

President Mark Breckheimer called the regular meeting of the village board to order at 7 p.m. on Tuesday, June 12, 2018.

Roll Call – all members reported present. Others present were Mike Loose, Anita Loose, Dennis DuPrey, Charlie Fochs, Ed Byrne and Ashley Lehocky (attorney) and Tasha Kloehn.

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 – There were none.

Announcements – Annual Cheese Derby sponsored by Calumet Sno-Trails – June 14, 2018 at Hilbert Civic Park, 4<sup>th</sup> of July parade and raffle sponsored by the Hilbert Volunteer Fire Dept. – July 4, 2018 at 11 a.m., 4<sup>th</sup> of July community picnic and fireworks sponsored by the Hilbert Lions Club & Hilbert Volunteer Fire Dept. – July 4, 2018, Joint Review meeting – June 27, 2018 @ 5 p.m. and Employee Review Committee meeting – June 27, 2018 at 5:30 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. There were no first responder minutes presented to the board.

Treasurer's Report for the Village of Hilbert - balances – \$223,764.50 General fund; \$487,273.69 Sewer fund; \$76,179.43 Water fund; \$141.67 Clean Water fund; \$1.00 DOA Block Grant Fund; (\$30,328.59) TID #1 fund; \$1,090,371.76 T-Plus fund; \$19,736.92 First Responder fund; (\$233,560.09) TID #2; \$535,141.07 Capital Improvements Fund. Action – to approve the treasurer's report as presented – motion: Schrubbe; second: Starfeld; carried. The treasurer's report for the fire department was presented to the board. Action – to approve the fire department treasurer's report as presented – motion: Starfeld; second: Keuler; carried. The treasurer's report for the first responders was presented to the board. Action – to approve the first responder treasurer's report as presented – motion: Keuler; second: Starfeld; carried.

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

Correspondence – There was no MEG Newsletter to present. The Focus Newsletter was presented to the board for their information. The Boardman & Clark Newsletter was presented to the board for their information. The Calumet County Focus on Calumet Newsletters were presented to the board for their information. An article from Governing Magazine regarding corruption in municipal government was presented to the board for their information. Correspondence and response regarding the billing sent to Todd Thiel regarding the reimbursement to the village for the preparation of the WEDC CDI Grant was presented to the board for their information. DuPrey stated that he sent an invoice to Thiel regarding repayment of the grant application, per the agreement which Thiel signed with the village. The agreement states that Thiel does not have to reimburse the village for the grant application if either one of the following conditions are met: Hilbert's grant application is denied (it was approved for the full \$250,000 grant) or if Thiel completes the project as defined in the grant application on the property by the deadline for completion of the project as set forth in the grant (December 31, 2018). In response from the billing, the village received a letter from Thiel's attorney stating that his client does not intend to make payment. The letter explains that they feel that two applications were actually submitted; saying the first was denied due to an error by Cedar Corporation. Keuler asked what error are they referring to? DuPrey explained to the board that there was only one application and it was not denied. When the application was submitted it was under the understanding that there would not need to be a resolution by the board and that the developer's agreement with the village would suffice; however, it was then decided that a resolution would be required with the grant application. The village board then conducted a special board meeting to present the resolution. The resolution was then added to the application as requested. DuPrey stated that Cedar Corporation resubmitted the same application with the updated information. There were not two applications. Starfeld questioned why the due date for the invoice is not until December 31<sup>st</sup>, why not sooner? DuPrey replied that because the agreement states that Thiel has until December 31, 2018 to complete the project and that he will be sending out a monthly statement showing the balance due, as he does with all invoices. The village attorney, Andy King, sent a response to Thiel's attorney saying that a full payment was expected by the end of the year or further legal action will be required. Thank you cards from the families of William Patterman and Mary Jane O'Connell were shared with the village board members.

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 TV franchise fee in the amount of \$2,594.00 was presented to the board for their information. DuPrey stated that copies of the Annual Financial Report Form C and the Annual Report from East Central Regional Planning Commission are available if anyone would like a copy.

