

President Mark Breckheimer called the meeting of the Village Board to order at 7 p.m. on Tuesday, August 13, 2019.

Roll Call – all members reported present except Tom Roehrig. Others present were Dennis DuPrey, Charlie Fochs, Mike & Anita Loose (late), Jim Schmidt, Ed Byrne, Tom Baer, Chuck Pulfrey, Elaine Kamarczyk, Roger Thurber, Ron Ott and Josh Swanson.

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

Presentation of the recommendation from the Plan Commission – The recommendation from the committee is to approve the petition of Cozy Baer Storage, LLC to rezone property located at 408 N. 8<sup>th</sup> Street and 456 N. 8<sup>th</sup> Street currently owned by JJMRS Commercial, LLC from Business District to Industrial. Public input regarding the property and the proposed rezoning – There was none. Action – to approve the request to rezone the properties as presented – motion: Schrubbe; second: Keuler; carried. No further action needed. Breckheimer then declared the public meeting closed.

The remaining of the Village Board meeting then took place.

Citizen Questions and Concerns to be acted on at the next board meeting – Chuck Pulfrey, Elaine Kamarczyk and Roger Thurber (residents at the Sunrise Apartments Buildings) addressed the board to voice their concerns regarding the management at their residences. They stated that there is no longer a maintenance person; only someone that randomly comes to clip the lawn. There are many repairs that need to be done. They were unaware that the management company or someone from HUD would not be present tonight. Breckheimer stated that due to the fact that the issue is not on the agenda for tonight's meeting it cannot be discussed. However, the residents present should get their contact information to the Village office so they can be updated on future meetings. DuPrey gathered this information.

Announcements – Voices of Peace Gospel Fest on 8/16/19 and 8/17/19 at Hilbert Civic Park. The Annual Cheesehead Run on 8/17/19 by Village Centre on Main Street. All committee meetings must be held so all 2020 budget information is turned in no later than September 30, 2019. The 2019 Rural Arts Roadtrip will be held on October 11<sup>th</sup> & 12<sup>th</sup>. Breckheimer also stated that the next Civic Meeting, which will be hosted by Hilbert, will be 9/25/19 at the Official's Den and board members should let him know who will be attending.

Minutes – Action – to approve the board meeting minutes as presented – motion: Starfeld; second: Schrubbe; carried. The fire department minutes were presented to the board. Action – to accept the fire department minutes and place them on file – motion: Starfeld; second: Schrubbe. There were no first responder minutes presented to the board.

Treasurer's Report for the Village of Hilbert - balances – (\$224,638.27) General fund; \$820,827.43 Sewer fund; \$160,839.67 Water fund; \$1.00 DOA Block Grant Fund; \$68,474.03 TID #1 fund; \$1,103,490.70 T-Plus fund; \$30,011.49 First Responder fund; (\$168,990.51) TID #2 fund; \$507,529.05 Capital Improvements fund. Action – to approve the treasurer's report as presented – motion: Schrubbe; second: Starfeld; carried. The fire department treasurer's report was presented to the board. Action – to approve the fire department treasurer's report as presented – motion: Starfeld; second: Keuler; carried. The first responder treasurer's reports were presented to the board. Action – to approve the first responder treasurer's report as presented – motion: Keuler; second: Starfeld; carried.

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

Correspondence – The MEG Newsletter was presented to the board for their information. The Focus Newsletter was presented to the board for their information. The Boardman & Clark, LLP Newsletter was presented to the board for their information. The Calumet County Focus on Calumet Newsletters were presented to the board for their information. The notice from the WI Compensation Rating Bureau – Experience Modification Factor for 2020 insurance renewal was presented to the board for their information. DuPrey stated that the Village is at 1.49%; this is an increase of .03%. He explained that this is due to one large claim. He is hoping in another year or two we will see a decrease since the claim stays on for a period of 3 years before it drops off. Thank you cards from the family of Sue Fochs and the family of Alex Touketto were shared with the board. DuPrey thanked everyone for their patience and understanding as he and his family went through the passing of his brother-in-law, Alex.

