

President Ken Stenklyft called the regular meeting of the village board to order at 7 p.m. on Tuesday, September 10, 2013.

Roll Call – all members reported present. Also present were Dennis & Mary Kay Hein, Karl Propson, Harold Sippel, Steve Helms, Ed Bryne, Dennis Kaczor, Hilbert High School Principal, Pete Pankratz, Bill Koehler and Charles Fochs.

Pledge of Allegiance – The pledge of allegiance was recited by everyone present.

Citizen Concerns & Questions to be acted upon at the next board meeting – none.

Announcements – Hilbert Fire Department End of Summer Picnic Celebration is September 21<sup>st</sup> at Community Center. Budget work needs to be completed so all items are turned in by 9/30/13. Meeting with the DNR on flooding is scheduled for 9/25/13 at 6 p.m. at the Community Center. Civic Association meeting is scheduled for 9/18/13 at the Millhome Supper Club. There will be a meeting in Chilton on 9/19/13 where Chilton will be addressing the issue of adding first responder coverage to the city.

Minutes – It was noted that on page 2071, on line 15, change "he would support Todd Thiel" to "he would not support Todd Thiel". Keuler apologized for not being at the last meeting. He questioned why the village would turn Todd Thiel or anybody else down. DuPrey stated that current situation with the TID Districts. Right now, our values are over the maximum allowed so we cannot create a new TID right now. Stenklyft explained that we are looking at other options that may be available to him for development. Action – to approve the board meeting minutes with this change – motion: Starfeld; second: Boesch; carried.

Treasurer's Report for the Village of Hilbert - balances – \$51,800.23 General fund; \$187,211.92 Sewer fund; \$250,098.17 Water fund; \$1.00 Clean Water fund; \$1.00 Block Grant fund; (\$167,155.56) TID #1 fund; \$501,645.81 T-Plus fund; \$17,431.48 First Responder fund; (\$221,700.47) TID #2, \$179.44 CDA; \$62,918.25 Capital Improvements Fund. Action – to approve the treasurer's report as presented – motion: Koffarnus; second: Breckheimer; carried. The fire department treasurer's report was presented to the board. Action – to approve the treasurer's report as presented – motion: Breckheimer; second: Thiel; carried. The First Responders treasurer's report for the last two months was presented to the board. Action – to approve the First Responders treasurer's reports for the last two months as presented – motion: Koffarnus; second: Starfeld; carried.

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

Correspondence – There was no MEG newsletter received. There were no Time Warner Cable letters received. The Focus newsletters were presented to the board for their information. Notice from the Department of Administration regarding the village's estimated population as of 1/1/13. The estimated population is 1,132 which is no change from the 2010 census. A letter from the county highway department regarding road closures due to a bridge being replaced on County E was presented to the board for their information.

Reports - The listing of delinquent accounts was presented to the board for their information. The report of labor hours was presented to the board for their information. The monthly report of building permits was presented to the board for their information. The Notice of TID Value Limitation Report was presented to the board for their information. Currently, our TID's make up 7.08% of the total equalized value. We are over the limit of 12% so it means that we cannot create more TID's until we get back below that %. DuPrey was instructed to get a copy of that report to each of the TID committee members.

Village Board Member Informational Report – None. Village Personnel Informational Report – DuPrey reported that the recent article in the Municipality Magazine which talked about the new privacy law for utilities stated that we could no longer use postcards for billings. He stated that since that article was written, there have been legal opinions from the PSC which states that we are still allowed to use postcards for the billings. He also touched on the delinquent report also. This report will need to be changed to comply with the law.

President's Report – none.

Unfinished Business:

2013 Projects – Charlie stated that they are looking at starting next week.

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

Police Protection for the village – There we no monthly report received. There was some question about getting the reports more timely. DuPrey was instructed to contact the sheriff's department on this.

Fire Department – There was a request to join the United Community Fund. How this works is that individuals sign up for this and then every time they use their credit cards, it kicks funds over to the nonprofit group that you choose. There is no cost upfront but they do take a % for an annual fee. Action – to okay this pending the fire department also approving it – motion: Boesch; second: Koffarnus; carried. Koehler reported that the fundraiser is coming up and that the band will be inside the station.

TID District #1 – A notice of current year increment of \$3,817,300 was presented to the board. DuPrey reported that this is an increase of \$33,500 compared to last year. Stenklyft presented amended minutes from the committee meeting. In the second to last paragraph, it stated "The committee with assistance fro Dennis Duprey" and needs to be changed to "The committee with assistance from Dennis Duprey". Action – to approve the committee meeting minutes as amended – motion: Boesch; second: Starfeld; carried.