Unfinished Business:

2018 Projects –

Street Committee – Action – to accept the committee meeting minutes as presented and place them on file – motion: Roehrig; second: Keuler; carried. The board then discussed the committee's recommendation regarding installing new sidewalks on Chestnut Street between 6<sup>th</sup> and 8<sup>th</sup> Street. Starfeld stated that the initial idea was to install sidewalks on 11<sup>th</sup> Street. However, after a public meeting with the homeowners on 11<sup>th</sup> Street there were issues/concerns that were mentioned; the plan was tabled. Sidewalk on 10<sup>th</sup> Street was also an option. Breckheimer stated that he thinks there should be a meeting with 10<sup>th</sup> and 11<sup>th</sup> Street residents in attendance to go over the possibilities. Keuler said that the

goal is to eventually have sidewalks on both streets due to the school. It's just a matter of deciding which one is first. Starfeld said that the main concern right now is the kids and keeping them safe on their way to and from school. Nolan stated that there is more foot traffic on 10<sup>th</sup> Street and more vehicle traffic on 11<sup>th</sup> Street. Starfeld agreed. Fochs mentioned that the school's functions should also be taken into consideration. Due to lack of parking at the school, people are having to park on the streets and then must walk to get to the high school. He questioned whether this could be a liability issue. DuPrey stated that he didn't think that was a concern because there are many communities that don't have sidewalks on every single street. Breckheimer said that if a four-way stop gets put in on 10<sup>th</sup> Street, in theory that would push more vehicle traffic to 114 because people would want to get away from all the four-ways. Breckheimer feels that the sidewalks need to get done this year yet and that considering a sidewalk on Chestnut Street is not the way to go. The sidewalks near the school should be the priority. Schrubbe questioned on what the budget is. DuPrey responded approximately \$8,000.00. It was decided to hold a public meeting at the community center on Wednesday, June 27<sup>th</sup> at 6:30 p.m. DuPrey will send out letters to the residents of 10<sup>th</sup> and 11<sup>th</sup> Streets informing them of the meeting. It was also noted that the Hwy 114 project is scheduled to begin on June 25<sup>th</sup>. Action – to deny the committee recommendation regarding installing sidewalks on Chestnut Street between 6<sup>th</sup> and 8<sup>th</sup> Streets – motion: Schrubbe; second: Roehrig; carried.

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

Police Protection for the Village – The police protection report was presented to the board members for their information.

Fire Department – Chief Loose said there was one fire call, which was yesterday on 6<sup>th</sup> Street. He informed the board that the fire department would be running the cheese stand at the Annual Cheese Derby. He requested that a valve in the station be moved. It is low to the ground and if it could be raised by about 4 ft. which would make it easier to get at. Breckheimer stated that the request would need to go to the Park & Recreation Committee first. Chief Loose asked about the signs for the fire station. Roehrig stated that they are good to go and he just had to verify placement with Chief Loose. Roehrig confirmed that the sign would be lighted.

TID District #1 – nothing new.

TID District #2 – nothing new.

Wastewater Treatment Plant – WWTP Upgrades – A letter from the DNR regarding the final closeout of the project and disbursement of the final draw request was presented to the board for their information. DuPrey stated that he will then be able to close out the account at Huntington.

Hilbert Acres Mobile Home Park – DuPrey shared with the board a chart showing what repairs have been completed. He said that Anita informed him that the 1<sup>st</sup> and 2<sup>nd</sup> quarter budgets have been spent. Due to this, work will not continue until the 3<sup>rd</sup> quarter. DuPrey stated that he still will require monthly updates via e-mail or phone so that the board can stay updated. She felt that was a bit excessive but will adhere to it.

Village South Residential Development Property – DuPrey stated that the Plan Commission Committee should think about setting up a meeting to work on finalizing a layout plan for the 50 acres for residential development. Breckheimer suggested that they wait for the plans from Cedar Corporation so they can review those also. He also mentioned that they should do a joint meeting with the Economic Committee included.

Village Economic Development Plan – DuPrey stated that Cedar Corporation is working on the plan and they are getting closer to being able to present it.

