

President Mark Breckheimer called the regular meeting of the village board to order at 7 p.m. on Tuesday, February 10, 2015.

Roll Call – all members reported present. Others present were Nate Beyer, Marshall Koentopp, Josh Jetton, Rob Cummings, Chet Johnston, Randy Boesch, Jerin VanCuyk, Travis Thompson, Ed Byrne from the Brillion News, Morgan Zwart from the Times Journal, Dennis Hein, Mike Loose, Anita Loose, Karl Propson, Ben Boesch, Josh Bangart, Todd Thiel 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 – Dennis Hein asked the board for some more information on the proposed rezoning of land on the west side of the village. He requested more information on commercial zoning vs. industrial zoning. DuPrey stated that he received that message today and will be getting that to him. Hein also stated that he is questioning if the board could rezone that area as commercial instead of industrial and asked that they consider that. Breckheimer then informed Todd Thiel that he would have to sign in to speak. Todd Thiel then stated that he would like to speak now. He stated that in Rick's absence, he asked that he read the following statement to the board. He then read the statement. It is as follows:

To: Village of Hilbert Board of Trustees  
From: Richard Thiel  
February 10, 2015

"I am sorry that I am unable to attend tonight's meeting. Presented here tonight are over 200 signatures from your constituents approving of me as being their fire chief. The people in this village have the confidence in me to help the Fire Department provide the best protection possible for them. My family and I have resided in Hilbert for 39 years, and I have confirmed what I have always thought about Hilbert. The reason I never moved away from Hilbert are the people. Nowhere can you find more helpful caring people than in this village. The people in this village are educated and have great moral character. They follow what is happening or not happening in the village. The residents in this village back the Fire Department and the other volunteer organizations. The residents realize how important these organizations are to a community's survival. It is some village board members the village residents are upset with. Interfering in Fire Department affairs while ignoring the main issues of making Hilbert a better place to live are a general consensus. The Fire Department made a recommendation to the Village Board based off the election results at their annual meeting. Village board members Mark Breckheimer, Gary Boesch, Dan Starfeld, Jim Koffarnus, and Tim Keuler not once but twice failed to take action on the recommendation even though they stated I was qualified. The board's solution to this is to rush a new ordinance through stripping the Fire Department of their right to vote for their leader. Instead, the Health Board, consisting of Mark Breckheimer, Gary Boesch, and Jim Koffarnus will select the fire chief and the fire department must accept this. This is personal discrimination and government corruption at its worst. Tonight we are at a crossroads. Personal discrimination and delay tactics are no longer acceptable. The decision rendered tonight will send a crystal clear message to all Village residents. Do the members of the Village board represent the people of this village or themselves? Are democratic principles alive and well or have they been abandoned? For everyone's sake may God help you make the right decision and help Hilbert to grow and prosper. The residents of this village deserve the honest and impartial representation they assumed they would receive when you were elected.

Please take into consideration that Tom Piepenburg has been thrown into the mess that has been created by some board members. He is one of the most honorable people I know and has been active in this village as long as I can remember. Please do not blame Tom for any of this controversy."

Rick Thiel

Mark Breckheimer asked if there were any other citizen questions or concerns. There were none.

Announcements – Spring election is 4/7/15. Next Civic Association meeting is 2/25/15.

Minutes – Koffarnus pointed out that there was a second to a motion missing under 2014 projects.

Action – to approve the board meeting minutes with this change – motion: Koffarnus; second: Boesch; carried. The fire department minutes were presented to the board. Breckheimer clarified that the Health Board has always been in existence and is not something that was just formed. Action – to approve the fire department minutes with this change – motion: Koffarnus; second: Starfeld; carried. The first responder minutes were presented to the board. Action – to approve the first responder minutes as presented – motion: Boesch; second: Starfeld; carried.

Treasurer's Report for the Village of Hilbert - balances – \$716,334.09 General fund; \$161,460.59 Sewer fund; \$56,227.37 Water fund; \$4.00 Clean Water fund; (\$38,883.96) TID #1 fund; \$500,795.65 T-Plus fund; \$17,102.66 First Responder fund; (\$423,107.66) TID #2, \$231.25 CDA; \$24,664.96 Capital Improvements Fund. Action – to approve the treasurer's report as presented – motion: Boesch; second: Piepenburg; carried. The fire department's treasurer's report was presented to the board. Action – to approve the treasurer's report from the fire department as presented – motion: Koffarnus; second: Starfeld; carried. The first responder treasurer's reports were presented to the board. Action – to

approve the first responder treasurer's reports as presented – motion: Koffarnus; second: Starfeld; carried.

