

President Mark Breckheimer called the regular Board Meeting to order at 7 p.m. on Tuesday, February 11, 2020.

Roll Call – all members reported present except James Schrubbe. Others present were Dennis DuPrey, Charles Fochs, Dave Franz, Seth Hudson, Sara Sherrard, David Heyer, Matt Kloehn, Tom Piepenburg and Ed Byrne.

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 – The Annual Assessor Open Book Session is March 24, 2020 from 4 p.m. to 6 p.m.

The Annual Board of Review is April 29, 2020 from 7 p.m. to 9 p.m. The Annual Spring Clean will be held Saturday, May 2, 2020 from 8 a.m. to 11 a.m. The LWM Local Government Training Session in Oshkosh on May 29, 2020. The Public Hearing on Rezoning Requests on March 10, 2020 at 7 p.m. Breckheimer also informed the Board members that the Civic meeting will be held on Wednesday, March 4, 2020 at Cobblestone in Brillion. He will need a head count by the last week of February.

Minutes – Action – to approve the Board Meeting minutes as presented – motion: Starfeld; second: Roehrig; carried. The Fire Department minutes were presented to the Board. Action – to accept the Fire Department minutes and place them on file – motion: Roehrig; second: Keuler; carried. There were no First Responder minutes presented to the Board.

Treasurer's Report for the Village of Hilbert - balances – \$786,047.11 General fund; \$962,756.04 Sewer fund; \$218,238.06 Water fund; \$127,440.55 TID #1 fund; \$1,108,793.17 T-Plus fund; \$29,793.64 First Responder fund; (\$206,903.06) TID #2 fund; \$473,743.53 Capital Improvements fund. Action – to approve the treasurer's report as presented – motion: Starfeld; second: Kueler; carried. The Fire Department treasurer's report was presented to the Board. Action – to approve the Fire Department treasurer's report as presented – motion: Roehrig; second: Starfeld; carried. The First Responder treasurer's report was presented to the Board. Action – to approve the First Responder treasurer's report as presented – motion: Starfeld; second: Kueler; carried. Claims - examined and discussed. Action – to pay all claims – motion: Starfeld; second: Kueler; carried.

Correspondence – There was no MEG Newsletter presented to the Board. The Focus Newsletter was presented to the Board for their information. There was no Boardman & Clark Newsletter presented to the Board. The Calumet County Focus on Calumet Newsletters were presented to the Board for their information. A letter from Senator LeMahieu and Representative Tittl regarding the Village's application for the MLS Grant was presented to the Board for their information.

Reports - The report of labor hours was presented to the Board for their information. There were no building permits issued in January. The Annual Summary Report on Building Permits for 2019 was presented to the Board for their information. Taxes Collected to 1/31/2020 – February Settlement – was presented to the Board for their information. DuPrey stated that we collected \$1.4 million which is 72% of the total due. Notice of Receipt of Pilot Payment for DNR owned land in the amount of \$203.29 was presented to the Board for their information.

Unfinished Business:

2019 Projects (Fochs Trails/Village Meadows Infrastructure) – Fochs stated that the water and sewer for the Village Meadows Subdivision has now been completed. The water, however, did not pass the test yet, due to an issue of not being able to hold the pressure. The sewer has not been tested yet. The storm sewer is in. WE Energies should be completed with their work by February 14th. The sewer work has been started in the Fochs Trails Subdivision – 2nd Addition. Starfeld questioned whether pictures were taken so that they can be referred to as needed for reference in the future. Fochs stated that yes, they have pictures and the information will also be on the GIS system. Fochs also stated that we are still in need of fill. Compaction is a problem in both subdivisions. However, some fill will come from digging the ponds. Fochs also recommended waiting a couple of years before the streets get blacktopped in the subdivision.

Change Orders - none.

Payment Requests – none.

2020 Projects – no updates.

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 – Assistant Chief Dave Franz sat in for Chief Loose. He stated that there were no fires in January. He also stated that Chief Loose is looking into alternative funding for SCBA purchase. Breckheimer discussed the letter that DuPrey wrote to our Congressman regarding comparing a rural fire department to a full-time fire department and all the restraints that puts on a rural fire department. Breckheimer suggested that DuPrey should get a hold of Chief Loose and add some additional specific examples of these restraints prior to sending the letter out. DuPrey agreed.

