

President Mark Breckheimer called the meeting of the village board to order at 7 p.m. on Tuesday, March 12, 2019.

Roll Call – all members reported present. Others present were Dennis DuPrey, Charlie Fochs, Dave Franz, Ed Byrne and Mike Loose.

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 – The Spring Election is April 2, 2019. The Assessor Open Book Session is April 4, 2019 from 4:30 p.m. to 6:30 p.m. The April Board Meeting is on April 16, 2019 at 7 p.m. It is one week later than usual due to the Election. The Board of Review is April 24, 2019 at 5 p.m. The Spring Clean will be held on Saturday May 4, 2019 from 8 a.m. to 11 a.m. The Tire Recycling Event will be held on June 1, 2019 from 9 a.m. to 11 a.m. The LWM Local Government 101 Training Session in Appleton is June 21, 2019. Breckheimer told the board members to inform him or DuPrey if they are interested in attending.

Minutes – Action – to approve the board meeting minutes as presented – motion: Schrubbe; second: Starfeld; carried. The fire department minutes were presented to the board. Action – to accept the fire department minutes and to place them on file – motion: Roehrig; second: Starfeld; carried. The first responder minutes were presented to the board. DuPrey stated that last month there was a question regarding the first responder minutes where it stated “When there is a dive team page in our area and we haven’t been paged, please go. Don’t call on radio, find the IC and ask what you can do to help.” Would insurance still cover them if they haven’t been paged? DuPrey stated that he checked with the workman’s comp insurance agent and was told, if they are in jurisdiction when assisting, that they would be covered. Action – to accept the first responder department minutes and to place them on file – motion: Starfeld; second: Keuler.

Treasurer’s Report for the Village of Hilbert - balances – \$326,861.82 General fund; \$804,487.66 Sewer fund; \$141,383.51 Water fund; \$1.00 DOA Block Grant Fund; \$67,319.87 TID #1 fund; \$1,098,893.57 T-Plus fund; \$21,244.02 First Responder fund; (\$130,659.18) TID #2 fund; \$394,554.01 Capital Improvements fund. Action – to approve the treasurer’s report as presented – motion: Schrubbe; second: Bolwerk; carried. The fire department treasurer’s report was presented to the board. Action – to approve the fire department treasurer’s report as presented – motion: Roehrig; second: Starfeld; carried. The first responder treasurer’s report was presented to the board. Action – to approve the first responder treasurer’s report as presented – motion: Starfeld; second: Roehrig; carried.

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

Correspondence – There was no MEG Newsletter presented to the board. The Focus Newsletters were presented to the board for their information. The Boardman & Clark, LLP Newsletter was presented to the board for their information. The Calumet County Focus on Calumet Newsletters were presented to the board for their information. A letter from Charter Communications regarding internal corporate reorganization was presented to the board for their information. A letter from ECWRPC regarding resolution to restrict the use of high-PAH pavement sealants was presented to the board for their information. DuPrey explained ECWRPC passed a resolution that encourages its member counties/municipalities to establish policies where they will not purchase and/or apply any coal-tar based sealant or other high PAH sealant on any county, city, village or town-owned or maintained properties. DuPrey questioned whether the board wanted this referred to committee since the village may be using some of these products? The board agreed that would be the place to start. It will go to committee. A news article regarding the need for affordable housing was presented to the board for their information. DuPrey stated that he thought he’d pass this on to the board because it ties into the south end development and provides some good insight. A newsletter from the WI Taxpayer regarding tax incremental financing was presented to the board for their information. DuPrey said that it was very informational and explained how a TID works. The article from the Indevlopment magazine regarding Calumet County and Hilbert’s efforts for development was presented to the board for their information. It highlighted the former Bel Brands plant and provided positive press for 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 Quarterly Cable Franchise Fees in the amount of \$2,555.14 was presented to the board for their information. The Report of 2018 Payroll was presented to the board for their information. The report of New HUD LMI figures was presented to the board for their information. DuPrey stated that the village is now less than 50% (currently 46.85%); which means we no longer automatically qualify for funding.

Unfinished Business:

2018 Projects – nothing new.

Change Orders – Change Order #1 for the Hwy 114 Project that resulted in an increase of \$16,744.05 was presented to the board for their information. Change Order #2 for the Hwy 114 Project that resulted in an increase of \$2,919.83 was also presented to the board for their information. DuPrey and Fochs went over the reasons for the overages. Bid quantities went over, this included the additional paving done on 12th Street and some additional sidewalk on the north side of Hwy 114 east of 9th Street along with additional crosswalk marking along Hwy 57, the adding of sumps to all yard drains and also the addition of curb and gutter on 10th and 11th Streets. Action – to approve Change Order #1 as presented –

motion: Starfeld; second: Schrubbe; carried. Action – to approve Change Order #2 as presented – motion: Starfeld; second: Schrubbe; carried.