Claims - examined and discussed. It was noted that the Abstract Electric bill had some extra work completed at the fire station. Even with the extra charges, it is under budget. Mike Loose questioned about authorizing the extra work and he wasn't aware of it. The board felt that this should be looked into before the bill is paid. Action – to pay all claims except the Abstract Electric bill – motion: Starfeld; second; Keuler; carried.

Correspondence – The MEG newsletter was presented to the board. There were no Time Warner Cable letters received. The Focus newsletters were presented to the board for their information. There was correspondence regarding the upcoming LWMMI conference at Chula Vista Resort in Wisconsin Dells on April 16<sup>th</sup> & 17<sup>th</sup>. Breckheimer stated that he plans on attending. An article from The Cap Times regarding wind siting report was presented to the board for their information. An email regarding upcoming 2015 Comtech Engineered Solutions seminar was presented to the board. Notice of an upcoming seminar on Energy Self-Sufficiency was presented to the board for their information. Notice of FVTC Intent to Appoint FVTC District Board Members was presented to the board for their information. A Thank You card from the family of LaVerne Ott was presented to the board. A Thank You card from the family of Elizabeth Schmitz was presented to the board.

Reports - The report of labor hours was presented to the board for their information. The monthly report on building permits was presented to the board for their information. Notice of receipt of the quarterly Cable TV Franchise Fees in the amount of \$2,482.49 was presented to the board for their information. The report on 2014 payroll was presented to the board for their information. The February settlement for property taxes was not completed yet.

Unfinished Business:

2014 Projects – nothing new.

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

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

Fire Department – Chief Loose reported that he met with Smoky Lake Maple and inspected their building for fire extinguishers and fire code things. He stated that he talked to them about installing a knox box at the building where the fire department could gain access to the building if needed without waiting for a key or breaking down the door. He stated that he would like to see this emphasized where knox boxes are installed for businesses, etc. so the fire department can have access instead of waiting for someone with a key to come. He also stated that he completed the 2% dues paperwork with DuPrey. He stated that they had 3 fire runs this past month. He then stated that held off for awhile with everything going on with the fire department but they are starting to set up the committee to look at replacing Truck #33. He invited anyone else on the board to attend. They will have one board rep on the committee. Lastly, he brought up that the paperwork is submitted to allow 10 firemen to attend the firefighter's convention and to stay one night. The board then discussed the appointment of the fire chief. Action – to approve the Health Board committee meeting minutes as presented – motion: Boesch; second: Keuler; carried. Breckheimer stated that the recommendation coming from the committee was to approve Ordinance 2015\_01 which amends Section 3.01(3) of the Code of Ordinances. DuPrey read the proposed ordinance to everyone present. Todd Thiel then addressed the board regarding this recommendation. He stated that he wanted to review the timeline of events and how we got to this point. He stated that he is going to go through these briefly and roughly so that everyone is reminded how we got here. He stated that it started on December 2, 2014. Hilbert fire department annual meeting takes place as scheduled. The election is held in accordance with the Hilbert Volunteer Fire Department's election bylaws. The Village of Hilbert Trustee/Board Member Gary Boesch and former chief Bill Koehler count the ballots. The motion is made, seconded and passed that the Hilbert Volunteer Fire Department recommends to the Hilbert Village Board of Trustees that Rick Thiel serve as fire chief for 2015. On December 9<sup>th</sup>, a regularly scheduled Village of Hilbert board meeting. At that time Ken Stenklyft presents the Hilbert Volunteer Fire Department 2015 fire chief recommendation and sponsored the motion to accept the recommendation. Gary Boesch, Mark Breckheimer, Tim Keuler, Jim Koffarnus and Dan Starfeld failed to provide a second. He stated that it was his understanding that discussion followed and at that point and time there was no discussion of election improprieties or bylaw violations. He stated that previous village board meetings did not seem to include discussion about revising the Hilbert fire department's election process, did not include discussion about creating a new process about how a new fire chief would be appointed, did not include discussion about revising the Hilbert fire department bylaws, or discussion about eliminating the voting process for all the volunteer firefighters. He stated that on December 23, 2014, it was a scheduled Hilbert fire department meeting. He stated that it seemed that discussion had occurred regarding the issue at hand and the fire department took a ballot to vote on the recommendation of the Hilbert Volunteer Fire Department chief. The result this time around was a vote 16 to 5 to recommend Rick Thiel to serve as the 2015 Hilbert fire department chief for 2015. He stated that on January 13, 2015, again a regularly scheduled board meeting, it seems that after a lengthy discussion a lot of people were putting their comments out there about the process and what had happened. He also stated that there were people on the fire department spoke out and stated that they were upset with what had happened. After that he stated that Ken again provided the recommendation and for a second time, Gary Boesch, Mark Breckheimer, Tim Keuler, Jim Koffarnus and