TID District #1 – Seth Hudson from Cedar Corporation presented the Board with information regarding the closeout of TID #1. He stated that in March the outstanding debt would be paid off. The Village has the option to proceed with the closeout or extend a 1-year use increment for housing within the community. The amount would be approximately \$116,000. It would need to be used for affordable housing and a separate account would need to be made because a TID account could not be used. Affordable housing is housing costing of no more than 30% of a household's gross monthly income. 75% of the funds must be used anywhere in the community for affordable housing. The remaining funds may

be used to improve existing housing stock. Hudson explained that there is a broad span on what it can be used on. Some examples would be: a fund providing down payment assistance, an environmental fund (such as the removal of lead paint, pipes, ect.), a revolving loan fund that provides owners help with repairs at no interest, partnering with home builders to build a spec home or multi-family home, or partnering with local businesses to offer incentives for employees to purchase homes to be able to live within the community. The possibilities are vast and these are just a few. No decisions need to be made at tonight's meeting. These are things to think about for the March Board Meeting. If the Board decides just to close out the TID then the \$116,000 will not be able to be used. Currently, there is no time limit on when the money must be used by. It does not have to be spent within the TID district. It may be used anywhere in the Village and seems to be very flexible. If the Board would like to do the 1-year extension it must be done within the next few months since TID#1 is due to end. The decision is up to the Board and discussion can be continued at the next meeting.

TID District #2 – nothing.

Wastewater Treatment Plant – nothing new.

Well #4 – nothing new.

Village Meadow Subdivision – Discussion on how to allocate proceeds from lot sales – DuPrey stated that Lot #13 will close the end of the month and Lot #9 will close sometime in June. He thought it would be a good idea to discuss what to do with the proceeds. Breckheimer stated that he had a few ideas. He stated the proceeds could go towards funding projects and infrastructure. He feels like there are a lot of projects that need to be done and if we have to budget for all of them it'll be years before we see them completed. So, one idea he has is to put the proceeds of the first 4 lots sold towards the walking trail which will lead from the subdivision to the school campus. He feels this will help sell the other lots since it's a great selling factor to families. Nolan agreed. The next 2 or 3 lot proceeds could go towards park infrastructures since there is land in the subdivision set aside for a park also. Starfeld suggested why not just pay off on the loan instead and put all the proceeds to that? Breckheimer stated that could be done but it would be nice to see some of these projects get done too. Starfeld questioned the cost of the trail. Breckheimer stated the trail with adding the water line loop would be approximately \$250,000. Starfeld, along with other Board members seemed to agree that since the school will be benefitting from the trail that they should also be contributing to it. Breckheimer stated that they had discussions regarding this with the school and as of now he doesn't see that happening. It was agreed that the Board members will revisit this topic at the March Board Meeting.

Purchase of Bel Brands Property – Seth Hudson reviewed some updates with the Board. He stated that as of right now going for an Environmental TID isn't an option since the building does not meet the requirements to qualify. There needs to be contamination in the air, ground or water. The Bel Brands property does not have this. The contamination is within the building; in the floors, walls, etc. It has not been released into the air. The DNR must approve the plan and clean-up and they will not since the contamination is held within the building. Hudson is working with WHEDA to take the lead and to get the legislature changed so asbestos contamination would count for a clean-up plan. They would need to get support from elected officials to get the law changed and Hudson feels with WHEDA on our side the chances of that happening would be better. Right now, the cost would probably be around \$500,000 to clean-up a 2-acre site. The "Blight Removal Grant" is still a possibility. He stated that in order for the building to qualify the Board must label it as a blighted property. The site would then be "tainted" for the next 5 years and would have to qualify for low to moderate income requirements. If this is done, and the property gets sold to a commercial entity then this entity must have 51% of their employees be low to moderate income. This is an extra requirement that the business would have to adhere to. Any position must be available for 2 years; the position; not the same employee. So, if an employee quits, the job position could not be eliminated until after the full two years since the position was created. DuPrey asked is there is a difference in regarding part-time or full-time positions? Hudson will have to check on this. If any of these regulations are not upheld, the municipality, not the business, will be held accountable and must pay the funds back. A good development agreement would need to be in effect to insure this doesn't happen. Hudson will keep the Board updated regarding both the options.