Property Maintenance Ordinance – Breckheimer stated that he wanted to mention before the minutes are approved that he stated at the meeting that he is not going to vote in favor for things that are signed or initiated by board members. He stated that he touched on that quite a bit at that meeting. Stenklyft stated that he wanted to make one comment on that. He stated to Breckheimer that as a board member he signed a complaint letter about weeds. Stenklyft questioned so he wasn't supposed to do that? Breckheimer stated that the property complained about was his neighbor's property and it was one complaint. Stenklyft stated that Breckheimer stated that a board member should not be filing the complaint. Breckheimer stated that this property maintenance ordinance is not a black or white thing. Action – to approve the committee meeting minutes as presented – motion: Thiel; second: Starfeld; carried. Stenklyft stated that there were several recommendations regarding sending letters for violations of our property maintenance ordinance and there are pictures. He questioned if they wanted to see the pictures. The board stated that they did. DuPrey stated that he has the originals and did not copy the pictures because he wanted to "save a tree". Noted for the minutes, the pictures were handed out for each recommendation that they applied to. The first recommendation was to send a violation letter to the property at 217 N. 8<sup>th</sup> St., Orrin Ott property. Action – to approve this recommendation – motion: Keuler; second: Starfeld; carried by majority vote. The next recommendation was to send a violation letter to 51 S. 8<sup>th</sup> St., Fishtail, LLC property (gas station). Action – to approve this recommendation – motion: Thiel; second: Koffarnus; carried by majority vote. The next recommendation was to send a violation letter to 53 N. 6<sup>th</sup> St., Jeremy Pernell property. Action – to approve this recommendation – motion: Starfeld; second: Thiel; carried by majority vote. The next recommendation was to send a violation letter to 58 S. 8<sup>th</sup> St., Samuel Schmitz property (Schmitz Bros. II). Action – to approve this recommendation – motion: Thiel; second: Starfeld; carried by majority vote. The next recommendation was to send a violation letter to 218 W. Main St., Theodore Paul property. Action – to approve this recommendation – motion: Koffarnus; second: Keuler; carried by majority vote. The next recommendation was to send a violation letter to 52 N. 8<sup>th</sup> St., Harold McCarthy property. Action – to approve this recommendation – motion: Koffarnus; second: Starfeld; carried by majority vote. The next recommendation was to send a letter to 44 S. 7<sup>th</sup> St., First National Mortgage Association property. Action – to approve this recommendation – motion: Thiel; second: Starfeld; carried. The next recommendation was to send a violation letter to 54 N. 6<sup>th</sup> St., John Casper property. Action – to approve this recommendation – motion: Koffarnus; second: Thiel; carried by majority vote. There was no formal motion made but no letter is being sent to 736 W. Main St., Ilene Champeau property. The next recommendation was to not send a violation letter to 154 N. 6<sup>th</sup> St., Monica Arndt property. Action – to approve this recommendation – motion: Starfeld; second: Keuler; carried. The next recommendation was to send a violation letter to 139 E. Main St., Homeq Servicing Corp (Michael & Anita Loose) property. Action – to approve this recommendation – motion: Koffarnus; second: Breckheimer; carried. The next recommendation was to send a violation letter to 104 E. Main St., Scott Straw property. Action – to approve this recommendation – motion: Starfeld; second: Breckheimer; carried. The next recommendation was to send a violation letter to 352 N. 3<sup>rd</sup> St., DGS Rental, LLC (DS Enterprises) property. Breckheimer; commented that this property is located in an industrial zone so it is okay to have some stuff stored outside but it should be in an orderly fashion. Action – to approve this recommendation – motion: Breckheimer; second: Thiel; carried by majority vote. The next recommendation was to not send a violation letter to 328 N. 3<sup>rd</sup> St. property, Randy Boesch property. Action – to approve this recommendation – motion: Starfeld; second: Breckheimer; carried. Gary Boesch abstained from voting. The next recommendation was to send a violation letter to 410 N. 3<sup>rd</sup> St., Hernke Joint Revocable Trust property. Action – to approve this recommendation – motion: Breckheimer; second: Keuler; carried. The next recommendation was to send a violation letter to 20 S. 5<sup>th</sup> St., Paul Laabs property. Action – to approve this recommendation – motion: Breckheimer; second: Thiel; carried. DuPrey then questioned about setting up a follow up meeting as was done in the past. This was set for September 30<sup>th</sup> at 7 p.m. after some discussion. The next recommendation was to grant Brandon Luedtke at 60 day extension to complete work on the violations noted for 245 W. Main St. Starfeld questioned if he had started anything yet. He has not. Starfeld questioned why he is getting an extension if he hasn't started yet. Thiel stated that he sent a letter that he had a contractor lined up to do the work. Breckheimer stated that he has received one citation already. Action – to grant a 60 day extension to Brandon Luedtke to complete repairs on his property at 245 W. Main St. – motion: Thiel; second: Starfeld; carried. The committee's next recommendation was to issue a citation for not completing repairs by the expiration date of the original extension and then to issue a 60 day extension to complete repairs to Gary Schomburg for the property at 615 W. Main St. Action – to approve this recommendation – motion: Breckheimer; second: Thiel; carried. The next recommendation was to issue a citation for not completing repairs by the expiration date of the original extension and then to issue a 60 day extension to complete repairs to Gary Schomburg for the property at 627 W. Main St. Action – to approve this recommendation – motion: Breckheimer; second: Starfeld; carried. The next recommendation was to not issue a 2<sup>nd</sup> citation for 606 W. Main St., 630 W. Main St. or 203 N. 9<sup>th</sup> St. because the repairs have been completed. Action – to approve this recommendation – motion: Thiel; second: Starfeld; carried. Dennis Hein then appeared before the board to address them regarding clarification on procedures of inspections conducted by the improvements and building permits committee. Dennis Hein stated that to finish what they started talking about last time when he figured