Reports - The report of labor hours was presented to the board for their information. The monthly report on building permits was presented to the board for their information. The notice of receipt of the July Installment of Shared Revenue in the amount of \$71,557.98 was presented to the board for their information. The notice of the July School Property Tax Credit Payment to the County in the amount of \$128,203.55 was presented to the board for their information. The notice of the July First Dollar Credit Payment to the County in the amount of \$33,685.68 was presented to the board for their information. The notice of Receipt of Exempt Computer Aid – Real Estate in the amount of \$762.81 was presented to the board for their information. The notice of Receipt of Exempt Computer Aid – TID #1 & #2 in the amount of \$1,503.32 was presented to the board for their information. The Condition of Budgets – All Funds was presented to the board for their information. Breckheimer asked if there were any questions? There were none. The notice of Receipt of the 2% Fire Dues from the State in the amount of \$3,207.51 was presented to the board for their information. The notice from the Department of Revenue – 2019 State of

Changes in Equalized Values was presented to the board for their information. DuPrey stated that this should be finalized in mid-August. We are showing a 9.7% increase which brings us to about 14%. This is substantial growth and effects our borrowing capacity. DuPrey wanted to inform the board that he received a notice from the State of WI last week stating that Sargento Foods is appealing their personal property tax evaluation. One appeal was denied, but they are now appealing to the WI State Board of Assessors. This involves the manufacturing property; which we don't have much say in. DuPrey stated that we could issue a cross appeal but since the personal property tax doesn't apply to any agreements which we have with Sargento Foods it really doesn't pay to do so. The only argument for a cross appeal would be the fact that we don't want to lose the value; which isn't a substantial reason. Sargento Foods would be looking at a reduction of 6.9 million if they win the case; in which we would be on the hook to pay our share back. DuPrey is not sure how far back they'd go, so was not aware on what our dollar amount owed would be. We might have to pay it and then re-levy it in order to get it back from the other districts. The chance of this happening this year is very slim due to the process that Sargento Foods has to go through. There are many pending cases in our district that will help dictate how decisions are made and how the legislature interprets the law. If the district wins their case, then it makes our case that much stronger. If they lose, then not so much. Keuler asked where the money would come from? DuPrey said it would have to come from fund balance because you really can't budget for this because you don't know how far back it will go. There's confusion how the interpretation of manufacturing property is being applied. It all comes down to how it gets interpreted and the lobbying involved. DuPrey will keep the board informed as more information comes available.

Unfinished Business:

2018 Projects – Nothing new.

Change Orders - None. Payment Requests – None.

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

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

Fire Department – Chief Loose reported to the board that there were 4 fire calls since the last board meeting. He informed the board that he is very happy to announce the addition of 2 new firefighters to the department. This brings the total up to 28 members; which is a great number. He stated that one new member, Brett Halderson, will be involved in the dive team and has training in this area. Chief Loose stated that the amounts received from the picnic, fundraisers, etc. were very good. He stated that he also needs to discuss the options regarding the air packs that are needed. Breckheimer stated that there are budget meetings coming up and that the Health Board will need to meet prior to those regarding this and will keep Chief Loose informed when that meeting will be held.

TID District #1 – Nothing new.

TID District #2 – Nothing new.

Wastewater Treatment Plant – Nothing new.

Well #4 – No update.