Dan Starfeld failed to provide a second so the motion failed to be acted on. He then stated that on January 22<sup>nd</sup>, there is a special Village of Hilbert board meeting and Rick spoke in his favor at that time under Citizen Comments and no action was taken. He stated that new rules however for the selection of a fire chief were brought up at that meeting and the health board would set up a meeting. He stated on January 28<sup>th</sup>, the health board sets up a meeting and apparently they discussed new ordinances removing the fire department from the voting process for a chief. He stated that on February 2<sup>nd</sup>, another fire meeting and apparently a number of members of the village board talked to the fire department about a new ordinance, about the health board and proposed that it would be acted on at this particular meeting. He stated that it was his understanding that several members of the fire department were upset with this. Todd Thiel stated that he wanted to bring people back on how we got here and it seems to him that throughout the process, no one has talked about how that election that originally occurred, that there was anything was wrong with it. This board hadn't said that it was illegal. Keuler then interrupted that he didn't say that anything was illegal, but it was wrong. Breckheimer stated that everyone hold on for a second. He stated that once citizen comments are done, the village board will then discuss the issue. Thiel thank Breckheimer for that. Todd Thiel stated that he would define it as illegal. Was there anything illegal? Did they follow the bylaws? Did they follow the rules? He stated that no one is claiming that it was illegal. No one is claiming that they didn't follow the rules. He stated that the current fire chief hasn't said that the election was illegal or wrong. They followed the bylaws. He stated that as it stands, the previous board meetings did not even address that issue. He stated that so he standing here in front of you today and asking why now? Why now? He stated that last week he had asked Dennis a question. He asked what are the rules of which we govern here at the Village of Hilbert? He stated that we follow rules. There are rules of operation. So he asked how do we deal with the fire department's recommendation and how do we deal with any recommendation. He asked DuPrey if he could lean on him for that response. DuPrey stated that he had conversation with Todd regarding his question and he asked if there was anything in writing regarding rules of operation for the village board. He stated that he is not aware of anything in writing that we have specific rules that we follow. He stated that whether there is anything in writing prior to when he started here, he is not sure. He stated that he is not aware of anything that we have some written documents that these are rules that we follow. Todd Thiel then stated that his question and the heart of his question, what process, what is the protocol that we are following to address the fire department's recommendation for the 2015 fire chief. He stated that it seems to him that when he starts asking the questions, it gets bigger and bigger because we don't even know what our rules of operation are. He stated so that his question is back to the board is are they following the rules? He stated that the answer today with they are all sitting here is that they do not know if they are following all of the rules because you don't even know what the rules of operation are. He stated that this is all he has. The board thanked him for his comments. The board then opened it up to board discussion. Keuler stated to Todd Thiel that from the beginning, there were people that did not get to vote. He stated that if he wants to go back to bylaws and the lack thereof, that was the original problem. He stated that the bylaws did not take into account all of the firemen. The bylaws only took into account the firemen that could be at the meeting. He stated that this was his biggest concern. He stated that the further that he dug into this and talked to other fire departments, nobody does it that way anymore. He stated that there is a reason for it. He stated that there are just too many outside forces over there that should not be over here. He stated that the election, and everybody wants to call it an election, it was a recommendation. It was a recommendation from the fire department to us just like thousands of recommendations that we get. He stated that we don't accept all recommendations that they get. He stated that what they are doing is trying to correct what they see is a lack of bylaws and a lack of structure. Todd Thiel asked if he could respond to that. Breckheimer stated to Thiel that unfortunately, the citizen comment part of it is over at this point. Breckheimer stated that we all need to keep in mind that it was not an election itself but it is only a recommendation to the board. He stated that in fact last month there were other recommendations that were turned down like from the water and sewer committee. He stated that it is a regular thing that happens and it is not something out of the realm. Breckheimer stated to Todd Thiel that the 16 to 5 vote was actually a vote to send a letter and not a revote for fire chief. He stated that the other thing he wanted to keep in mind that when they looked at other fire departments, the listing shows municipal owned fire departments and not private ones so there is a difference there as to how things are conducted. Keuler stated to Todd Thiel that under the current system that we have, someone could walk into that fire department and be there 6 months and become chief. He stated that all this talk about safety and training; they could be there 6 months and be recommended as chief. He stated that this shouldn't happen. That system is flawed. Todd Thiel stated that he would close with this. He doesn't disagree with anything... Breckheimer stated to Todd Thiel that citizen comments are over. Todd Thiel then again stated that he doesn't disagree.... Breckheimer again stated to Todd Thiel that citizen comments are over. He stated that we are having the same rules for everyone and no one else can speak because they did not sign up. Todd Thiel then stated that he is talking to me. Breckheimer stated that this is a board's discussion at this point. Breckheimer stated that it is a board's discussion to how they want to proceed with the committee's recommendation to go with the ordinance change. Action – to approve Ordinance 2015\_01 amending Section 3.01(3) of the Village of Hilbert Code of Ordinances as presented – motion: Boesch; second: Keuler; Roll Call Vote – yes: Piepenburg, Starfeld, Boesch, Keuler, Breckheimer; no: Koffarnus; carried by majority vote. Breckheimer

