

President Jim Schmidt called the regular Board Meeting to order at 7 p.m. on Wednesday, December 8, 2021.

Roll Call – Loose, Schrubbe, Roehrig, Keuler, Starfeld and Schmidt. Nolan was not present. Others present were Dennis DuPrey, Kim Plate, Mike Loose, Kevin Pulley (Hilbert Haven) and Dan O'Connell (Cedar Corporation).

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 – Nomination papers may be circulated beginning on December 1, 2021 and must be filed by 5 p.m. on Tuesday, January 4, 2022. Candidates up for re-election are Village Trustees James Schrubbe, Peggy Nolan and Daniel Starfeld.

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's minutes presented to the Board.

Treasurer's Report for the Village of Hilbert – balances – (\$340,382.93) General fund; \$1,059,198.33 Sewer fund; \$212,327.52 Water fund; \$1.00 DOA Block Grant fund; \$1,116,150.91 T-Plus fund; \$42,317.84 First Responder fund; (\$287,116.41) TID #2 fund; \$769,165.33 Capital Improvements fund. Action – to approve the treasurer's report as presented – motion: Schrubbe; second: Starfeld; carried.

The Fire Department treasurer's report was presented to the Board. Chief Loose stated that the gun purchases for the gun raffle are not taken out of the account yet; approximately \$11,150. Action – to approve the Fire Department treasurer's report as presented – motion: Roehrig; second: Keuler; carried. The First Responder treasurer's reports for September and October were presented to the Board. Action – to accept the First Responder's treasurer's report and place it on file – motion: Starfeld; second: Schrubbe; carried.

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

Correspondence – The MEG Newsletter presented to the Board for their information. There was no Boardman & Clark Newsletter present to the Board. The Calumet County Focus on Calumet Newsletters were presented to the Board for their information.

Reports - The report of labor hours was presented to the Board for their information. The report on building permits was presented to the Board for their information. The Notice of receipt of the quarterly Cable TV Franchise Fees in the amount of \$1,761.59 was presented to the Board for their information. The Notice of receipt of the 2nd installment of Shared Revenue for 2021 in the amount of \$333,107.69 was presented to the Board for their information. The Notice of 2021 First Dollar Credit in the amount of \$66.73 was presented to the Board for their information. The Notice of 2021 Lottery Credit in the amount of \$236.67 was presented to the Board for their information. The Notice of 2021 State School Tax Credit/Estimated Aid in the amount of \$117,609.72 and estimated aid of \$1,668,171 was presented to the Board for their information. The Final Adopted Budget Packet – All Funds was presented to the Board for their information. DuPrey explained overall from the Village there was a tax rate drop of 4.75% which comes to about \$1.20 per one thousand. He also stated that the lottery credit nearly doubled from last year. So, the overall effect on property taxes was a drop of 5-6%. This is nice to have especially due to the water price increases. He told the Board to hang onto their budget books to refer back to throughout the upcoming year.

2021 Projects – Plate stated that the trail is in. The top soil was added today. He is set to do a walk-thru sometime next week with Robert E. Lee. He's thinking that there may need more work to be done before it's considered completed. It was hard towards the end with the snow coming down. He will keep the Board updated.

Change Orders – none.

Payment Requests – none.

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

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

Fire Department – Chief Loose stated that there were no fire calls since the last meeting. The annual meeting was held last night and went well. He is looking forward to working with the Village again in the new year. Keuler thanked him and his department for all the work that they put in throughout the year.

TID District(s) – nothing new.

