

President Mark Breckheimer called the special meeting of the village board to order at 5:45 p.m. on Tuesday, February 12, 2019.

Roll Call – all members present. Keuler (late). Also present was Charlie Fochs.

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 – none.

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

There was no action taken on the items discussed in closed session.

Adjournment – Action – to adjourn the special board meeting – motion: Starfeld; second: Bolwerk; carried. The meeting was adjourned at 6:45 p.m.

*Dennis DuPrey*

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Dennis DuPrey, Administrator Clerk Treasurer

President Mark Breckheimer called the public hearing for the 12<sup>th</sup> St. Curb & Gutter Special Assessments to order at 6:45 p.m. on Tuesday, February 12, 2019.

Roll Call – all members present. Also present were Nick Mirsberger and Charlie Fochs.

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 – none.

The public hearing regarding the special assessments for curb & gutter on 12<sup>th</sup> St. then took place. DuPrey presented everyone present with an information packet regarding the proposed special assessments for curb & gutter for 12<sup>th</sup> St. The packet included the plans, estimates and resolutions needed. President Breckheimer then opened it up for public input.

Nick Mirsberger then spoke. He stated that it's not about the cost but questioned the need for curb & gutter. He stated that he moves things between the buildings and that he put in blacktop for the western property to help with drainage. He stated that if he is hauling stuff between buildings and going over the curbing, there would be a bump and then it would make it more likely to cause things to fall off.

Everyone then discussed this. The board stated that they could understand the concern. Nick stated that he could finish the blacktop on the eastern property and then it would all be nice and smooth and easier to transport between the properties. There was discussion on reasons for the curbing and whether or not having just blacktop would provide proper drainage. Nick stated that he already has accomplished that on the western property. There was discussion on what the process would be to change the plans. DuPrey stated that the entire process would need to start over. We cannot change the scope of the project which would change the estimated costs and affect special assessments. This was discussed. DuPrey stated that changing the scope would delay the project a couple of months or so to go back through the process. There was concerns about delaying the project. Schrubbe stated that he wants to do the right thing but has concerns about the timeframe. There were concerns about delaying the project and incurring additional costs of redoing everything. There was no further discussion. President Breckheimer then declared the public hearing closed.

Adjournment – Action – to adjourn the public hearing meeting – motion: Schrubbe; second: Starfeld; carried. The meeting was adjourned at 7:04 p.m.

*Dennis DuPrey*

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Dennis DuPrey, Administrator Clerk Treasurer

President Mark Breckheimer called the meeting of the village board to order at 7:04 p.m. on Tuesday, February 12, 2019.

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

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 – Public Hearing regarding potential development of a Veterans Council in the Calumet County Area on February 18, 2019 at 6:30 p.m. at the Eagles Club. Assessor Open Book Session on April 4, 2019 from 4:30 p.m. to 6:30 p.m. Board of Review on April 24, 2019 at 5 p.m. Spring Clean Event on May 4, 2019 from 8 a.m. to 11 a.m. Tire Recycling Event on June 1, 2019 from 9 a.m. to 11 a.m. Civic Association Meeting on February 27, 2019. LWM local Government 101 Training Session in Appleton on June 21, 2019. Plan Committee Meeting on February 20, 2019 at 7 p.m. LWMMI 10<sup>th</sup> Annual Policy Holder Seminar on May 8-9, 2019 in Wisconsin Dells.

Minutes – Action – to approve the board meeting minutes as presented – motion: Schrubbe; second: Bolwerk; 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. Action – to accept the first responder department minutes and to place them on file – motion: Schrubbe; second: Starfeld. Starfeld questioned that in the minutes it stated that “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.” Starfeld wants DuPrey to check with the insurance company to make sure this is ok, because on the fire department, you must be paged in order to be covered by the insurance. DuPrey will check into it.

Treasurer’s Report for the Village of Hilbert - balances – \$842,592.44 General fund; \$774,216.30 Sewer fund; \$140,588.13 Water fund; \$1.00 DOA Block Grant Fund; \$43,798.84 TID #1 fund; \$1,097,933.10 T-Plus fund; \$18,119.86 First Responder fund; (\$157,002.58) TID #2 fund; \$412,694.35 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: Starfeld; second: Roehrig; carried. The first responder treasurer’s report 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: Roehrig; second: Schrubbe; carried.