that not everyone was getting equal treatment. He stated that he brought up the building at 339 W. Main St. with the concrete offset which when they did their inspection, no one saw that. Dennis Hein stated that the whole village board was there with the exception of Boesch plus three other people. He stated that he didn't mention the Hearthstone Restaurant with the awnings that were torn. He stated that he didn't know if they are considered one building or separate buildings. He stated that he didn't know if it was actually 5 different buildings or one with the awnings. He stated that building didn't get written up. Dennis Hein stated that it was then fixed up shortly thereafter. Some of the board members stated that it was written up. Dennis Hein stated that yes, it was mentioned but that they did not get a letter. Stenklyft stated that Dennis Hein was correct. Dennis Hein stated that when they received a letter on May 30<sup>th</sup>, that building did not get a letter. Stenklyft stated that he was correct. Dennis Hein stated that this is his point. It was mentioned and with 339 W. Main St., no one saw the 1 ½" separation of concrete by all 9 people that were there. Dennis Hein stated that when he brought up 511 W. Main St. about getting tuck pointed for 4 days, nobody saw that. Dennis Hein stated that one of the persons even mentioned to him that he took the pictures after it was power washed but he didn't. He stated that he took the pictures a week and a half prior to the work being done on it. Dennis Hein stated that Stenklyft was good enough to point out to him that, he was trying to point out that one guy was getting special treatment, he didn't even own the building at that time. Stenklyft stated that this was correct. Dennis Hein stated that he pointed to Rick and said that he was assuming that he knew that his brother was going to buy it. Dennis Hein stated that he would have to apologize to Rick for pointing that out because he didn't have to know that he was going to buy it. Dennis Hein stated that he should have known that he already owned it for a year and he thinks that Ken making a statement like that, he had owned it for a year. Dennis Hein stated that he bought it on May 4, 2012. Dennis Hein stated that he knows that when Stenklyft mentioned that he didn't own it, it kind of threw off the fact that he was pointing out that one guy was getting special treatment. Dennis Hein stated that when Stenklyft told him that he didn't own it, it made it look a lot better that everybody sitting here that he didn't own it and I'm picking on him. The fact is that he did own it 5 days shy of a year. Dennis Hein stated that when he stated at the last meeting that Rick if he didn't own it at the time, I would assume that you would have known that he was going to own it being his brother. Dennis Hein stated that he should have said that you already know that he owned it for a year. Thiel stated that he doesn't know a lot of his business. Dennis Hein stated that he understands that, maybe you didn't know. Dennis Hein stated that the fact of the matter is that some of this stuff whether they want to look at it from their side of the table or your side of the table, the other people sitting out here are looking at the facts and saying that you are not treating everybody fairly. He stated that out of this whole ordeal from the beginning, he did not ever ask for special treatment on the buildings that they own. He did ask for the roof to be taken off and it came off because of the paperwork. He stated that they never complained about the rest of the stuff, the citation, none of it and he is not doing it now. He stated that all he said way back in the beginning in the May meeting was that he asked that everyone be treated equally. Dennis Hein stated that getting on to how the village is doing inspections at this time. He stated that the village started out as a group of 9 people walking down Main St. and wrote up what you saw. He stated that the village's attorney put in his email to the village, it stated that in order for a property to be inspected, it's to be a written complaint or good reason to believe that a violation is being committed. The ordinance does not allow for the inspection of the premises by the committee if neither of these criteria are met. Dennis Hein stated that you guys can stand on the fact that they believe that a violation is being committed, but when they took that first walk through town in April, did they believe that there were 17 people, actually 16 people because one with the ducks and that was a written complaint, do you guys all really sit there and tell us that they believe that the other 16 violations that they wrote up on Main St. were being committed prior to them walking down that street and gave them the permission to do that? He stated that if they do, and he doesn't even want answers on that, if they can then why are they now doing everything with written complaints. Dennis Hein stated that they didn't do it the first time and he going to stand on the fact that again, they are not treating everyone the same. He stated that at one of the committee meetings, when he questioned how they were going to be doing this, whether they are going to do them with written complaints or if they were going to do it as they did the first time, he stated that Rick responded to him that the results are the same at the end, everything is the same. Dennis Hein stated that part of that is true. He stated that he did talk to another board member and he said the same thing. The one guy that owns these buildings that he is talking about before, 511 and 339, he didn't get his name and a letter sent to him. The board member stated but it's corrected. Dennis Hein stated that the end results are the same and stuff got corrected. He stated but that the road traveled there is the same as the way other people are being treated. Dennis Hein stated that if you have a guy in a boat and he can't swim and he falls overboard and he drowns, he drowns. He stated but if you push him overboard and hold his head under water, the end results are the same, he still drowns, but by God, the road traveled to get there is two different roads traveled. Dennis Hein stated that all he has said from day one to today is that everybody has to be treated the same. He stated that he doesn't care if you own one building, six buildings or forty buildings, it's not fair to the rest of the people. He stated that you guys are supposed to represent all of us property owners in the village. Not just one guy, not just three guys, not two guys not 10 people. He stated that the last question that he wants an answer to is how you are planning to do the rest of the village? He stated that the letter stated that they are going to canvas the village and inspect every property. Dennis Hein stated that when he asked that question at the last