Wastewater Treatment Plant – Schmidt explained how Plate, Dean (Robert E. Lee) and himself attended the Potter Village Board Meeting earlier this evening. The discussion regarded regionalizing the Potter Wastewater Treatment Plant to Hilbert's. This is something that is becoming more and more common in surrounding areas. It would be the two communities sharing the cost regarding the treatment plant, upgrades, etc. The meeting was just a first step. Plate has been in discussion with Potter about this for approximately the last year. It's a long process and nothing needs to be decided tonight. Schmidt stated that both Hilbert and Potter have an agreement with the engineers from Robert E. Lee that right now there will be no engineering costs to either Village since they are all just starting to look into the project. It's more about collecting the information so everyone is on the same page and can make decisions from there. There are grants available to help if this project goes forward. In fact, some grants could pay up to 75% of engineering costs. Schrubbe questioned if there would be a capacity issue at our wastewater treatment plant? Plate stated no, not right now. Eventually, an extra ring may need to be added. They

would get into the specifics once all the information is provided from the engineers. Schmidt stated that this potential project is just something they wanted to inform the Board about and it will be addressed more in future meetings. Well #4 – Update on Project – Plate stated that they had the pre-bid meeting yesterday. The bid opening is set for next Tuesday, December 14th at 10 a.m. The bidding will be awarded at the January Board Meeting.

Village Meadows Subdivision – Mail Delivery – There are no updates. Subdivision Improvements – There are no updates. Phase II Development – Action – to approve the Plan Commission minutes – motion: Schrubbe; second: Roehrig; carried. Schrubbe asked if the committee was looking at the possibility of houses without basements as a requirement? Schmidt stated that had been a topic of discussion but nothing was decided upon yet. There was no recommendation from the committee to the Board. But this is definitely something that they are looking into. Schmidt suggested that any Board members who would like input on such matters should definitely attend the Plan Commission meetings so they can discuss it with the members of that committee. That way, when there is a recommendation to the Board, a lot of questions would have already been answered and discussed.

Fochs Trails Subdivision – No updates.

Former Bel Brands Property – Update on the Project – Dan O’Connel from Cedar Corporation addressed the Board. He explained that the contractor was at the site the other day and they were pulling rocks. They were not doing anything else with the top soil. They are not at final completion yet. The contractor feels like they should be able to complete the issues with the top soil and grass planting after the completion date and just consider it to be warranty work. Dan stated that is not right. The warranty work is on things that are put in correctly but become defective after a while; the top soil was never cultivated correctly to begin with and it was on the original specs of the project. Technically, the Village could charge the contractor \$1,000 each day after the completion date since the project wasn’t completed in time. Keuler stated that contractors talk amongst themselves and he didn’t think it was a good idea to pursue that. Schmidt stated that it is, however, a good bargaining tool to have with the contractor. The Board felt like the retainage fee should be held back until the top soil is taken care of. The retainage fee is \$35k but the \$11,439 change order that is due would need to come out of that. So, we’d be looking to hold back approximately \$23,500. With the estimate that the Village received regarding redoing the work on the site this seems like it would be an appropriate amount to retain in order to make sure we are covered. By holding this amount, it also means that the chances of the contractor coming back to finish the site would be higher. The other issue is that the contractor has not been paid yet for the work that has been completed; although the pay requests that have been approved by the Board. This is because the state is so far behind in getting the grant funds to the Village. However, DuPrey stated that he actually got notice that the funds are going into the Village account either today or tomorrow so the contractor’s check will go out in a day or two. He contacted the contractor to inform him of this. The Board discussed at great length whether a date should be given to the contractor when the site work is expected to be completed with the top soil and grass planting. The discussion went back and forth a bit and it was decided that a date would not need to be given. Dan explained that the Village can remove the contractor at any time as long as they follow the correct time frame and procedure in which to do it. Starfeld stated that if we can release them at any time then a date should not be needed. Keuler questioned what if the contractor argues that it is warranty work; would that hold up in court? Dan stated that it couldn’t because something (which was installed defectively in the first place) can’t all of a sudden be considered defective during the warranty period. It was never completed to the specs which were stated in the contract. Action – to pay the Change Order #2 in the amount of \$11,439 but to retain the remainder of the retainage fee – motion: Schrubbe; second: Keuler; carried. Discussion and possible action regarding approval to release Village funds to pay contractor until grant funds received – DuPrey explained that the funds have been sent to the Village and the contractor will get paid from these funds. No discussion or action needed.