noted that he checked in the requirement for 3 readings of an ordinance prior to approval and there is nothing in the state statutes that state that this is required. Because of that the 3 readings will not take place.

TID District #1 – nothing new.

Property Maintenance Ordinance – nothing new.

TID District #2 – nothing new.

Street Committee – Action – to approve the committee meeting minutes as presented – motion: Koffarnus; second: Starfeld; carried. The next regional flood meeting will be held on March 18<sup>th</sup>. Charlie Fochs noted that he is checking into what needs to be done to clean out the ditch from Irish Rd to the tracks. There was some question as to where we were on the Irish Rd. culvert project. Boesch will contact the Town of Rantoul to get a status update. The first recommendation was to proceed with preliminary engineering for Plappert Rd. Charlie presented an estimate from Robert E. Lee. Right now, there are enough monies in the budget to do the first four items. There was some concern about proceeding with them if the wetland delineation is an issue to have completed. This will be checked out. Action – to approve the recommendation to proceed with the preliminary engineering for Plappert Rd and complete the first 4 items on the listing – motion: Piepenburg; second: Keuler; carried. It was noted that we will draft a resolution to send to the railroad regarding our concerns on the conditions of the culverts going under the railroad. The second recommendation was that we request the DOT to lower the speed limit on the north side of the village from 55 mph to 35 mph to just north of the driveway to the Gehl property where the barn is located. Boesch explained the drawing that was part of the minutes. There was some discussion regarding contacting the sheriff's department to get information about people stopped in that area. Action – to approve this recommendation – motion: Boesch; second: Piepenburg; carried. It was noted that Charlie will submit the application for a directional sign for Main St. it was also noted that Charlie will compile a listing of sidewalks to complete with the Keuler/Parsons sidewalk a priority and that the listing will concentrate on finishing sidewalks first before doing 10<sup>th</sup> St. It was also noted that Charlie has addressed the concerns brought up by the property owner regarding clearing snow from sidewalks on Main St. that was brought up last month.

Discussion and possible action on how to proceed with development assistance – none.

"Looks of Hilbert" (Aesthetics) – There was nothing new on the street signage. There was nothing new regarding the Main St. lights.