board meeting when the board graciously allowed him to speak at the end, and Thiel stated that yes, you are going to inspect every property. Dennis Hein stated that for his clarification, are you inspecting them individually, as a committee or as a board? Stenklyft answered yes. Stenklyft stated that he is not being smart. Stenklyft stated that individually, when he walks around town, he will not stuff and write it down. He stated as a committee, probably not. Stenklyft stated that he can't speak for the committee if they are going to go out and do it or not. It is up to the committee. Stenklyft stated that the code reads that it has to be a written complaint or good reason that a violation is being committed. Stenklyft stated that it is a fine line. He stated that he totally understands Dennis Hein's feeling that he is not being treated fairly. Stenklyft stated that I don't have an answer I guess. He stated that he understands the way he feels. Keuler asked if Dennis Hein feels that they are picking him out or leaving the other one out. Dennis Hein stated that he felt that the other property was left out and he feels that there were other ones that were left out. Dennis Hein stated that he is basically saying this is the perception that you are giving. "No letters went out since May 20<sup>th</sup>. He knows that there were issues and it was sent back to committee in June, July and August. But this is the perception that they are leaving with the people. Some get written violations some people don't. Some people get verbal, some people just get overlooked. You have buildings that have obvious violations and you guys can't see them. They couldn't see the 1 ½" shift in the concrete which is a safety issue. You couldn't see the building that took four days of tuck pointing. I drove by it and saw it. You guys had nine guys out inspecting the building that night and you didn't see it. Okay. Then the other night, you guys say that he doesn't even own the building, he owned it for a year already. So I mean that you are misleading us to the point that you are sitting out on this side of the table, it looks like you are giving special treatment to some people, totally overlooking some and perception becomes reality. I mean it looks like that you are not treating people fairly and that's the only thing that, when they came to the meeting back in May, that is the only thing that I asked that night. Is everybody in the village property owners going to be treated the same. In fact, I have the answer in writing from you guys and it basically said that you are treating everybody the same. I can quote you on that. I was told by the committee that the ordinance maintenance committee applies to both the residential and the commercial and in some letters if it needs to be, some board members will get letters." Keuler questioned if the Hearthstone was on the original list but it was corrected because we had some issues at the committee level and by the time it got back, it was corrected. Thiel stated that was then when we were ironing out things. He stated that it had never been done before. The ordinances have never been enforced before and when they started doing it, all of a sudden on the lawyer's recommendation, what you are doing is okay, but then he suggested that it would be better if so when we went that way. Thiel stated that then there were problems with and he could see this too. They didn't have pictures and so if you only have the committee looking at something and making a recommendation, the other guys on the board didn't look at it so how can you just say. Boesch questioned were we not going to have a sit down session with the attorney. Wasn't that made into a motion and requested. He stated correct me if I'm wrong Ken. Breckheimer stated that this is where this is all going back to, we just jumped into this and blew off sitting down with the attorney that time. Boesch thanked Hein for saying he wasn't on the tour because he wasn't there. Keuler stated that address was supposed to get a letter. Thiel agreed. Stenklyft stated that if you read through this notice and remedy part, he stated Randy Boesch was here and questioned why he wasn't told why his property was being addressed. He read the section of code that stated upon determination of the Improvements and Building Permits Committee of a violation, the village shall notify the owner, if different from the owner then the occupant that such violation. Complaints alleging violations of this chapter shall commence by service of written notice. He stated that he is reading it that they should have been notified first and then sent a letter. Breckheimer stated that this all goes back to blowing off the meeting with the attorney. Stenklyft stated that he totally understands Dennis Hein's point. Stenklyft stated will we fix it, we will try our hardest. Dennis Hein stated that he would tell the board the house numbers of the Hearthstone, etc., but there are none on there. DuPrey pointed out to Stenklyft that the written notice has to have certain items in it so it is not a notice and then a letter. There is only one letter sent and that it outlining the violations and the necessary corrective actions. Dennis Hein stated that they were told that the guy did not own the building and now it appears that they were trying to hide the fact that they were not sending stuff to him. Dennis Hein stated that at the end of the day, he had 3 buildings in violation that should have been written a letter and he got none. Thiel questioned which 3. Dennis Hein stated the Hearthstone. Thiel stated that he doesn't own the Hearthstone. Thiel stated that Paul Gehl owns it. Dennis Hein stated that he is the agent of record for it. Dennis Hein stated so his father in law owns it. He stated that there are 3 buildings on Main St. that he is connected with one way or another that didn't get letters but should have gotten letters. It appears to be the fact that some people were not being treated equally and perception becomes reality. Keuler stated again that he would have gotten a letter if there was not a mix up on the address, correct? Thiel stated that the Hearthstone was with the walk through and he was along and he would have gotten a letter but he saw that there as an issue and contracted with someone to fix it and sent a letter to the village saying that this was scheduled. Breckheimer stated that a letter still should have been sent out but it wasn't. Starfeld stated that this is why he didn't get a letter because it was fixed. Thiel stated that this was in the beginning and that is why he didn't get one. Breckheimer stated that he can understand sitting in his seat the way that it looks. He stated that at the meeting last week, that he is completely off board on the way that we are doing this and he stated that at the meeting.