Payment Requests – Final Payment Request #3 was presented to the board for their information. The request was payment to Peters Concrete for the Hwy 114 Project in the amount of \$52,124.64. Action – to pay the final payment request as presented – motion: Starfeld; second: Schrubbe; carried.

2019 Projects –

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 – Franz stated that there were 3 calls since last month. One was for a gas leak and 2 were for assisting with accident scenes. Starfeld questioned what a Mayday box is? Franz stated that it is a part of an obstacle training course. It helps simulate the feeling of a floor dropping out from underneath the fireman and then that fireman following the proper procedures when that occurs.

TID District #1 – nothing new.

TID District #2 – nothing new.

Wastewater Treatment Plant – nothing new.

Village South Residential Development Property – The Plan Commission Minutes were presented to the board for their information. Action – to approve the minutes as presented – motion: Roehrig; second: Starfeld; carried. Draft Covenants for the Subdivision – The second draft was presented to the board for their information. Breckheimer stated that this was just for their review and there was no recommendation to the board. There will be more meetings and discussions on it. Breckheimer stated that there was an e-mail that was just received from Jared from Robert E. Lee regarding another layout. This layout shows the possibilities of adding more lots. This would make all the lots smaller in size, but would make more lots available for sale. There would no longer be room for duplexes, which would be a downfall. This change would push the timeline back. Starfeld stated we have a guy who wants to buy a lot now but needs the lot to be bigger. He suggested that we make the lot whatever he needs it to be. Breckheimer questioned whether he planned on doing that for everyone? Starfeld stated whatever it takes to get it full. Breckheimer stated that you can't keep changing the plat. Starfeld replied that they should be made big enough in the beginning then. What's big enough? Keuler asked. Everyone has different designs and how can you customize each one? DuPrey stated that you have to figure infrastructure costs also. Bigger lots raise the infrastructure costs because you have less lots to sell overall. It all depends how much you want to sell the lots for. DuPrey commented that lots for 50k-60k won't sell in Hilbert. Breckheimer said the plan commission looked at several lot size examples in different subdivisions and encourages the board members to do the same. He stated the size they are thinking is actually on the larger size compared to most. Breckheimer stated that his personal opinion is that they shouldn't go any smaller than originally planned. Nolan stated that you don't want to set back the timeline either if you don't have to. Breckheimer said they also planned on the larger lots for the duplexes and that was why the duplexes were included in the convenance. Breckheimer asked if everyone was on the same page to leave the plan as is and not make the lots smaller? The board agreed. DuPrey will follow up with Jared and let him know the board's decision.

Village Economic Development Plan – nothing new.

Purchase of Bel Brands Property – DuPrey stated that the preliminary results of the Hazmat are showing no contaminants in the ground so far. The complete Hazmat report should be available next week. We will then have more information on results, estimated costs, etc.

WWTP Computer – DuPrey stated that he consulted with Andy King regarding the computer ordered through System View. According to WI statute "when a contract does not specify a deadline, then the deadline should be made within a reasonable time". King stated that he believes the village had the rights to terminate the contract due to the fact that 2 years for delivery of a computer is not acceptable. King stated that it is ultimately up to the courts to decide and he can't guarantee anything but the statute does seem to be in the village's favor. Once DuPrey terminated the contract with System View he did receive a billing via e-mail stating the balance due. DuPrey forwarded it to King. King responded directly back to System View and stated that the village had no intention of paying the invoice from 2 years ago on a computer which was never delivered and fully expect a full refund of the deposit which was made when the contract was originally signed in the amount of approximately \$2,800. There was no response from System View. Starfeld stated that the village will probably not get the down payment refunded. DuPrey stated that King thought that System View may still try to collect on the balance due but feels we'd have a good case. Breckheimer, DuPrey and Fochs previously discussed this and it was decided to place the order with a new vendor for the computer; which has been done. The deadline for delivery on this contract is 90 days.

New Business:

Application for Operator Licenses – none.

Classes/Seminars/Schooling for Employees – Fochs is requesting permission to attend the WRWA Conference on March 27th and March 28th. The registration cost is \$150.00. Action – to approve Fochs to attend the conference as requested – motion: Schrubbe; second: Nolan; carried.

Well #4 Iron Removal System – The letter from the DNR approving the Pilot Study was presented to the board for their information. Fochs stated that he is through the first series on the last series that needs to be sent in. The first run had 32 hours and was still going without backwash; instead of the 16 hours

which was expected. The DNR then granted a longer run time. The 32 hours will be about a week of the actual well running. There was 45%-55% removal of iron in our reservoir. Bottles are being tested before and after the filter. The water will go through the reservoir and then through the filter. A 45-gallon tank will be needed. Fochs stated we have the tank underground here. Fochs requested Keuler to attend this meeting since he is the chairman. The pilot test will be coming to an end soon and then they'll go from there. A meeting with the DNR to discuss finalizing the plans will be required.