Hilbert Housing Authority – Action – to approve the meeting minutes as presented – motion: Starfeld; second: Roehrig; carried. Committee recommendation to begin the process for prepayment of the loans for both Sunrise I and Sunrise II – Tom Piepenburg gave an update from the last Hilbert Housing Authority meeting. Nothing has really changed. Repairs still need to be made. The option now would be to prepay the mortgages and this would then enable the Village to take the next steps to be able to sell the properties. Dave Heyer stated that this process will take a minimum of 6 months or longer. If the prepayment is not done then the result more than likely will be that the properties get flagged as "trouble properties". Not a good label to have. Eventually if they stay in financial crisis, and have no outside assistance, they could become foreclosed on. There is no money to make any improvements. Heyer stated that the Village would not want that black mark on their record. Sunrise I has 8 units. This property is under a long-term HUD contract. There is approximately 11 years left on this contract. What this means that if the building is sold to a private owner that owner has to keep the rent for low income housing and work with HUD until the contract expires. Heyer did say that there is still potential profit to be made even if they new owner has to follow this guideline. However, it is a limitation on the property. Sunrise II has 12 units. This property would not be under a HUD contract. The new owner can set the

price for the monthly rent on these units immediately. Sunrise II has 12 units. Kueler questioned why they seem so hard to rent out? Heyer stated that the building is older and outdated and this may be keeping people away. There are so many new apartment complexes being built that qualify for low income housing that people have more options than they did years ago. They may be willing to spend the extra money to get the modern amenities. The rumor regarding the bed bugs did not help the renting situation either. There is approximately \$175,000 owed on the mortgages. Breckheimer stated that the money isn't there to maintain it or keep it going, so there's not many options. DuPrey stated for the Village to do anything the loans would need to be paid off. It was asked whether the properties would be sold as one parcel? Yes, especially since they share a parking lot. Starfeld stated the most sensible option is to pay off the mortgages, since things can't continue as they are. Action – to begin the process for prepayment of the loans for both Sunrise I and Sunrise II – motion: Roehrig; second: Starfeld; carried. No further action needed. Committee recommendation to contract with Allegiant to lead/assist with the completion of the prepayment process – DuPrey stated that the process is very involved. The manual for the process is 120 pages and he feels like someone who knows the process and has been through it before would be the best way to proceed. The proposal was discussed among the Board members. To do all the work from start to finish, and if the Village secures the buyer, then the charge from Allegiant would be 7%. If Allegiant secures the buyer then the charge from Allegiant would be 10%. Starfeld questioned what amount would they put the property up for sale for? Piepenburg asked wouldn't it be for the mortgage amount? Heyer stated you can ask for more, but yes, the main objective is to get the mortgage amount owed; you definitely want to at least break even; the more you can get the better of course. Right now, the apartments in Sunrise II are going for about \$585 a month. Keuler questioned what happens if we don't find a buyer for years? Heyer said the government could step in and close it down. But since they know the prepayment option is in discussion they usually try to work with the municipality. Action – to contract with Allegiant to lead/assist with the completion of the prepayment process – motion: Starfeld; second: Roehrig; carried. No further action needed.

Fochs Trails Subdivision, 2nd Addition – nothing new.

2020 Census – Kieso stated that a meeting date/time will be set up for the 2020 Census Committee meeting after the Board meeting.

New Business:

Application for Operator Licenses – none.

Classes/Seminars/Schooling for Employees – There is a request for 7 members of the Fire Department to attend the WI State Fire Convention in Stevens Point on March 6, 2020. It would be for 1 night and 3 rooms; which has been budgeted for. Action – to approve the request for 7 members to attend the WI State Fire Convention – motion: Keuler; second: Starfeld; carried.

Reports on schooling/training sessions – none.

Discussion and possible action regarding the request for a Temporary Variance on the number of dogs per residence – DuPrey stated that a resident is asking the Board for permission to have 4 dogs located at her property until May 1st. The ordinance states that the maximum is 2 dogs. She has friends that are staying with her until their mobile home gets moved into the park. She currently has two dogs and her friends also have two dogs. The Board discussed the request and there seemed to be no issue concerning it. Starfeld stated that this has been done in the past. DuPrey stated that he will issue the resident a letter explaining that all the dogs need to be licensed through the Village and that she must contact the Village once the dogs are no longer at her residence no later than May 1st. Action – to approve the request for a Temporary Variance on the number of dogs per residence as discussed – motion: Starfeld; second: Keuler; carried.

Discussion and possible action regarding 2020 contract for Economic Consulting Services – DuPrey explained that the contract is with Cedar Corporation and is the same as previous years with a limit up to \$10,000. Action – to contract with Cedar Corporation for 2020 Economic Consulting Services – Roehrig; Keuler; carried.