He stated that he will not vote in favor of complaint letters submitted by board members any more. He stated that he expanded on that at that meeting. He stated that he agrees that from Dennis Hein's chair it does look bad and the reason it looks bad is back to setting up the proper procedures to do this correctly from the beginning. Dennis Hein agrees. Breckheimer stated that we botched that up big time. He stated that they didn't do anything wrong, it's just that we didn't do it right either. Stenklyft stated consistent. Not wrong or right, consistent. Dennis Hein stated that they are definitely not consistent. Dennis Hein questioned how they are going to be consistent from here on out. Are you going to still, do what they put in the original letter, are you going to inspect all of the properties in Hilbert. Are they going to do it as a board like the first time, are you going to do it as a committee, are you going to do it as individuals writing letters of complaint. He stated that all he wants to know is what procedure you guys are going to follow from this point forward. Stenklyft stated that they could sit here all night and heehaw back and forth but he thinks that the committee should bring a recommendation of what they are going to do as far as how they are going to proceed and if it takes it to change the ordinance then so be it. Dennis Hein stated fair enough. Charlie Fochs stated that he has one comment to make. First of all, he is going to back the board a little bit because he doesn't agree with the statement that nothing was ever done with this property ordinance. There was things done with this years ago. He stated that you can go back and ask some of the other board members. When they got a written complaint, and he stated that on the night they did the walk around, that committee took it, contacted that individual and they tried to resolve it that way. He stated that in the long run with the way everything is turning out, it would have been a lot easier on these people already if you would have just contacted them and stated the issues to them and if nothing happens in 30 days, then we are going to proceed with the rest of the stuff. Thiel stated that they discussed it that night and you can't do that. Keuler stated that to do it that way was not very productive. Charlie Fochs stated that they did do that in the past. Thiel stated that he was told not to do that. Dennis Hein stated that he will back Charlie and Koffarnus on it. He stated that when someone says that it hasn't been enforced in 20 years, that is a bunch of crap because they did have some stuff on their properties in the past in 2004, 2005 where this committee did address where junk was being left outside and they are not putting their garbage things away. It did get addressed by the boards. Dennis Hein stated that he does know that the past boards did enforce the ordinance. Dennis Hein stated that this was not a true statement whoever stated it. Boesch stated that he would like to recognize a gentleman that was on the board previously that did a fine job and that was Eric Hudson. Boesch stated that there was a gentleman that owned a number of different properties and Eric went to work and developed a good working relationship with the gentleman and some of his properties were taken care of. Boesch stated to Thiel that he needs to change some of his statements because he honestly doesn't know what went on for the last 20 years. Thiel stated that no, he does not. Boesch stated that he honestly don't. Boesch stated that he is being straightforward with him and this is not a good way the board, the way things are being stated, the way things are being conducted, it is not good for the image of the village. He stated that it brings about animosity among the residents, current board members, former board members, it winds up being a bunch of crap to even open up your door and come to meetings. Boesch stated that Stenklyft has a good idea and this whole thing needs to go back to committee. Thiel stated that this is not going back again. Thiel stated he and they have gone through this four or five times and everything that is done right now is on direction from the board from the last meeting, every single thing that was asked as a chairman, exactly. He stated that at that first meeting, when the board makes their decisions, they have to stick together as a board and enforce this. You have to stick together and now I see people jumping ship because there is a little bit of pressure. Thiel stated that it is his opinion he made that statement of 20 years which was wrong, nothing done. That was a bad statement and he never should have said that but he was all fired up and he gets that way once in awhile. Thiel questioned how there could be so many violations and buildings and garbage accumulated in one year? He stated that he was on the board for only 3 months. Thiel questioned how could this all happen in one year? That is his question. Breckheimer stated to Thiel that he is probably making another bad statement. Breckheimer stated that he is not backing down because of pressure. Don't think of that whatsoever. He stated that he is backing down because this is wrong the way that we are doing this. He stated that you look around at other communities, there are no other communities actually going out after people and having the board involved. He stated that that is all it is. He stated that you two can tell me all day long that you are going around as citizens with these complaints but we are not stupid. Stenklyft and Thiel both stated that they both certainly going around as citizens. Thiel stated to Breckheimer that this is a bad statement. Keuler questioned Breckheimer that he thinks that we are actually going after people? Keuler stated that they are trying to achieve a goal of cleaning up our community. Thiel stated that they are just trying to clean up the community. Keuler stated that they are not going after nobody. He stated that he spends money on his house to fix it up to make it look nice to make it worth something and if he has someone next to him that does nothing, then that reflects on my property and he spent his good money on his property. Breckheimer stated then file a complaint. Keuler stated that he is after a goal of maybe getting a business in town. Keuler stated that he is not going around pointing his finger and I'm going after him. He stated that this is a community thing. Thiel agreed. Breckheimer stated that he agrees with him 100%. He stated to let him finish. Breckheimer stated that if a citizen files a complaint, we are definitely checking into it and going after it. He stated that the way we went about this procedurally, stinks to high heaven. He stated that like when Boesch brought