Village South Residential Development Property – Committee Minutes – Action – to approve the committee minutes as presented – motion: Schrubbe; second: Starfeld; carried. Committee recommendation regarding the final plat for Village Meadows Subdivision – Breckheimer ask if there were any questions? There were none. Action – to approve the final plat for Village Meadows Subdivision as recommended by the committee – motion: Schrubbe; second: Bolwerk; carried. No further action needed. Committee recommendation regarding setting the price per lot for the first 14 lots in Village Meadows Subdivision – DuPrey explained that the committee is recommending the price to be \$1.90 per square foot. Research was provided by DuPrey of surrounding areas and costs and the committee felt like this was the correct price point to be at. Ron Ott, resident, requested that the board work with him on the price of a lot since he was at the plan commission meetings and has given input regarding the project. Keuler asked if it is set up through a realtor, do we have any leeway on the \$1.90 at all? DuPrey stated that as of right now no. By setting a firm price, this keeps the board from having to have a meeting for each lot purchase. If the pricing would be negotiable, then the board would be meeting all the time because the selling price must be approved by the whole board. DuPrey stated that he spoke to Andy King, the Village's attorney, and he suggested that a firm price be set by the board. If you negotiate with one person, and the next buyer finds out, they could question why they weren't getting the same price. It's a situation that could lead to potential conflict. Nolan asked how the committee came up with the price? DuPrey explained how the research was done comparing other local municipalities and came up with the average price. It came out to \$1.80 but the committee raised it to \$1.90 due to commission costs that will be occurring from the realtor. Nolan stated that we should try to fill the lots as fast as we can and price them to sell at the lowest price; we could always raise them from there after the initial lots are sold. Starfeld said we know we aren't going to recoup our costs. He also stated that he doesn't care what other communities are selling their lots at. Breckheimer stated that you want to be careful, because if you sell them too cheap people could buy up several lots and sell them at a higher price. Starfeld questioned why would someone pay \$1.90 a square foot when Foch's lots are .75 cents per square foot cheaper. DuPrey stated that was the price on Fochs' lots in 2008; not the 2<sup>nd</sup> addition. Starfeld stated that the new lots won't be at a \$1.90 though. DuPrey stated that they'll probably actually be more; since \$1.90 is a reduced price already. Fochs stated that he's not saying what his lots will be per square foot. He said that the key here is the infrastructure has gone crazy and it won't be getting any

cheaper. DuPrey stated infrastructure is at 1.1 million on this project. Breckheimer asked what everyone is thinking? Starfeld stated that Forest Junction and Potter are more comparable to Hilbert. You can't even consider Chilton and New Holstein's prices because we are not comparable to them. DuPrey stated that the board should also keep in mind that he didn't get too involved with the other municipalities lots as far as what's included with the infrastructure. For example, if there's a water main, well, mound, curb & gutter, gravel road, etc. There're many variables come into play here and you have to be careful or you may never recover any of that money. He said that you don't want to sell too low because that is not fair to other taxpayer's in this community because everyone is paying their fair share. That needs to be kept in mind. Starfeld stated that we could have sat on the land for five more years and it wouldn't have bothered anyone. But now here we are. Keuler debated the cost difference between the \$1.90 and the \$1.80. Starfeld stated that 37k for a lot without a house even on it yet is still high. Breckheimer stated that Starfeld picked the biggest lot there is. Majority of the lots are priced at 24k. Ott stated that he is interested in lot #13 or the other bigger lot. Bolwerk asked what Ott was hoping to pay? He would like to stay at 30k or under and he already has his blueprints done. Ott stated that he's not asking for that lot to be 20k because he knows what's at stake and what the costs are. The board reviewed the reports again. Breckheimer stated that he thinks we can go a little lower but you don't want to go crazy. Schrubbe stated that if we drop it to \$1.80, you'd essentially be taking 2k off the prices listed. Breckheimer reminded the board that \$1.80 is what the committee originally came up with to start. DuPrey stated that he doesn't think you want to go lower than that. You need to recoup some of these costs. It's the board's call. Schrubbe mentioned that if they don't sell at \$1.80 then you can always consider going lower later on. Action – to deny the committee recommendation of \$1.90 per square foot for the first 14 lots in Village Meadows Subdivision – motion: Schrubbe; second: Nolan; carried. Action – to set the price at \$1.80 per square foot for the first 14 lots in Village Meadows Subdivision – motion: Schrubbe; second: Starfeld; carried.