Hilbert Housing Authority – Update on the progress of the sale of property – DuPrey and Schmidt explained that the potential owners are still waiting to hear back on HUD approval. It sounds like everything will go through fine but just taking a little longer than expected. Schmidt stated that the closing is set for December 30th but the chances are that it will get changed to closer to January 15th. They will keep the Board updated.

Discussion and possible action regarding possible zoning code violation – DuPrey stated that he submitted the paperwork and is just waiting to hear back.

COVID-19 – nothing new.

Lead Service Lines in the Village – Plate stated that they are in the process of doing inventories and are trying to get as many done prior to the end of the year as they can. DuPrey stated that the number that is listed on the PSC report is the same number that needs to be reported. Plate also stated that Robert E. Lee is working on the grant which is due sometime in January.

Issues with the rip rap stone on the drainage ditch at the end of Creek St. – Nothing new. Plate stated that he is still waiting to hear back from the engineers. Plate will follow up with them and get more information.

New Business:

Application for Operator’s license – none.

Classes/Seminars/Schooling for Employees – none.

Reports on schooling/training sessions – none.

Employee Review/Grievance Committee – Action – to approve the meeting minutes from both meetings– motion: Schrubbe; second: Starfeld; carried. Committee recommendation regarding the meeting pay for employees – Schmidt explained that all hourly employees need to get paid their hourly wages for meetings. The hourly employee(s) will be required to leave early during that same week so that there is no overtime paid for attending any meetings. The employee(s) should split the time needed to leave early among the remaining days of the current week. The time off should be scheduled to ensure that there is at least one full-time public works employee here at all times and that the Clerk's office remains open during regular business hours. If an unforeseen circumstance would occur during that week (such as plowing snow or a water main break) which would not allow the employee(s) to leave early, then the employee(s) would be paid over-time for anything over the 40 hours. It was discussed and decided that any salaried employee(s) would continue to receive \$20 per meeting. The only individuals that can request an employee to attend a meeting is the Village President for Village Board Meetings and the Committee Chairperson for committee meetings. Any employee(s) may come to the meetings; however; if not requested to be there; the meeting will be unpaid. Plate asked if the hours could be banked instead of using them the same week? Since some weeks it may be hard to leave early depending what is happening. It was discussed and decided to try it this way for approximately a year and see how it goes first. Schrubbe mentioned that he still thinks Plate's position should be discussed regarding it being a salaried position with on-call pay. This is something that the Board will discuss in the future. Action – to approve the recommendation of the committee as presented – motion: Roehrig; second: Keuler; carried. No further action needed. Discussion and possible action regarding the updates to the employee handbook regarding meeting pay – DuPrey presented the Board with an example of the changes that were discussed above. Roehrig requested that he be sent an e-mail of every employee's job description to review. It was decided that that information will be e-mailed to all the Board members. Action – to approve the updating of the employee handbook regarding meeting pay – motion: Roehrig; second: Loose; carried.

Discussion and possible action regarding the appointment of the Village Attorney for 2022 – DuPrey stated that the Village has been with attorney, Andy King, for many years now and he would like to continue this. Action – to appointed Andy King as the Village Attorney for 2022 – motion: Schrubbe; second: Kueler; carried.

Discussion and possible action regarding Resolution 2021-09 Declaring Public Depositories for 2022 – The Board was provided with a list of the public depositories. Action – to approved Resolution 2021-09 Declaring Public Depositories for 2022 – motion: Schrubbe; second: Roehrig; Roll Call Vote – yes: Loose, Schrubbe, Roehrig, Keuler, Starfeld, Schrubbe; carried.