Letter from AT&T requesting amendments to their lease agreement for our water tower – DuPrey said we visited this issue about a year ago. The board said no at that time and now AT&T are requesting an amendment again. Currently, the rent is \$1,200/month for 5 years and then four additional 5-year terms; unless they give us a 60-day notice or we give them a 6-month notice to terminate the contract. They would like it reduced to \$915/month. They would increase it 12% every 5 years through 2046. This would be extending the lease 6 years compared to what we have; but there is no guarantee on this. They also offered a one-time lump sum payment; which DuPrey doesn't suggest we consider. King reviewed this information and stated the village is under no obligation to renegotiate. Breckheimer asked what the other renters pay? DuPrey stated between \$790 and \$1,058. He said the lower priced ones are from the original companies that first went on the tower. AT&T is the newest one to be added to the tower. DuPrey said the worst-case scenario is that they will terminate the lease at the end of the 5 years and we lose \$1,200 a month. Starfeld questioned why would we want to risk not getting the \$1,200 a month? DuPrey stated that either way that could happen since they have the option to terminate the contract (with notice) after the first 5 years. Starfeld suggested leaving it as is then because it sounds like they are just trying to undercut us and are shopping deals. The board agreed and it was decided to not make any changes to the contract.

Request to hold the Cheesehead Run in 2019 – The Hilbert Revitalization Group is requesting permission to hold the annual Cheesehead Run on Saturday, August 17, 2019. As in prior years, a portion of Main Street would be closed off during the event. Action – to allow permission for the Cheesehead Run as requested – motion: Schrubbe; second: Keuler; carried. No further action needed.

Discussion and possible action regarding reinstatement of Michael Loose as Fire Chief from his leave of absence – Breckheimer stated that he spoke to Loose regarding the reinstatement and informed him that since the leave of absence was a recommendation from the Health Committee that the request to be reinstated should also come from the committee. It was agreed that it should be sent to the committee. No action taken.

Park and Recreation - The minutes were presented to the board for their information. Action – to approve the minutes as presented – motion: Schrubbe; second: Keuler; carried. Committee recommendation regarding request from the scouts to create a community garden – Roehrig explained that the girl scouts are requesting permission to start a 12' wide x 32' long community garden on the northside of Scout Hall. When produce is available it will be placed outside the hall for residents at no cost; however, a donation box will be available. There will be a rain barrel used for the watering of the garden. There will be no cost to the village. If after one year the project is not a success, the scouts will replant the grass. Starfeld questioned whether they thought about using raised beds? It was stated that either way the grass underneath would be affected, so the board thought the raised beds weren't necessary. Action – to approve the request from the girl scouts to have a community garden as presented – motion: Starfeld; second: Schrubbe; carried. No further action needed.

Discussion and possible action regarding purchase of a new lawnmower for the parks – Fochs informed the board that the 472 zero turn lawnmower needs to be replaced. He stated that he received 2 quotes. With the trade in value of the old lawnmower; Reister & Schnell came in at \$10,472.30 and Joe's Power Center came in at \$9,977.86. There is 10k budgeted for this item. Action – to purchase the lawnmower from Joe's Power Center at the cost of \$9,977.86 – motion: Schrubbe; second: Starfeld; carried.

Village Board Member Informational Report – Starfeld questioned if there were any updates on the Chris Eichmeier lot regarding the rezoning? He was informed that Eichmeier is getting a certified survey map and it will then go before the committee for recommendation.

Village Personnel Information Report – DuPrey stated that Sargento Foods sent donation checks to the First Responders and the Fire Department. The funds came from a program they offer in which employees donate to a charity of their choice and then the company also does. DuPrey stated that the First Responders received a check in the amount of \$5,973.52 all of which they donated back to the village treasury to help with their group's financing. DuPrey suggested that the village sends them a thank you letter to show their appreciation for this. The board agreed and a letter will be sent.

President's Report – none.

The board then convened into closed session under the following:

1. Pursuant to Section 19.85(1)(e) Wis. Stats. for the purpose of deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.

2. Pursuant to Section 19.85(1)(g) Wis. Stats. for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.

Action – to convene into closed session – motion: Keuler; second: Nolan; Roll Call Vote – yes: Bolwerk, Schrubbe, Roehrig, Nolan, Starfeld; Breckheimer; carried.

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

Action – to submit an offer to the Hilbert Revitalization Group for the old Hilbert Elementary School property in the amount of \$260,000 with a deadline of 30 days – motion: Schrubbe; second: Starfeld; carried.

Adjournment – Action – to adjourn – motion: Roehrig; second: Schrubbe; carried. The meeting was adjourned at approximately 8:15 p.m.

Missy Kieso

Missy Kieso, Deputy Clerk