Discussion and possible action proceeding with stripping back ground in the subdivision – Fochs stated he was talking with Ecker Construction about stripping the black dirt off the area. You'd be moving it only once and not twice. It has worked out really well for him in the past. We essentially stock pile it. We then have the option to sell the dirt. DuPrey stated that he checked with Andy King and you have to be careful with this. The possibility is that you could create another project, and have the work done separately from the project that is getting bid out. You don't want to circumvent the bidding. King is checking on this and will let DuPrey know. DuPrey referred to the League of WI answers that they have on their website and shared that with the board. The best thing to do is wait for a response from King. Fochs stated that if we do keep it with the project, we can still stockpile the black dirt. It will be ours. Starfeld stated that as long as we can keep the black dirt that's what matters. Fochs thinks Ecker would be a better deal. As far as Fochs' Subdivision, since he is the developer and the land owner, he can choose to pull projects out of the bid as long as he pays 100% and no funds are run through the Village. The Village Meadows Subdivision is different because it is owned by the municipality. Andy King's recommendation is to table it. DuPrey does not know what the consequences are if we just go forward with separating the project. It was decided to table it and discuss it at the September board meeting once more information is gathered from Andy King.

Discussion and possible action regarding the RFP request for proposals for realtor services for selling the lots – DuPrey stated that he put together a letter format to send to local realtors requesting a written proposal. The board reviewed the letter. DuPrey stated that Andy King told him to keep it simple. Once a realtor is picked; with a suggested 6-month contract; King would review it. DuPrey questioned the board on which realtors they would like him to send it to? Breckheimer stated anyone local and definitely the realtors that attended the public informational meeting. It was agreed by the board to send it local realtors, big named realtors and also some realtors in the Kiel, New Holstein, Plymouth, Brillion, Chilton and Appleton area. The more to choose from the better. The deadline would be Friday, September 6<sup>th</sup>.

Action – to approve the RFP request for proposals for realtor services for selling the lots – motion: Starfeld; second: Schrubbe; carried. Discussion and possible action regarding setting up an Architectural Committee to review and approve building plans – Breckheimer stated that this committee would be to take care of covenant issues/requests and to review building plans. The committee would consist of 3 people. The Director of Public Works, member of the Plan Commission and a member of the Village Board. Breckheimer is recommending Jim Schmidt from the Plan Commission, Jim Schrubbe from the Village Board and Charlie Fochs, Director of Public Works. Term length was then discussed. The Public Works Director would be a permanent position. Action – Jim Schmidt, Plan Commission member, appointed to a 1-year term; motion: Starfeld; second: Keuler; carried. Action – Jim Schrubbe, Village Board member, appointed to a 2-year term; motion: Starfeld; second: Keuler; carried.

Village Economic Development Plan – Nothing new.

Purchase of Bel Brands Property – Nothing new.

WWTP Computer – Fochs stated that they are at 90% completion with the upgrade. There will be a training session the first week of September.

Hilbert Housing Authority – DuPrey stated that the representatives from the management company held a meeting with the Hilbert Housing Authority members and the Village Board. They stated that in Sunrise I (8-unit) has 1 vacancy and is holding its own financially. However, Sunrise II (12-unit) has 4 vacancies with only 2 of those units being rentable. They are asking the Village for financial help to get the other 2

units redone so they become rentable. The management group is going to get a price of fixing up the two apartments and will update the board with an estimate at the next meeting. The Village Board voted last month to forgive the PILOT Payments in the amount of \$3,000. Another option is that the Village could payoff the mortgage, which is about 185K for both buildings, and then exit from the HUD program and place the buildings up for sale. They could be upgraded and rented as regular apartments by the purchaser. This is happening to a complex in Brillion. More will be discussed as more information becomes known.

Fochs Trails Subdivision, 2<sup>nd</sup> Addition – Nothing new.

New Business:

Application for Operator Licenses – None received.

Classes/Seminars/Schooling for Employees – None.

Reports on schooling/training sessions – A summary was submitted to the board for their information by Chief Loose from the last convention that he attended.