it up before, the reason it does is because we blew off meeting with the lawyer a few months ago. Boesch stated that it was totally wrong. Breckheimer stated that this was totally illegal the way that thing went down. He stated that it still irks him to this day. He stated that this is what got everything screwed up with this from day one. Boesch stated that it is not doubt in his mind. Breckheimer stated that this is why he is taking this stand because he has been talking to our attorney and the way this shit has been handled by this committee, excuse my language, has been majorly screwed up the last few months. He stated that you can look at this by the way it has been handled the last 3 months to send out letters. He stated that all goes back to not setting up the correct procedures and not doing things the right way. He stated that you can talk to our lawyer too, and he will tell you that this ordinance is not a black and white ordinance. It is not even close when you deal with property maintenance. It is not shut and dry just as you read it is when you look at the building. He stated that you can drive through Sherwood and on the main highway there are buildings there that look worse than ours. The old gas station, the old building on the corner. He stated that you can go down College Avenue in downtown Appleton and you have the PAC center, a multimillion dollar buildings and there are brick buildings that look worse than the ones we sent out letters for Main St. He stated that if you look around the way other municipalities are handling this and listen to what our lawyer, this isn't cut and dry and the way that we are doing this is not pretty whatsoever and that is his issue with it. Keuler stated, procedurally, we need to revamp this. Breckheimer agreed. Breckheimer stated, procedurally the way we have been doing this stinks. Thiel stated to Breckheimer that he was part of the one last meeting that said this is what we need to do. Right there. Breckheimer stated that he was also on the committee that stated 3 months ago, that we needed to sit down with the lawyer and figure out the right way to do this. Koffarnus stated that we need to go back to our ordinance and we are elected officials and the person that wants to keep their homes up and there are some people that don't have the funds to fix it up. He stated that you still have to maintain. He stated that you maintain your car, change oil, put gas in it, etc. You have to maintain stuff. Thiel stated that you can't let things deteriorate. Koffarnus stated that we are elected officials and we have to figure out the ordinance book. We are trying to tell the people but we have to go about this in a nice way. He stated that he served on the committee with Bonnie Kolbe and Al Fochs and they sat there and discussed in the past about issuing citations but if they don't have the funds to fix them up, how are they going to pay the fines. He stated that you are going to keep beating a dead horse. Breckheimer stated that is what he stated at the last committee meeting was looking at the ordinance and seeing if we can change it or the enforcement thereof to get the best idea. Stenklyft stated that this is 100% true. Keuler stated that if you get a letter and you make a good faith effort on that letter to try to do something, that the fines would be postponed off. Thiel stated we would give them an extension. Koffarnus stated that Dennis & Mary Kay Hein bought those places and you kept people in town and that is what we need but when we had a health issue on the corner, we had to deal with it. Also, he stated that one time there were first responders that had a call and the steps were pretty bad and we had to step in. Dennis Hein stated that he fixed them and never complained about them. Dennis Hein stated that he is not by any means saying that you shouldn't be doing this ordinance and making people bring their property up to the ordinance. He stated that he never stated that and doesn't want to imply that. Dennis Hein stated that all he wants is that everybody has to travel the same road to get there. He stated that he doesn't want to have it that a ½ dozen travels one road but everyone has to travel a different road. Breckheimer stated that he is saying kind of a similar thing procedure wise. He stated that Dennis Hein has asked a question you want to go ahead and send these through yet tonight, but he asked you the question on how you are going to go forward and you stated that it is up to the committee. Stenklyft stated that the committee will look at it and bring a recommendation back to the board. Breckheimer then questioned if we should still proceed with these tonight or wait until we see what the committee wants to do. Stenklyft stated that these are signed complaints that have been processed by the committee. Dennis Hein thanked the board for their time and he does appreciate it. Dennis Hein stated that hopefully they understand where our side of the table is whether it is Main St. or anywhere else. Stenklyft stated yes. He stated that if you don't think it makes a difference, the gentleman that was here the other night did not like his name on that wall and think about the ones that didn't get a letter that should have gotten a letters because their buildings were in violation and the committee chose not to send that guy letters. He stated that people don't like it when that happens. He stated that it was pretty obvious. He stated that Randy and he talked about it the other night and stated that he understands. Stenklyft stated that these are most involved processes for getting something fixed that is wrong compared anything else in that ordinance book. Dennis Hein stated that he wanted to point out that he was disappointed that Stenklyft had pointed out the fact that the guy did not own the property at the time of the inspection because it changed the whole flow of that meeting that night, it looked like he was saying that he owned these buildings that did not get letters and by Stenklyft stating that he didn't own them, it really changed the flow of that whole conversation when he actually did own them and he had owned it 5 days short of a year. He stated that this he was disappointed in. Stenklyft stated that he didn't own it at that time because the only way he knew that he owned the building was that he let the fire department use an old storage building for saw practice. That was the first time that he knew that he owned the building. Stenklyft stated at that time, he was told that he just bought the building. Dennis Hein stated that according to the records, he did own it. Stenklyft stated that he doesn't follow the transfer of deeds records. He stated that he didn't know that. He stated that if he had known that, he wouldn't have said it. Dennis Hein stated that he was

sitting here that night and could have corrected you on it. Dennis Hein again thanked the board for the opportunity to speak.

TID District #2 – A notice of current year increment in the amount of \$6,157,800 was presented to the board for their information. This is a net increase of \$1,014,400.

Ballfield Light Project – There were no change orders or payment requests. DuPrey then presented information on the loan for the project. He stated that he received written documentation that the Athletic Club has their entire amount available to pay their half of the total project costs. We would need to borrow \$28,500 for 5 years at a rate of 2.6%. The loan would be through FirstMerit Bank. Action – to okay the borrowing of \$28,500 from FirstMerit Bank under the terms listed above – motion: Starfeld; second: Boesch; carried.