Village Website Update – Kieso explained that Brett Halderson had sent her a rough draft on some of the work he has been doing on the website. She stated that even though it's in the early stages that you definitely can see the modernization of the layout. Halderson had taken pictures throughout the village and has included those also. Starfeld questioned on a timeline when it can be presented to the board. Kieso stated that Halderson had informed her that his schedule is quite busy but she's hoping in a month or two that they would have something to present. She will get a hold of Halderson to verify.

Sound Barrier Wall Request – Tasha Kloehn addressed the board regarding her concerns with her neighboring property, which is owned by Sargento. Kloehn feels like the board misunderstood her letter; she was not only having issues with the construction noise but the overall safety and privacy of her family. She stated that the trucks line up on the road directly behind her house and the drivers will sit in their trucks. She said that they can see directly in her windows and that she should not feel as if she has to have blinds covering her windows if she doesn't want to. She stated that she can't even have her windows open due to the noise and the semis parking so close. She said she should enjoy being at home and right now she hates it and that she shouldn't have to feel that way. DuPrey said he contacted Karl at Sargento and that they had discussed the noise issue of construction and that's what he thought the concern was about. He referred to the village ordinances concerning noise levels and they adhered more to personal nuisances than industrial. He said he would be glad to contact Karl again now that he knows more about the issues. Keuler questioned whether the village should get involved in this.

Breckheimer stated that it is zoned industrial and Sargento is following all the guidelines and it is their property. Starfeld also stated that Sargento is not doing anything wrong. Kloehn said she didn't say they were doing anything wrong but her privacy and safety should be a concern. She also stated that she feels the road was moved more than the 5 feet which Karl had stated. DuPrey said that Sargento wants

to be a good neighbor and that he would be fine contacting Karl. Keuler mentioned that the contact should be from Kloehn to Sargento and not through the village. However, Roehrig felt that DuPrey should call Sargento and help get this all straightened out. DuPrey will get contact with Karl. Kloehn also gave DuPrey permission to give her phone number to Karl for any follow-up questions.

#### New Business:

Application for Operator Licenses – Action – to approve the operator license for Corinna Maes – motion: Roehrig; second: Starfeld; carried. Action – to approve the operator license for Christopher Leitner – motion: Roehrig; second: Starfeld; carried. Action – to approve the operator license for Melissa McArdle – motion: Roehrig; second: Starfeld; carried.

Application for Temporary Class B Picnic License – Action – to approve the temporary class B picnic license for Calumet Sno-Trails for their Annual Cheese Derby on June 14<sup>th</sup> – motion: Starfeld; second: Keuler; carried. Action – to approve the temporary class B picnic license for the Hilbert lions Club for their Annual 4<sup>th</sup> of July Community Picnic & Fireworks Celebration on July 4<sup>th</sup> – motion: Starfeld; second: Keuler; carried.

Police & License Committee – Action – to accept the committee meeting minutes as presented and place them on file – motion: Roehrig; second: Schrubbe; carried. The list for upcoming licensing periods was present to the board for their information. DuPrey stated that everything checked out fine. Action – to approve the licenses as presented on the list – motion: Schrubbe; second: Keuler; carried.