Joint Street/Water & Sewer Committee – Committee Minutes – Action – to approve the committee minutes as presented – motion: Schrubbe; second: Keuler; carried. Committee recommendation regarding plans and specs for Fochs Trails Subdivision extension – DuPrey clarified that this recommendation is for plans and specs only and not for bidding. Special assessments still have to be finalized before proceeding with that. Breckheimer asked if there were any questions? There were none.

Action – to approve the plans and specs for Fochs Trails Subdivision extension – motion: Schrubbe; second: Starfeld; carried. No further action needed. Committee recommendation regarding plans and specs for Village Meadows Subdivision – Action – to approve the plans and specs for Village Meadows Subdivision – motion: Schrubbe; second: Starfeld; carried. No further action needed. Committee recommendation regarding proposal for electrical service to Village Meadows Subdivision – Fochs said the way they have it set up now is that they'll go overhead from 57 all the way into St. Vinnie's and the other side of the ditch and then go underground from there. Everything for the subdivision should be underground. Fochs stated that the key thing you want is to get this approved quickly and get the power company on board because they are going to have to move poles on 57 before we can start the street construction. It has to be within 6" of finish before WE Energies will bury anything and the gas company is the same way. Charter Cable will be a joint burial with WE Energies; they will work together on that. Breckheimer stated that as far as the street lights go the committee is looking at the acorn lights with the fiber glass poles and are waiting on prices. Action – to approve the proposal for electrical service to Village Meadows Subdivision – motion: Starfeld; second: Keuler; carried. No further action needed.

Committee recommendation regarding preparing plans & specs for the 2020 proposed projects - Fochs stated that they are looking at two projects. First one is West Calumet Street from 8<sup>th</sup> Street to 6<sup>th</sup> Street That would be a total dig out because there's no subbase and it's in bad shape. So, they would be milling out what's there and adding a subbase. The second one is closing up the ditch in front of Sargento's from the north driveway to the corporate limit lines. Connecting the sidewalk on the east side to the first driveway, or possibly going to the farthest driveway, whichever Sargento chooses. This will tie into the rest of the subdivision as it progresses. Fochs stated that it'll finish it up and look nice. There was then discussion on breaking it down to smaller project due to costs. Breckheimer stated that estimates are double what they were last year for our street projects. He also said especially with the other additional 2 big projects we have going on. Keuler stated that we have to do Calumet Street though, right? Fochs stated that Paul (from Robert E. Lee) mentioned just redoing the storm sewer on Calumet Street on the highway. Fochs stated that the projects will all come down to the cost and he realizes that. He also said that he stated to Starfeld that we have the funds sitting in the reserves, for that storm sewer pipe 8<sup>th</sup> Street to 5<sup>th</sup> Street, that just sits there. Fochs stated that in his mind we are falling behind on the street projects. We can't keep up with the things that are falling apart. We have work that needs to be done on 3<sup>rd</sup> Street but other projects have to happen first. We can't do the storm sewer pipe on 5<sup>th</sup> Street to 8<sup>th</sup> Street unless we take care of 4<sup>th</sup> Street first; all which needs to be done before 3<sup>rd</sup> Street because otherwise you're just pushing the water puddle down farther. He stated that we did a lot of things to address the water situation in the Village and pipes aren't going to fall apart; it's the joints that are the issue. Starfeld stated that we are still spending our required amount on streets and Fochs shouldn't say we aren't spending money on streets. Fochs stated that he's not saying we are not spending the money; but we are falling behind. Keuler stated everybody is falling behind on streets. Starfeld said that we are spending the money we need to on streets. Fochs stated that there are streets that need more. Fochs also stated by digging out on Calumet Street we then would have fill for the storm sewer pipe in front of Sargento. Fill is going to be hard to come by and this way we'd have it. Fochs stated that he is just throwing the information out there and we can break that project apart once we get the estimates and see what we have. We can pull out things to get completed and what not to include on the project. Action – to go forward with preparing the plans and specs for the 2020 proposed projects – motion: Starfeld; second: Schrubbe; carried. No further action needed. Committee recommendation regarding sidewalk repairs and new sidewalk projects for 2019 – Fochs explained the new sidewalk first which would be from the north side of Chestnut Street from 6<sup>th</sup> Street, connecting to that apartment house, then going all the way to the park driveway on 7<sup>th</sup> Street on the north side. Then the other part of it would be going across the street to 6<sup>th</sup> Street and lowering that sidewalk and connecting it to the curb and installing a ramp. There would be a total of 17 feet of new sidewalk on the west side. As far as

