in the area disputes that there may be issues with dust, noise and smell living next to industrial areas. She stated that occasionally something happens that causes what seems to be chemical burns on the trees and she hopes that the if the

governing body of our community that it would concern you if an industry within our community is emitting something that is causing this that could be harmful and is harmful enough that it could damage trees, we don't know what it could do further than that and she would hope that the board would be concerned with that. She hopes that the board would want to be aware of it and the board acts as our people. Where else do they go? Breckheimer stated that it is not that they are not concerned by it, it is just that they have no control over it is the issue. Randy Boesch questioned if the arborist report would be forwarded to the DNR and EPA. It will be decided by the board. Breckheimer stated that after getting all of the information he doesn't know why we need to get involved. Breckheimer stated that the arborist report and original complaint letter to the DNR. Nolan agreed. DuPrey brought up also requesting a written response. Randy Boesch asked if the arborist report could be filed with the EPA. DuPrey stated that he would do that. Koffarnus also commented that we have to put it as a priority so that they don't put it on their back burner. He questioned we really can't do anything legally? He was informed no. Action – to forward the complaint and arborist report to the DNR and EPA and request a written response to all parties (Randy Boesch, Dan Starfeld, Village) – motion: Breckheimer; second: Keuler; carried.

Discussion and possible action regarding request by Voices of Peace to upgrade facilities at the park – It was noted that there supposed to be a park & recreation meeting but a health issue caused it to be cancelled. Charlie stated that he has some questions regarding what is being proposed and felt it would be best to have the committee discuss it in detail. The board took no action. It will be addressed at the committee level first.

New Business:

Resignation of Tyler Wollersheim as public works employee – A letter of resignation was received from Tyler Wollersheim effective 8/4/17. Action – to accept this resignation – motion: Starfeld; second: Bolwerk; carried.

Discussion and possible action on how to proceed to fill position – The board decided at this time that they will not take any action. They will discuss this in further detail at their regular August board meeting.

Adjournment – Action – to adjourn – motion: Keuler; second: Starfeld; carried. The meeting was adjourned at 7:49 p.m.

Dennis DuPrey

Dennis DuPrey, Clerk