Recommendation from the committee not to allow chickens in the village and keep the ordinance as is – Starfeld said that it was brought to his attention by a resident that there was some interest in being able to have chickens in the village. Information was shared with the board regarding other municipalities and their ordinances pertaining to chickens. One municipality, that had once allowed chickens, actually changed their ordinance to not allow chickens due to many issues that arose. Starfeld said the committee feels that if we allow this, then where does it stop? Will there be requests for goats, sheep, etc? It was decided to leave the ordinance as is, which does not allow residents to have chickens on their property. The board took no action on the recommendation. Recommendation from the committee to continue forward looking into allowing golf carts and ATV's in the village – Starfeld said there was a written request by a resident requesting that the board considers allowing golf carts to operate within the village. He stated that the committee held a meeting and wanted to take the request to the board to hear their thoughts. They do not want to put a lot of time and research into this if the board doesn't agree. The board was presented with a listing of other municipalities and their ordinances regarding ATV's and golf carts. Starfeld contacted the County Sheriff's Department to get information regarding enforcing the ordinances and of any problems. He was told that although they were hesitant about the idea at first, it was actually working quite well without many problems or concerns encountered. He also contacted the Brillion Police Department. It was noted that in 9 years they only have issued 1 citation. Starfeld stated that if the board wanted to continue forward some of the questions to be considered would be: Where would the inspections on the ATV's and golf carts get completed? Gruett's? Brady's Automotive? What would be the fee for the registration and how often would it have to be renewed? Would they get that from the village office? What should all be included in the ordinance? Four signs would be needed on all roads coming into the village. There are many topics that would have to be gone through and many decisions to be made. This would take some time. Another question was regarding Greve Street. You are permitted to directly cross a state highway but cannot drive down the highway. How would residents on Greve Street adhere to this since there is no direct street across from it? Starfeld stated that he would check into this. Chief Loose questioned on what the cost to the village would be and where the funds would come from. Starfeld stated the certification should be paid by the owner and wants to keep the time invested by the village office to a minimum and this would all have to be discussed yet. DuPrey stated that as this moves forward we need to make sure we have everything in order, because once the ordinance is passed, we don't want to have to come back and keep having to make changes to it. Keuler said he doesn't see a downside to it and thinks it should move forward. Nolan agreed, stating it was a good idea. The village board agreed with the recommendation from the committee and the committee will proceed with collecting the information needed.

#### Classes/Seminars/Schooling for Employees –

Report on Seminars Attended - A report was presented to the board from firemen: Jim Schrubbe, Nathan Beyer, Troy Cummings, Derek Cummings and Jerin VanCuyk regarding the 2018 Fire Fighters Convention that they attended in Madison. Mark Fochs and Kim Plate also had reports from the General Basic Wastewater class they attended in March. DuPrey then told the board about the League Insurance Convention that he attended. He said one new law that was discussed pertained to fences and how now both neighbors are responsible for the upkeep of the fence, regardless of which one installed it. He said they topic of cyber security was also discussed and that the it was suggested that all municipalities should also review their sexual harassment policies to see if any updates are needed. A documentary was presented concerning a municipal employee that stole over 50 million dollars and how it was discovered and the outcome. He said that was definitely interesting to watch and to realize all the people affected.

Discussion and possible action regarding updating the front window at the village hall – Breckheimer stated that he would like to see the window replaced since it is not in great condition. Fochs said that the arch design is original from the building and wasn't sure if or when that window was ever replaced. He

feels like it's part of the history of the building. Starfeld stated that if the window is not needed then maybe bricking it is the way to go. The room it is in is a small storage area. It was determined that Fochs would get some quotes on it and this way it could be budgeted for. No action taken.

Resolution 2018-01, "Village of Hilbert Resolution to Disallow Demand for Damages by Todd Thiel and 510 North 8<sup>th</sup> Street LLC – Attorney Ashley Lehocky has been assigned by the League to represent the village on this notice of claim and was in attendance to answer questions from the board. DuPrey gave a summary of what the claim concerns. Todd Thiel/510 North 8<sup>th</sup> Street LLC purchased the property at 510 North 8<sup>th</sup> Street. Once purchased he had the house that was located on the property razed. A portion of that house was on the rite-away for Birch Street. Thiel's attorney has sent the village a notice of claim stating that if Birch Street is actually a village street, his client has a claim of ownership in that street based on the legal doctrine known as "adverse possession". He states that if his client does not have ownership by adverse possession, then the Village has received a benefit from Thiel for removing an asbestos-filled eyesore from the Village's property. He feels there are 2 possible resolutions. The first is that the Village to convey a strip of land where the house and yard once were to Thiel. The other would be for the Village to reimburse Thiel for the razing of the approximate 20% (undetermined) of the house and garage that were on the Village's property at a cost of \$1,763.00. Lehocky said that the decision is ultimately up to the board but she suggests disallowing the demand for damages. This would give Thiel 6 months file suit with the court. She also questions the percent which Thiel's attorney mentioned. She believes it is much lower. Schrubbe asked why the title company didn't catch this? Lehocky said it would only disclose whether an easement was there or not. She was informed that the previous owner was aware of the rite-away and understood that if the building were ever to be altered that changes would have to be made. She stated that the League doesn't like to "roll over" on these claims and prefers to take them to court if necessary. Keuler asked what the village's defense would be? She stated that she did not want to give details on what the village's defense would be in open session. She would be glad to attend a closed session with the board members to go over that if it gets to the court. Lehocky said that if the board disallows the claim a letter would be sent to Thiel tomorrow stating this. Action – to approve Resolution 2018-01, "Village of Hilbert Resolution to Disallow Demand for Damages by Todd Thiel and 510 North 8<sup>th</sup> Street LLC – motion: Starfeld; second: Keuler; Roll Call Vote – yes: Bolwerk, Schrubbe, Roehrig, Nolan, Keuler, Starfeld, Breckheimer; carried.