Correspondence – The MEG Newsletter was presented to the board for their information. 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. The Calumet County Conservator Newsletter 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. The annual summary report on building permits for 2018 was presented to the board for their information. The report on ag use conversion rates was presented to the board for their information. DuPrey stated that this information ties in with the process on converting the land on the southside from ag use to residential. He stated that in Calumet County, for ten or less acres, there is a penalty cost of \$900 per acre. The village must pay this in full and then the county will reimburse the village for half of the total cost. The notice of safe drinking water loan program project priority list was presented to the board for their information. DuPrey stated that because of where the village falls on the list that no grant money is available. The taxes collected to 1/31/10 – February Statement was presented to the board for their information. DuPrey stated that the total collected was \$1,320,000 or 70.07%; which is down a little from last year’s 70.49%. Tax collection went well and there were no issues.

Unfinished Business:

2018 Projects – nothing new.

Change Orders – none.

Payment Requests – none.

2019 Projects – Resolution 2019-01 Final Resolution Authorizing Construction of Improvements and Levying of Special Assessments against Benefited Property – The discussion regarding Nick Mirsberger’s concern about the curb & gutter (which was brought up at the Public Hearing held tonight prior to the board meeting) was discussed. Schrubbe was wondering how long individuals have to bring their concerns to the board? DuPrey stated that once the initial resolution is passed then they are notified. Mirsberger stated he just received the letter about the public hearing. Nolan asked whether the project could be bid out, and then if the curb is not put in, could a credit be received for it? Both Breckheimer and DuPrey stated that with special assessments that the state statute has to be followed and the scope of the project cannot be changed. Mirsberger feels that any type of curb; mountable or regular; would interfere with his daily operations. He stated that his forklifts and other machinery are constantly going back and forth from building to building and to have to jump a curb each time will be a hinderance for both his employees and customers. He would like there to be no curb & gutter from his mailbox to the highway. He has already installed blacktop on one portion and feels that will tie in good

with the street. He took the water flow into consideration when he did this and feels that it will continue to function well. A few concerns the board mentioned were: how well the blacktop would hold up? Would this option be available in the future for other residents or is this a unique situation? Also, the fact that any changes made would be starting completely over with the special assessment and would push the project back. Fochs stated that he discussed the curb & gutter with Mirsberger several times but the topic of going without any curbing was never mentioned to him; this is the first he was hearing about this. Starfeld stated that he feels like there needs to be some type of curbing there and that Mirsberger could have come to him or Fochs with this concern prior to the meeting. Fochs stated that they can work with the contractor on the best possible solution. Breckheimer agreed and stated that maybe that was the way to go; talk with the contractors and see what works best for the type of curbing that will be installed. It was decided that this was the best option. Action – to approve Resolution 2019-01 as presented – motion: Roehrig; second: Starfeld; Roll Call Vote – yes: Bolwerk, Schrubbe, Roehrig, Nolan, Keuler, Starfeld, Breckheimer; carried.

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

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

Fire Department – Franz stated that there were 5 fire calls since the last board meeting. Starfeld questioned whether truck #35 is fixed? Franz stated that it is.

TID District #1 – nothing new.

TID District #2 – The TIF Committee minutes were presented to the board. Action – to accept the committee minutes and to place them on file – motion: Schrubbe; second: Bolwerk; carried. The TIF Committee's recommendation regarding financial assistance to Chicaugon Enterprises for their new building – DuPrey stated that this is for the new cold storage building for Smoky Lake Maple Products. The agreement would be modeled after the first 2 agreements. The mortgage would be subordinate to the other mortgages. Since they put up a new building there will be an increase in the tax base and increment. They also would have to sustain a certain assessed value and certain increment payments. DuPrey explained that he took into consideration that the money would be borrowed (which he doesn't intend to) and this gives an extra cushion of \$4,500. He stated that it should pay itself back with no issues before the TID expires. It's pretty straight forward. Starfeld stated that he felt like before Smoky Lake Maple Products get the check that they should be required to move the dirt that's located on Jacob's land since it was their builder who placed it there. He said this is the only leverage we would have to make them move it. Keuler said that Jacobs actually had the leverage; the dirt is on their property and they could claim it as theirs and sell/use it. There were questions on whether or not the dirt has already been moved? No one knew for sure. Fochs stated that he felt like this is a neighbor dispute and that the village should not be involved. DuPrey agreed. Breckheimer stated that he didn't think that the check could be/should be withheld due to the conflict between the two property owners. He stated that's not even our land and it's in the Town of Rantoul. He thinks for us to go to a business here in town and say that we are not giving you money unless you do this would send out a bad vibe. Action – to approve the recommendation by the committee regarding financial assistance to Chicaugon Enterprises in the amount of \$22,000 – motion: Schrubbe; second: Bolwerk; carried by majority vote. No further action needed.