Discussion and possible action regarding Resolution 2021-10 to place 2021 budgeted items not being expensed into respective reserve funds – DuPrey explained that this is what is done every December for the items that not been expensed. The reserve accounts would be: (1) Transfer the \$541 budgeted in the Capital Improvements Fund for New Signs for the Compost Site to a reserve account for the specific purpose of New Signs for the Compost Site. (2) Transfer the \$10k budgeted in the Capital Improvements Fund for New Sidewalks to a reserve account for the specific purpose of New Sidewalks. (3) Transfer the \$28k budgeted in the Capital Improvements Fund for 1st Street from Main St. to Cedar St. to a reserve fund for the specific purpose of 1st St. from Main St. to Cedar St. (4) Transfer the \$82k budgeted in the Capital Improvements Fund for S. 2nd St. from Main St. South to Termination to a reserve fund for the specific purpose of S. 2nd St. from Main St. South to Termination. (5) Transfer the \$5k budgeted in the General Fund for Crack Filling to a reserve account for the specific purpose of Crack Filling. (6) Transfer the additional \$3k budgeted in the Capital Improvements Fund to replace the Community Center/Fire Station building air conditioners to a reserve fund for the specific purpose of replacing the Community Center/Fire Station building air conditioners. (7) Transfer the \$3k budgeted in the Sewer Fund to replace the Yard Lights at the plant to a reserve fund for the specific purpose of Replacing Yard Lights at the plant. (8) Transfer \$550 budgeted in the Sewer Fund for a plant entrance sign to a reserve fund for the specific purpose of a Plant Entrance Sign. (9) Transfer the remaining unspent funds of \$4,292.31 budgeted in the Sewer Fund for a New Effluent Flow Meter/DO Probe to a reserve fund for the specific purpose of a New Effluent Flow Meter/DO Probe. (10) Transfer the remaining unspent funds of \$5k budgeted in the General Fund for Health Insurance to the Health Insurance Reserve Fund for the specific purpose to offset future Health Insurance and HRA costs. Action – to approve Resolution 2021-10 to place budgeted items not being expensed into respective reserve funds – motion: Schrubbe; second: Loose; Roll Call Vote – yes: Loose, Schrubbe, Roehrig, Keuler, Starfeld, Schmidt; carried.

Discussion and possible action regarding Resolution 2021-11 to reallocate reserve funds no longer needed – DuPrey explained that he and Plate sat down and looked through the reserve funds accounts to see which were still needed and which weren't. There are several old reserve funds accounts with small balances that could be reclassified so they can be used for other things. The following are the accounts that would be reclassified/zeroed out: (1) Rename the Sewer Fund Sludge Truck Reserve to the Sewer Fund Sewer Equipment Reserve Fund. (2) Reclassify the total balance in the Sewer Fund Sludge Spreader Reserve Fund to the Sewer Fund Sewer Equipment Reserve Fund. (3) Rename the Water Fund Jetter Reserve Fund to the Water Fund Water Equipment Reserve Fund. (4) Zero out the Capital Improvement Fund Sign Reserve Fund and transfer it to the Capital Improvement Fund Cash

Account (Unrestricted Fund Balance). (5) Zero out the Capital Improvement Fund Council Room Improvements Reserve Fund and transfer it to the Capital Improvement Fund Cash Account (Unrestricted Fund Balance). Keuler and Starfeld expressed concerns between the Sewer Fund Equipment and the Sewer Equipment Replacement Fund. They didn't see why the account name change was necessary. DuPrey and Plate explained that the Replacement Fund is for replacing equipment that is already there if it needs to be. The Fund Equipment is for purchasing new (wheeled) equipment for the treatment plant. It basically gives a wider option available on how to use the funds when the need arises. Keuler stated that Sewer Fund Equipment seemed too general and should be more specific. DuPrey reminded Keuler that there is a Street Fund Equipment already; but Keuler felt like this was different. Keuler asked DuPrey what the list of the equipment is in the equipment fund? DuPrey stated that he doesn't know that offhand and would have to check. The discussion continued at great length. DuPrey stated that if there is this many questions/concerns then just send it to committee first and let's move on; enough time has been spent on this already. It was decided that the resolution was not going to be acted on. This item would go to the Water & Sewer Committee for discussion and they can then decide whether or not to make a recommendation to the Board. No action needed.

Discussion and possible action regarding the appointment of election inspectors – DuPrey presented the Board members a list of the election inspectors. Action – to appoint the election inspectors – motion: Starfeld; second: Schrubbe; carried.