Street Committee – Action – to approve the committee meeting minutes as presented – motion: Koffarnus; second: Boesch; carried. Boesch explained the situation as stated in the minutes that the committee is at an impasse whether or not to honor the request of Paul Gehl to pay for attorney fees and survey fees related to reviewing the proposed drainage easement on his property. Boesch stated that he went to Paul's office and stated that they are worried about setting a precedence by paying these fees and asked if he or Peter could attend the board meeting to discuss it and come to some sort of resolution. Boesch stated that there was quite a bit of conversation about the issue at the committee meeting. Boesch stated that Dennis, the Clerk Treasurer Administrator is well versed in this. Boesch stated that he truly believes that he represents the interests of all the village citizens and tries to eliminate problems down the road. Boesch stated that the committee could not come up with an answer. Stenklyft stated that when he looks at what this will hopefully do, and understands that the bill is \$1,000 but if this will get it off point zero...when we look at how we are going to spend thousands of dollars to help put in a bridge that is not even in the village and we are quivering over a \$1,000 bill for an easement so that we can keep the water at least moving somewhat into the village. Stenklyft stated that he is totally against putting another pond in. Stenklyft stated that with proper drainage and getting the water flowing the right way. He stated that getting the easement going so that we can get the water flowing before it's springtime. He stated like he said, we are spending \$1,000's of dollars on the bridge. Boesch asked to go back to the pond. Boesch stated that when we had the flood meeting that was run by Jared from Robert E. Lee, he stated, correct me if I'm wrong, but straightening out that drainage ditch will do very little to help with the flooding throughout the village. He stated putting a bridge on Irish Rd. will lower some of the head pressure. He stated it will not correct are very large watershed of water that comes through this village. He stated that he believed that Jared stated that an extremely large detention pond will be required on the southwest corner of the village if we want to put this possibly to rest. Stenklyft stated but until we get to that point, getting that ditch cleaned out and moved the way we want it should be our top priority. Keuler questioned whether he was correct that right now, we have a pond on the west side that misses a lot of water that comes down through the trailer park. Charlie stated that this water comes from the Matt Gehl property and we cannot tie it into the pond because the DNR will not let us. Keuler questioned that when we have a pond that we cannot get water into, why are we going to put in another one. Boesch stated that there was so much water coming from the southwest that it started flowing into 9<sup>th</sup> St. and 8<sup>th</sup> St. and moving north. Stenklyft questioned where did we go from the original thought of getting the ditch work done and putting in the bridge to putting in a pond. Charlie stated that the pond has always been there. He stated that he has always preached that this is a three step process. He stated that the first thing was to put in the culvert on Irish Rd. He reminded the board to keep in mind that no one thing will take care of the issue. He stated that all the little ones together will help take care of the issue. He stated that the key to the Gehl property is that there is no ditch. He stated that you can walk through there and you will not know that there is a ditch there. He stated that if we can create the ditch there, it will help because it will give us a volume of water and keep in the banks for a period of time. Charlie stated that the Schneider's will not even consider selling land for a pond until the first two items are completed and we still see an issue. Charlie stated that the pond has always been there. There was talk to reroute the ditch to get the water out by Marc Stecker and keep the water out of the village. He stated that this will not happen. Charlie stated that he feels that yes, we did initiate it but we paid our engineers to survey it out and now we are going to pay it again. He doesn't agree with the twice payment. Charlie stated that any easements we have done in the past, we have paid to have the survey work done and the easements drawn up, yet we are going to pay them again. He stated that we cannot keep doing that. He stated do we need to get it done, yes. Is it going to get done this year, he doubts it because there are DNR approvals that need to come and they can take several months to approve it. Keuler questioned what we have spent on it so far. Thiel stated that he just saw a bill for \$477 on this. Charlie stated that it is probably close to \$2,000 so far. Nothing has been done with the fiber optics because that is on hold until the easement is signed. Starfeld stated that he didn't think that the committee had a problem with the \$1,000, it was the precedence. Stenklyft stated that this was a village instigated project. Thiel stated that Paul would not have had any expenses if we would not have initiated it. DuPrey stated that there are several projects that we have initiated. We have gone after people to go on our water tower for lease agreements. We contacted people. The lease agreements were reviewed by our attorney and the companies had them reviewed by their attorney, we have never paid anyone else's attorney fees before. DuPrey stated he didn't know why we are starting now. He stated that when we did East Main St. and did a special assessment, if someone would have chosen to