Wastewater Treatment Plant – Report on final costs for the Interceptor Sewer Main and WWTP Upgrade – DuPrey explained the spreadsheet which he created that allocated the costs and how they were distributed. He stated that 4.2 million was the total cost for the Interceptor Sewer Main and WWTP upgrade. \$500,000 was principle forgiveness and \$3.7 million was the clean water fund loan.

Hilbert Acres Mobile Home Park – DuPrey stated that he sent an e-mail on January 9<sup>th</sup> to the regional manager explaining how the board would like the entire system televised a final time in order to make sure there are no other issues. He received no response. It was decided to leave the citation as is. No action needed.

Village South Residential Development Property – Update on status of completing final plat for the first phase – Breckheimer referred to the e-mail from Jared from Robert E. Lee for the update. DuPrey then brought everyone up to date on the Frontier land purchase. The final survey was satisfactory and it is getting signed. Once DuPrey gets it's back he will get the easement, legal description and title policy paperwork completed and recorded and then we will be able to close on it. Roehrig questioned whether the St. Vinnie's land purchase was complete. DuPrey stated it was and we closed on that at the end of 2018.

Village Economic Development Plan – Nothing new.

Purchase of Bel Brands Property – Presentation of Phase 1 Environmental Report – DuPrey stated that the summary presented to the board is actually a very small part of the actual report. The recommendation from the findings in Phase 1 is to proceed with Phase II. The cost of that is \$6,800 which will be split 50/50 with Bel Brands. The village will pay it in full and bill Bel Brands. Discussion and possible action regarding proceeding with Phase II Environmental Assessment – DuPrey spoke to Seth Hudson from Cedar Corporation and informed the board that Seth's timeline for the assessment would be from February 19<sup>th</sup> to February 21<sup>st</sup>. They would do Phase II and the Hazmat Inspection at the same time. DuPrey stated that he thinks the cost of Phase II is pretty minimal and this would be the next step in the process. Action – to proceed with Phase II Environmental Assessment – motion: Starfeld; second: Keuler; carried.

New Business:

Application for Operator Licenses – Action – to approve the operator's license to Shambhu Lamichhona – motion: Starfeld; second: Schrubbe; carried. Action – to approve the operator's license to Amy Meyer – motion: Roehrig; second: Starfeld; carried.

Classes/Seminars/Schooling for Employees – nothing.

Plan Commission - The Plan Commission minutes were presented to the board. Action – to accept the committee minutes and to place them on file – motion: Starfeld; second: Roehrig; carried. Starfeld questioned the discussion from the minutes regarding Chris Eichmeier's request for rezoning. His concern was that it could be considered spot zoning. However, it would not be, due to the fact that there is Industrial across the street from his property now. Eichmeier is going to provide a CSM showing where he'd like the split. Breckheimer stated that no action is needed and nothing was approved; Eichmeier just wanted to get the committee's views on it before he proceeded with the CSM. The Committee's recommendation regarding the preliminary plat for the 2<sup>nd</sup> Addition to Fochs Trails Subdivision – Charlie Fochs wants to proceed with the 2<sup>nd</sup> Addition to his subdivision. The board referred to the map that was provided and Fochs answered questions on the streets, etc. He explained that there would not be bridge adjoining the streets over the creek at this time. Starfeld questioned about payment for the infrastructure. DuPrey explained that it would be through special assessments and would be paid in 5 equal installments by Fochs. Action – to approve the preliminary plat for the 2<sup>nd</sup> Addition to Fochs Trails Subdivision – motion: Roehrig; second: Starfeld; carried. No further action needed. The Committee's recommendation regarding having a naming contest for naming the subdivision and 1<sup>st</sup> two streets in the southside residential development – DuPrey explained how the contest would be run. It would involve the high school students. He thought this was a good idea to get the students involved and have them feel part of the process. The idea is to have 3 entries per high school student; 1 for the subdivision name, 1 for Street A name and 1 for Street B name. The prize would be \$25 for each of the 3 categories. If a name that is chosen was entered by more than one student, then those students' names would be drawn from a hat to determine a winner. Schrubbe mentioned that maybe just give the prize to all the students that wrote the winning name. Breckheimer stated that would not work due to the fact that 20 kids could enter the same winning name. It was decided to go with the picking of one student only. Breckheimer and DuPrey both stated that the committee has the right to refuse one or all entries if none seem fitting. In the end it is still the committee's decision on what gets recommended to the board and we are not committed to anything. DuPrey stated that the Ott family has also offered an idea: that the streets be named after kids' names since the close proximity to the school. They experienced the loss of a child and thought this would be a nice way of remembrance. The students at the school could also enter these names as an option. DuPrey talked with Tony Sweere and both decided it would be a great idea to engage the students in the process. The village would set up the entry boxes, instructions and provide the entry ballots. Breckheimer stated that this would be a great way to generate name ideas. Action – to do the naming contest as presented for the southside residential development (the subdivision and 2 street names) – motion: Keuler; second: Schrubbe; carried. No further action needed.