Welcome to Hilbert Signs – Discussion and possible action regarding the 2022 Lease Agreements – The lease agreements are the same as previous years. Paul Gehl, John Mueller and Holsum Dairy will be sent a lease to sign with a payment of \$50 per the agreement. Action – to approve the 2022 lease agreements for the Welcome to Hilbert Signs – motion: Starfeld; second: Roehrig; carried.

Discussion and possible action regarding the possible bonus for employees – The Board discussed this and thought that the bonuses should remain the same as the previous year. DuPrey asked if they wanted to still keep it straight across the Board of \$100 since part-time employees are at less hours? The Board wanted to keep it the same for everyone. Schmidt asked the Board if they had any issues with him taking the employees out for a Christmas lunch one day as part of their bonus? Starfeld questioned whether this would be on the taxpayer's dollar? Schmidt stated that he was hoping the Village would include it as part of their bonus, but if not, he would treat the employees. Loose stated that it should be included and that they should be taken out to lunch. Action – to give each full-time and part-time employee a \$100 bonus and to be taken out to lunch – motion: Schrubbe; second: Roehrig; carried.

Discussion and possible action granting the President and Treasurer to pay all bills prior to the end of the year – This is the procedure that is done every year so the bills due before the end of the year can get paid and sent out prior to the new year. Action – to grant the President and Treasurer to pay all bills prior to the end of the year – motion: Starfeld; second: Loose; carried.

Discussion and possible action regarding the request to purchase a new tractor – Plate presented the Board with the 2 estimates. One was from Gruett's for a New Holland Boomer with a 72" broom priced at \$42,300. The other estimate was from Reister & Schnell for a John Deere Compact Utility Tractor with a 60" broom priced at \$45,250. The amount in the budget is \$45k. Starfeld thought it would be better to go with a John Deere because he thinks it's a better made machine. He also questioned whether the old broom and accessories could be just mounted to the new John Deere? Plate stated that the asked the vendor that and none of the accessories would match up with the new tractor. Things have been updated and the way things get connected are completely different than how they used to be with the old John Deere. There was some discussion but the overall comment was that the New Holland costs less and the business is more local to Hilbert and would be close to go to for repairs, etc. Action – to purchase the New Holland Boomer from Gruett's in the amount of \$42,300 as presented – motion: Schrubbe; second: Roehrig; carried.

Discussion and possible action regarding the request for a variance on the use of alcohol policy to allow at the Fire Department annual meeting – Since the party was held last night this would be a retroactive approval. This request is usually brought up every year prior to the event. However, it wasn't on the agenda last month so this is why it is being brought up tonight. Action – to allow the request for the variance as presented – motion: Keuler; second: Starfeld; carried.

Village Board Member Informational Report – Schrubbe shared with the Board all the positive feedback he is hearing from residents regarding switching to the bi-weekly recycling pick-up. It definitely seems to be appreciated. Schrubbe also mentioned that some residents had concerns about vehicles being parked on 2nd Street for months and not being moved. DuPrey informed him that the police have been contacted and are ticketing the vehicles and will have them towed by the end of the week if nothing is done.

Village Personnel Informational Report – nothing.

President's Report – Schmidt introduced the Board to Kevin Pulley who is one of the owners of Hilbert Haven Apartments on Main Street. Kevin stated that he had meant to come and sit it on a Village meeting for awhile now and has finally got the opportunity to do so. He explained to the Board that they also reside in one of the apartments so they are available when needed. Schmidt also informed the Board that the Local Lounge on Main Street qualified for and received a \$10k grant through the County.

The Village Board then convened into closed session under S.10.85(1)(e) to deliberate or negotiate the

purchase of public properties, the investing of funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. Action – to convene into closed session – motion: Roehrig; second: Schrubbe; Roll Call Vote – yes: Loose, Schrubbe, Roehrig, Keuler, Starfeld, Schmidt; carried.

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

There was no action taken from closed session.

Adjournment – Action – to adjourn – motion: Schrubbe; second: Roehrig; carried. The meeting was adjourned at 8:23 p.m.

Missy Kieso

Missy Kieso, Deputy Clerk Treasurer