replacement sidewalk there will be several spots on Main Street that need to be addressed. Fochs stated that a resident, Derrick Tesch, contacted him because he was concerned about the sidewalk in front of his house and was wondering if it'll get connected to something. He is located on 8<sup>th</sup> Street next to Scott's Bar. The sidewalk goes past his house and just stops. Tesch was wondering if he still has to do snow removal on the sidewalk since it leads to nowhere. Fochs stated that it was talked about as a project for next year's sidewalk plans. Breckheimer agreed it would be good to address it next year since the projects have been picked for the current year already. Starfeld said we can address the snow removal issue as it gets closer. Action – motion to proceed as recommended – motion: Schrubbe; second: Starfeld; carried. No further action required.

2018 Audit Report – Josh Swanson from Clifton and Larson addressed the board. Josh stated that they have issued an unmodified opinion which means that all balances were reported accurately and all the required footnotes disclosures were there. This is what they call a clean opinion; which is the best result that you can get from an audit. He then went over the balance sheet for each fund (excluding utilities); these tend to fluctuate year to year due to timing. These are only balances of December 31<sup>st</sup>. He went through each fund and explained the balances. He noted that there is a healthy fund balance that will cover one year of general fund expenditures which is an indicator of the strong financial position and a great ratio to have. TID #2 is still running a deficit but has a healthy increment and TID #1 is now positive. He also went over the funds for each utility. Sewer utility numbers were strong primarily due to the hauler charges. Water utility did have an operator's loss for the year. The water utility is still at a pretty healthy financial position though. DuPrey stated the reason the water utility was affected more was due to the water well investigation which cost a decent amount of money. DuPrey stated that Josh has the contract to do the rate study now so he'll be starting on that also. Josh then went through management communications which explained how the audit was done, the findings, and explained the new changes for fiduciary funds in 2020. He concluded by saying that the audit went well and everything looks good.

Village Board Member Informational Report – nothing.

Village Personnel Information Report – DuPrey explained that he and Fochs attended the pre-con meeting for the 114 Project. It sounds like there will be a detour for a total of 9 days (after that it will be flagged) and will take 30 days to complete. They will go curb to curb; edge to edge; at zero cost to the Village. All 3 crosswalks will be done but no guarantee that they'll be cross-lined.

President's Report – Breckheimer reminded the board that budgets start next month and everyone needs to talk to the chairmen of the committees ahead of time. It will make the budget meetings go smoothly if all the information is gathered ahead of time.

The board then convened into closed session under the following:

- 1) Pursuant to Section 19.85(1)(c) of the Wisconsin Statutes for the purpose of deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reason require a closed session.
- 2) Pursuant to Section 19.85 (1)(g) of the Wisconsin Statutes for the purpose of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. Action – to convene into closed session – motion: Schrubbe; second: Keuler; Roll Call Vote – yes: Bolwerk, Schrubbe, 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, Schrubbe, 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 – Action – to approve the 2<sup>nd</sup> amendment to the offer of purchase agreement for the Bel Brands property – motion: Schrubbe; second: Starfeld; carried.

Discussion and possible action regarding conferring with legal counsel with respect to litigation – Action – to authorize the Village's attorney to pursue legal action against 736 W. Main Street, LLC and Mr. Todd Thiel to recover the cost of preparing the CDI grant application per the contract – motion: Starfeld; second: Bolwerk; carried.

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

*Missy Kieso*

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Missy Kieso, Deputy Clerk Treasurer