2017 CMAR Report and Resolution 2018-02 – The village board discussed the 2017 CMAR Report. Roehrig questioned if this was an annual report and Fochs confirmed that it was. Keuler asked Fochs if the phosphorous issues were taken care of. Fochs says he thinks so and believes that the new pump seems to be helping. Fochs stated that the overall score was a little higher last year but the year before that it was even lower due to the construction process. He says he sees no issues and we are fine. Action – to approve the 2017 CMAR Report and Resolution 2018-02 – motion: Schrubbe; second: Starfeld; Roll Call Vote – yes: Bolwerk, Schrubbe, Roehrig, Nolan, Keuler, Starfeld, Breckheimer; carried.

Resolution 2018-03 in Support of Nsight Teleservices' Application for a PSC Broadband Expansion Grant – DuPrey stated that this resolution is in support of Nsight, for a grant they are applying for, regarding rural broad band, in order to get better internet for rural areas. It will help their application by showing they have support from local municipalities. There is no cost to the village. The county asked for the village's endorsement. Action – to approve Resolution 2018-03 in Support of Nsight Teleservices' Application for a PSC Broadband Expansion Grant – motion: Roehrig; second: Schrubbe; Roll Call Vote – yes: Bolwerk, Schrubbe, Roehrig, Nolan, Keuler, Starfeld, Breckheimer; carried.

Request to Purchase Safety Equipment – DuPrey stated that there is a grant available in the amount of \$500 for the purchase of safety equipment. Fochs is requesting a manhole cover lifter. He's seen them used in the past and they work really well. After the grant the cost would be \$797.00 which is available in the safety equipment reserve account. Action – to approve the purchase of the manhole lift cover and a total cost of \$1,297.00 with \$500.00 being reimbursed from the grant – motion: Schrubbe; second: Keuler; carried.

Request to Replace Dump Box on Dump Truck – Fochs presented information to the board regarding 2 estimates on replacing the dump box. The first is from Casper Truck which came to a total of \$26,213.00. The second is from Truck Equipment which came to a total of \$24,947.00. This includes a stainless-steel dump box, new rams with scissor lifts, a new saltbox and an undercoating applied to the frame. Fochs said he also got a quote on a tarp system but that came in at \$2,650.00 and he's not sold on that system yet. He prefers to keep doing it as they are. Keuler asked Fochs if he's expecting any overages on the cost. Fochs stated he's not because they actually came and saw the truck when the quote was being completed. The amount budgeted is \$20,000.00 but the difference would be taken out of the truck reserve funds. Roehrig suggested a deadline be provided as part of the agreement with Truck Equipment. Action – to approve the purchase as requested through Truck Equipment in the amount of \$24,947.00 with a deadline of October 1, 2018 – motion: Roehrig; second: Starfeld; carried.