Street Committee – Action – to approve the meeting minutes as presented – motion: Roehrig; second: Keuler; carried. Committee recommendation regarding request to initiate process to vacate 6th St. south of Greve Court – Matt Kloehn addressed the Board and stated how he would like to add onto his garage and since he is too close to the lot line, he would like the Village to vacate 6th St. south of Greve Court to give him more space to do so. There are two choices for vacating – either by the municipality or a request from a homeowner. Starfeld referred the Board to the map provided to see the lot lines as they are now. He explained that there is a storm sewer located there that the Village would need to get an easement for. If the Village would vacate the area, then by state statute half of that area would go to each property owner on either side of it. So Kloehn would get half and the owner on the other side would get half. The Village cannot sell this land to Kloehn because it is recorded as a road right-a-way. Starfeld stated that it's the Village's property; how can we not be able to sell it? DuPrey stated because it is registered as road-right-a-way. It would have to be vacated. Nolan questioned whether the other owner could sell the other half back to Kloehn so he would have the whole area? So Starfeld questioned what if Kloehn wants the whole area, would the owner on the other side (which would have received the land from the Village at no cost) be able to turn around and sell it to Kloehn for \$10,000. The answer was that yes, he technically could do that. Starfeld stated why would we vacate it then? Fochs stated that right now snow is piled there. Kloehn stated that he'd be willing to sign an agreement saying that would still be

okay. Starfeld stated that he believes no road will ever go through there. There is a cost for going through the process such as survey fees, attorney fees, title policy, etc. DuPrey said approximately that the cost would be around \$2,700. Breckheimer asked Kloehn is he'd be willing to pay that if his request gets approved? The other property owner is not requesting the vacate so they would not be held responsible for the cost. Kloehn stated that yes, he would. DuPrey said he would have to check if legally they can even turn around and charge the resident the fee to vacate? Keuler asked if a variance would be another option for Kloehn? DuPrey stated that a variance would be very hard to come by because Kloehn can meet the regulations. Property owners should not get a variance just because of an inconvenience to the them; so, he doesn't think the variance should happen. DuPrey will check into the additional information that the Board wants before a decision can be made. No action taken. Committee recommendation new and replacement sidewalk projects for 2020 – Fochs stated that the committee is recommending doing new sidewalks on Hwy 57 on the west side from Chestnut Street to Gehl Lane. They are also recommending replacement sidewalk from the corner of 5th & Main Street to the fire station and also replacing some aprons on Main Street. Fochs stated that the plan is to have it all finished by July. Action – to approve the locations for the new and replacement sidewalks for 2020 as presented – motion: Starfeld; second: Keuler; carried. No further action needed. Committee recommendation regarding the change order for 2019 Projects to include 2020 Project by Sargento Foods – Fochs explained that the engineers came back with a cost for the items needed to be able to complete the Project by Sargento Foods; curb and gutter, sidewalks, driveways, filling in the ditch and storm sewer pipe. We need to be under the 14% on the change order. When it all came back, they were at 14.9%. Fochs told them to go back to Jossart and see if they can get under that 14%. They looked at what materials they have on site currently and what can be used for the project by Sargento Foods. They were then able to come in just under the 14%. Fochs stated that it's important to keep the projects separated since DuPrey will need this done in order to do the special assessments. Fochs said they are at about \$23,000 for the change order. He stated right now we are at about \$160,000 and \$175,000 was budgeted so they should be fine. Fochs thinks it a good idea to keep the same contractor because otherwise it may be mess up there. DuPrey questioned whether the \$160,000 includes engineering costs? Fochs stated that he doesn't think so but would have to check to be sure. DuPrey stated that would need to be clarified. Starfeld stated that's cutting it pretty close. Breckheimer asked if any more change orders are expected from the current project or if Jossart is far enough along now? Fochs stated no more change orders are expected. In fact, Jossart is holding up on a few things regarding the storm sewer to see if this change order gets approved. Action – to approve the change order as requested – motion: Starfeld; second: Roehrig; carried. No further action needed. Village Board Member Informational Report – nothing. Village Personnel Informational Report – DuPrey informed the Board that the testing on the new voting machines went well and everything worked. The results were sent electronically to County. President's Report – nothing.

The Board then convened into closed session under the following:

Pursuant to Section 19.85(1)(e) of the Wisconsin Statutes for the purpose of deliberating or negotiating the purchase of public properties, the investing of public funds. Or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. Action – to convene into closed session – motion: Starfeld; second: Keuler; Roll Call Vote – yes: Bolwerk, Roehrig, Nolan, Keuler, Starfeld, Breckheimer; carried.

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

Discussion and possible action regarding the purchase of public property, investing public funds and other directly related items of business – No action taken.

Adjournment – Action – to adjourn – motion: Starfeld; second: Keuler; carried. The meeting was adjourned at approximately 9:00 p.m.

Missy Kieso

Missy Kieso, Deputy Clerk Treasurer