Wastewater Treatment Plant – Action – to approve the committee meeting minutes as presented – motion: Boesch; second: Koffarnus; carried. The first recommendation was to approve the revised engineering contract for extra work on the interceptor main project. Charlie explained where the extra charges came about. Action – to approve this recommendation to approve the revised engineering contract with Robert e. Lee for the interceptor sewer main project – motion: Koffarnus; second: Starfeld; carried. The second recommendation was to approve the installation of a flow meter to monitor the mobile home park for infiltration. Cost will be \$500 - \$600 per month and we will monitor it for 3 months. Action – to approve this recommendation – motion: Boesch; second: Koffarnus; carried. The next recommendation was to approve the agreement with Robert & Carolyn Hipp to hook into the interceptor sewer main. DuPrey explained the revised agreement. They set the deposit on the secondary owner of at least \$500. Action – to approve this recommendation – motion: Boesch; second: Koffarnus; carried. The next recommendation was to conditionally approve the agreement to take sewer waste from Thiel Cheese on the basis that our attorney okays it. DuPrey explained the agreement. It was briefly discussed. DuPrey stated that our attorney has reviewed it and okayed the language. Action – to approve this recommendation – motion: Boesch; second: Starfeld; carried. The next recommendation was to approve the replacement of the sanitary sewer main on 3<sup>rd</sup> St. between Main St. and Cedar St. Charlie explained the project to the board. He stated that they wanted to slip line the main but it is oblong so they cannot. There will be an alternate to build up the sub base on 3<sup>rd</sup> St. for the semi traffic it gets. Charlie stated that they will be able to slip line the first section closest to Cedar St. because he doesn't want to dig up the new road. It would be an 8" main. Action – to approve this recommendation – motion: Koffarnus; second: Boesch; carried. The next recommendation is to proceed with the additional repairs needed to put Well #2 back online. Charlie reviewed the costs with the board. He presented the information from CTW Corporation. The total costs were for a new pump, pre televising the well and brushing, bailing and post televising the well. Total additional costs would be \$8,850. Action – to approve this recommendation – motion: Piepenburg; second; Keuler; carried. Charlie also touched on seeking a variance to put an 8" casing inside the current casing. If we don't get the variance, we would have to put in a 6" and this would limit the capacity too great. CTW will be handling the request for a variance. Interceptor Sewer Main Replacement Project – A payment request was submitted by Kruczek Construction. Charlie noted that everything seems to be in order so far. Action – to approve payment request #1 to Kruczek Construction in the amount of \$85,542.51 – motion: Boesch; second: Starfeld; carried. Charlie noted that they have crossed the tracks today and are not heading into the village.

WWTP Upgrades – Charlie reported that advertisements for bids has been completed and that they are planned to be opened and awarded in March. There was nothing new to report on the Hilbert Acres Mobile Home Park.

Park and Recreation Committee – Action – to approve the committee meeting minutes as presented – motion: Boesch; second: Koffarnus; carried. The first recommendation was to conditionally approve the

agreement with the school district to allow them to use the ballfield/park facilities for high school girls softball and boys baseball. DuPrey stated that our insurance company still has to look at it but our attorney has reviewed it. He also suggested that the athletic club should okay it because they run the programs in the summer. Action – to approve this recommendation – motion: Boesch; second: Piepenburg; carried.

New Business:

Application for operator's license – There was an application received for Stacy Rogne. DuPrey noted that everything checked out. Action – to approve the operator license for Stacy Rogne – motion: Boesch; second: Starfeld; carried.

Classes/Seminars/Schooling for employees – Breckheimer noted that there are 10 firemen attending the firefighter's convention at a cost of \$90 each. They will stay one night. Total cost for all 10 with the hotel stay is \$1,445. He noted that this was under the threshold for going through committee so he is just notifying the board of it. He also reported that Charlie and Josh will be attending a meeting in Hortonville on February 19<sup>th</sup> which is under the threshold and that Charlie has requested to attend the WWOA conference which will have to go through the committee.

Annual Board of Review – DuPrey stated that Board of Review will be on May 13<sup>th</sup> from 6 p.m. to 8 p.m. and open book would be April 16<sup>th</sup> from 4 p.m. to 6 p.m. The board felt that this would be okay.

Request by LWM to approve a resolution for a Partnership in Prosperity – DuPrey presented the information and resolution from the League. The board felt that it would be a good thing to do. Action – to approve Resolution 2015-01 as presented – motion: Boesch; second: Starfeld; Roll Call Vote – yes: Piepenburg, Koffarnus, Starfeld, Boesch, Keuler, Breckheimer; carried.

Village Board Informational Report – Koffarnus brought up about setting up the annual Spring Clean. He also suggested at looking at incorporating electronics recycling at this event also.

Village Employee Informational Report – DuPrey reported that the auditors are in next week.

President's Report – Breckheimer commented that he would like to see at least two board members attend each Civic Association meeting.

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

*Dennis DuPrey*

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Dennis DuPrey, Clerk