Request to Purchase Coolers for the Park – Roehrig provided the board with information on 3 different quotes on coolers. Prices ranging from \$1,822.00 to \$3,380.00. The amount budgeted was \$3,000.00. The original plan was to be able to order two – one for the beer stand and one for the big pavilion. Fochs stated there is one in rough shape in the beer stand that definitely needs to be disposed of. Breckheimer suggested buying one and seeing how they like it and then budgeted for a second. It was decided to go with the one priced \$2,226.00 from Refrigeration Services. It has wheels and Fochs thought that was a

nice feature so it can be easily moved. Schrubbe suggested checking with the vendor to make sure the warranty will be valid due to the fact that the coolers are not in a building that is temperature regulated. Fochs will check with his contact to see if the cooler could be delivered before Thursday so it would be available for the Cheese Derby. Action – to purchase one cooler through Refrigeration Services in the amount of \$2,226.00 – motion: Starfeld; second: Bolwerk; carried.

Request from Scott's Bar to hold their annual anniversary celebration on July 3<sup>rd</sup> – It was stated that there never have been any issues with this and in the past Scott's Bar has notified the neighbors prior to the event. Action – to approve the request for Scott's Bar to hold their annual anniversary celebration on July 3<sup>rd</sup> which would include a band, food & beverages and blocking off the part of Chestnut Street next to the bar with the condition that the neighbors are notified prior to the event – motion: Schrubbe, second: Starfeld; carried.

Request from the Village Hearthstone to have multiple outdoor music events in 2018 – They are looking to have a musician performing on the outdoor patio. The dates would be June 28<sup>th</sup>, July 7<sup>th</sup> and August 4<sup>th</sup>. Action – to approve the request of Village Hearthstone to have outdoor music on the dates requested – motion: Keuler; second: Schrubbe; carried.

Abatement of Human Health Hazards Contract – Calumet County requests the village to sign a contract regarding human health hazards. By signing this the village would be agreeing to the following: 1) Calumet County shall pay the cost for abating human health hazards that are not timely abated by the property owner or occupant. 2) Village of Hilbert, shall place the cost of such abatement on the property taxes, related to the subject property, as a special tax upon verification from Calumet County that the hazard has been abated and the cost of such abatement. DuPrey stated that he reviewed this with the Andy King, the village's lawyer, and there are some questions. Breckheimer suggested that DuPrey gives feedback to the county regarding the concerns and report back to the board with that information. No action taken.

Village Board Member Informational Report – Roehrig said regarding an update on the gates at the park that they are waiting for hinges and the gates to be completed. The hinges were supposed to have been here last Thursday. Fochs will follow-up and see what the issue is. Keuler questioned whether there would be any reflective tape on the gates so they are visible when closed. Fochs said there will be reflective tape on them. Roehrig also stated that the survey, that the village worked on with East Central Planning, regarding the Hilbert Civic Park improvements is set to go. DuPrey said that they will be sent out with the Recycling Newsletters. There will also be a link on the village website to take the survey online and information on the face book site. The surveys will also be available at the clerk's office. Once the results are compiled there will be an informational meeting to go over them.

Village Personnel Information Report – Fochs stated the radio read system is working. DuPrey said there is a Small-Town Forums convention in Egg Harbor on August 24<sup>th</sup> and it would be great if someone could go and represent the village. The cost is \$20 per person and will be paid for by the village. DuPrey also said there is an update on the TIF Law which will help keep more control at a local level. It is a win for municipalities.

President's Report – Nothing to report.

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: Starfeld; second: Roehrig; Roll Call Vote – yes: Bolwerk, Schrubbe, Roehrig, Nolan, Keuler, Starfeld, Breckheimer; carried.

The board then reconvened back into open session. Action – to reconvene back into open session – motion: Starfeld; second: Bolwerk; Roll Call Vote – yes: Bolwerk, Schrubbe, Roehrig, Nolan, Keuler, Starfeld, Breckheimer; carried. There was no action from the closed session.

Adjournment – Action – to adjourn – motion: Starfeld; second: Keuler; carried. The meeting was adjourned at approximately 9:03 p.m.

*Missy Kieso*

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Missy Kieso, Deputy Clerk