Discussion and possible action regarding proceeding with replacement of the WWTP computer – Fochs explained that he has received 2 estimates regarding replacing the computer. The first from PJ Kortens came in at \$34,875.00 and the other was from L.W. Allen which was \$37,500.00. Fochs stated that PJ Kortens actually came out to the WWTP and checked out the system to make sure everything would be compatible, whereas, L.W. Allen did not. The amount budgeted is \$36,000. There was a contract in July 2017 with System View, the original vendor, to provide this upgrade. It is now February 2019 and there is still no computer. The vendor was paid \$1,800 as a down payment (total cost was around \$18,000 to \$19,000) for this service. Fochs contacted the vendor and they replied that they were having software issues with the new program and Windows 10 and were working on it. After months of not getting any more information, DuPrey sent an e-mail stating that the company had until January 1, 2019 to provide the computer upgrade or the village would consider the contract to be terminated. They replied that they have their whole team working on it and it would be completed soon. Fochs stated that they lost one of their main employees and he feels like they are scrambling trying to get things done. DuPrey stated that if this is a sign of their customer service and potential system problems, it's not saying much. If the company ordered the computer in July 2017, then the computer is already a year and a half behind in technology since most computers need replacement every 5 years. DuPrey said they received an e-mail about a week ago from the vendor saying they need access to sign into our system to see how it would work; DuPrey and Fochs did not reply and have not heard from them since. Keuler stated he remembers hearing how there has been a glitch in the system with Windows 10 and believes there are several places dealing with the same issue. Fochs stated that in retrospect he would have just did the upgrade when they were doing the WWTP upgrade but he felt that System View could handle it. Roehrig asked if Andy King, the Village's attorney, was conferred with on this? Because if we signed a contract, we need to be sure they can't come back and demand full payment. It was also questioned whether the contract had a deadline to deliver on the computer? DuPrey stated that it did not. The board felt like it should be discussed with King. They don't want to have to pay out the full cost of the contract. Once King reviewed the e-mails and contract, and if he felt like the risk was minimal, then the other vendor estimates could be decided upon. DuPrey stated that he would get in contact with King but would like the board's conditional approval that if the risk is minimal, that Fochs could proceed with the project because if the computers

crash it would not be good. The board also stated that if a new vendor is chosen, they want a deadline/completion date on any contract that is signed. Action – Conditional approval, pending on the attorney review, to proceed with the replacement of the WWTP computer as long as there are no issues expected; if there are any issues or concerns then this item would need to come back to the board - motion: Starfeld; second: Roehrig; carried. No further action needed.

Village Board Member Informational Report – Starfeld brought up the concern by Mirsberger's Sales that the turnaround area for semis has been being used for parking by an employee from Smoky Lake Maple Products. This is a safety concern because there is not enough room for the semis to maneuver. Fochs stated that during construction of their new building, Smoky Lake Maple Products' employees were parking there, which was understandable. However, since completion of the project there is still one employee that's parking in this area. Fochs spoke to someone at Smoky Lake Maple Products and it stopped for awhile but has started up again. An option would be to purchase and install no parking signs but it would be better if that didn't become necessary. The turnaround is a part of Mirsberger's property and also a part of the village's property. DuPrey will send an e-mail to Smoky Lake Maple Products requesting that no one parks in the turnaround and see if that takes care of the problem.

Village Personnel Information Report – DuPrey stated that the annual audit was done last week with 3 auditors present. It is a required annual audit and everything went fine.

President's Report – Breckheimer reminded everyone about the Plan Commission Meeting being held next Wednesday, February 20, 2019 @ 7 p.m. He encourages all board members to be there to stay up to date with the southside residential development planning. This is a second review of the covenant and this way everyone can voice their ideas/concerns. There will be a revised covenant available to everyone to pick up and review prior to the meeting. It will be available on Monday. Breckheimer also reminded the board members to let him know regarding whether or not they can attend the Civic Meeting on the 27<sup>th</sup>.

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

*Missy Kieso*

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Missy Kieso, Deputy Clerk