have that paperwork reviewed by an attorney and send us a bill, we would never have paid it but now all of a sudden we want to. He stated that this is the whole thing about treating the entire village and all of the residents equally is his point. He stated that he said his piece and that is all he will say about it. Starfeld questioned what about the properties on Gehl Lane and if they want to have someone come out and check the property lines because of the project and then bill us. Stenklyft stated that he looks at it this way. He stated that this project has the potential of affecting everyone in the village as does the bridge on Irish Rd. He stated that with some of these other projects, it affects a portion of the people. He stated to keep it apples to apples, if there was a project with the same issue, we would have to look at it again. Charlie brought up the mini storm sewer projects in a couple of areas and we paid to have the easements completed. They came in and signed it. DuPrey stated that in that situation if they would have had an attorney review that easement and then billed us for it, we probably would not have paid it. Stenklyft and Thiel both stated that we don't know that. Breckheimer knows that it is a bad situation because it is something we want to move forward with but agrees that moving forward opens a can of worms. Boesch questioned Pete Pankratz that if we paid this bill, will they sign it. Pete stated yes. Starfeld questioned then what about our attorney fees for reviewing the property split on the north side. DuPrey stated that we have \$330 stuck in attorney fees so far on this one. Starfeld questioned if a bill is going to be sent. Stenklyft and Thiel stated no and that this is a different situation. DuPrey pointed out that they are making a point that because the village initiated the project, we should pay the fees. He stated that they are initiating the property split on the north side, so why are we not billing for our attorney fees. Stenklyft stated that we can do that but right now we are talking about the drainage easement for the southwest part of the village. Keuler questioned Charlie about the 3 steps and questioned if this is done, will it help or is it just a makeshift project for now. Charlie explained that it will help. Thiel stated that there are buildings right now such as the Krandy's building that they cannot sell right now because they can't get insurance. Boesch explained how the water flowed from the last flood. He stated that even with the ditch, it will improve flow but the box culvert on 8<sup>th</sup> St. will only take so much water and if it keeps coming it will flow to where it can. This is what happened on the last flood, it overflowed the crest of the land and caused it to come down 9<sup>th</sup> St. and 8<sup>th</sup> St. Thiel questioned when we had issues on the east side when the village had flood waters coming in from the east, they cleaned out the ditch and then bermed up the banks to keep the water out. He questioned if this could be done here also. Charlie stated that in order to berm it up, they would need to go onto Paul's property. Charlie stated that if we define a ditch, it will help the water flow better. Boesch stated that it is not the answer to a 4 or 5 inch rainfall though. He stated even if the ditch is put in and immaculate, he guarantees that we will shut down Hwy 57 if we have a 5 inch rainfall with saturated soils. Thiel stated that hopefully it would be less. Thiel and Keuler stated that we need to do something now. Boesch agreed. He stated that he felt that we should also have a pond. Boesch questioned, you don't think we will be opening a big can of worms with this? He stated that he wants to see it done. Thiel stated that we are always worried by precedence, and he feels that we need to take everything that we do on a case by case basis because every situation is different. He stated that the next board that is in here might turn around and do the opposite of what is being done here. Boesch stated that he is only a truck driver but things do get tied together and it's mentioned in the municipality magazine that there are court cases and judges and lawyers always go back and review situations where similar things happened. Boesch stated that we all want this stuff to be a case by case basis but it doesn't work that way. Thiel stated it could be. Boesch stated that he is going about face here. DuPrey stated that it is a board's decision but the only thing that he asks is that they sign the easement first and provide us with the signed copy and then we would reimburse the fees. Breckheimer stated that if we do it, it's from a public safety standpoint. Action – to approve the reimbursement of the fees and proceed with the project after we receive the signed easement from Paul Gehl before payment – motion: Thiel; second: Keuler; carried. Boesch stated that he would like it noted in the minutes that the board did this because they feel strongly that it is a public safety issue to help solve flooding issues in the village. The next recommendation from the committee was that we proceed to install another street light by 130 S. 4<sup>th</sup> St. on the condition that there is not an installation fee. Boesch stated that the committee made this recommendation without touring the site and then he walked it as did Starfeld and Thiel on their own and found that there is already adequate light coverage there so they do not want to proceed as recommended. Action – to not approve the committee's recommendation – motion: Starfeld; second: Boesch; carried.

#### New Business:

Application for operator licenses – There were no applications.

Request to hold bonfire at the school – Dennis Kaczor appeared before the board to introduce himself at the new high school principal and athletic director. He gave a brief history of where he had come from prior and touched on his experience. He requested permission of the village to hold a bonfire tentatively for October 3<sup>rd</sup> at the high school. The fire department usually has a fire truck on site for the event also. Action – to grant permission to the high school to hold a bonfire at the school for homecoming – motion: Boesch; second: Keuler; carried.

Classes/Seminars/Schooling for employees – Action – to approve the committee meeting minutes as presented – motion: Koffarnus; second: Starfeld; carried. The only recommendation was to allow Josh McDonald to take two tests for water certification in November. Action – to approve this recommendation – motion: Breckheimer; second: Koffarnus; carried.

Request by Hilbert Athletic Association to have grass planted on some of the dirt areas of the new ballfield – Charlie stated that the athletic club had approached him regarding their request to plant grass along dirt areas of the new ballfield. They would like to have grass installed from the baselines out to the fence and around the catchers area and the warning track. Charlie stated that he felt that it was a good idea. Both Charlie and Karl Propson stated that there is erosion from the field when it rains. They would like to complete the work yet this year but there are no funds budgeted. There was some discussion regarding that if high school baseball would come back, they would need a warning track. Estimated cost is \$1,900. Breckheimer felt that it would be best for it to be budgeted for. One of the other options presented would be to do the work this year and budget a reimbursement through the 2014 budget. Action – to approve the planting of some of the dirt areas of the new ballfield as outlined at an estimated cost of \$1,900 and that the funds would be paid back through the 2014 budget – motion: Breckheimer; second: Thiel; carried.

Application for permit to construct, operate and maintain utilities within road right-of-way – There was a request for a permit from Time Warner Cable. This is to replace some damage lines off of Lynwood Dr. Action – to grant the permit – motion: Thiel; second: Boesch; carried.

Adjournment – Action – to adjourn – motion: Starfeld; second: Boesch; carried. The meeting was adjourned at 8:46 p.m.

*Dennis DuPrey*

---

Dennis DuPrey, Clerk

President Ken Stenklyft called the special meeting of the village board to order at 4:30 p.m. on Tuesday, September 17, 2013.

Roll Call – all members reported present. Also present were Charlie Fochs, Josh McDonald and Joe Koffarnus.

Pledge of Allegiance – The pledge of allegiance was recited by everyone present.

Citizen Concerns & Questions to be acted upon at the next board meeting – none.

Announcements – none.

President's Report – none.

Unfinished Business:

Street Committee – The proposed easement from Paul Gehl was presented to the board. The easement has been signed by Paul Gehl. Action – to approve the drainage easement with Paul Gehl for the drainage ditch on the southwest side of the village as presented – motion: Boesch; second: Thiel; carried.

Adjournment – Action – to adjourn – motion: Boesch; second: Breckheimer; carried. The meeting was adjourned at 4:33 p.m.

*Dennis DuPrey*

---

Dennis DuPrey, Clerk