

**VILLAGE OF KIMBERLY
BOARD MEETING MINUTES
07/08/2024**

A meeting of the Village Kimberly Board was called to order on Monday, July 8, 2024 at 5:00pm in the Rick J. Hermus Council Chambers, 515 W. Kimberly Ave by Pro Tem Lee Hammen.

Board Present: Trustees Lee Hammen, Tom Gaffney, Norb Karner, Mike Hruzek and Dave Hietpas
Board Excused: President Chuck Kuen, Trustee Marcia Trentlage
Staff Present: Deputy Clerk Erica Ziegert, Administrator/Public Works Director Danielle Block, Community Enrichment Director Holly Femal, Library Director Holly Selwitschka, Deputy Public Works Director Greg Ulman, Police Chief Meister, Engineer Brad Werner, and Attorney Tyler Claringbole.

President's Remarks

Pro Tem Hammen wanted to thank the Fire Department, Police Department and Kimberly Streets Department for their hard work for the 4th of July celebration at Sunset Park.

Approval of Minutes from the 06-24-2024 Meeting

Trustee Karner moved, Trustee Hruzek seconded the motion to approve the Village Board minutes from 06-24-2024. Motion carried by unanimous vote of the board.

Unfinished Business

None

New Business

Deposit of Firefly Donation Funds into EMR and Fire Donation Trust Funds

Trustee Gaffney moved, Trustee Karner seconded the motion to approve the request to accept the deposit of \$1,476.56 into the Fire Department Donation Trust account and \$1,476.56 into the EMS Donation Trust account. There was no discussion on this item. Motion carried by roll call vote of the board 5-0.

"Class A" with Class "A" License for Skogen's Foodliner, Inc. (Jason Jacobs, Agent)

Location: Festival Foods, 800 E. Maes Ave.

Trustee Karner moved, Trustee Gaffney seconded the motion to approve the "Class A" Liquor with a Class "A" Beer License for Skogen's Foodliner, Inc d/b/a Festival Foods located at 800 E. Maes Ave. Motion carried by unanimous vote of the board.

Temporary Class "B" (Beer) License for Drive to Thrive Sports for the Slayer Sunset Showdown at Sunset Park on August 23-25, 2024

Trustee Gaffney moved, Trustee Hruzek seconded the motion to approve the Temporary Class "B" (Beer) License for Drive to Thrive Sports for the Slayer Sunset Showdown at Sunset Park on August 23-25, 2024. Motion carried by unanimous vote of the board.

Department Reports

The reports from the Chief of Police, Administrator-DPW Director, Community Enrichment Director, Library Director and Clerk-Treasurer were presented. The reports are on file with the Village Clerk's Office.

Public Participation

None

Closed Session

Trustee Karner moved, Trustee Gaffney seconded the motion to enter closed session pursuant to State Statute 19.85 (1)(g) to confer with legal counsel 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: *Further discussion on pending litigation filed by Miron Construction regarding the binding dispute pertaining to the Street and Parks Facility Replacement project.* Motion carried by unanimous vote of the board at 5:11pm.

Trustee Karner moved, Trustee Hruzek seconded the motion to reconvene into open session. Motion carried by unanimous vote of the board at 5:42pm.

Trustee Hietpas moved, Trustee Karner seconded the motion made to reaffirm the bid award to SMA Construction, as the lowest responsible bidder, for the street and parks garage project, based on additional information relayed to the Board from McMahon Associates, Inc., which has served the Village as outside consulting engineers for the past several decades, and from Public Works Director Greg Ulman who has now conducted both a site investigation and interviews. That information involves the history of contaminated soils, both on the actual building site and on adjoining property in this area, due to several factors pertaining to the actual building site, which at one time was a railroad spur for loading and unloading cargo for various operations, and based upon contaminating soils found on nearby property, and also based upon a high probability of contaminated soils being located on the actual building site, based upon additional reliable information of historical accounts of actual activities at this site. This creates a high probability and risk to the Village of a requirement for removal and replacement of substantial amounts of additional unsuitable soils, above and beyond the known removal quantities of 7,456 cu. yds. already calculated by SEH which is the project manager retained by the Village for the garage project. This amount of unsuitable soil did not take into account additional soil removal required due to contamination by hazardous substances. This 7,456 is the least amount that will have to be removed and there is a high probability it will be substantially more. Based upon this known amount the bids between Miron and SMA Construction are only \$3,000 apart. Accordingly, the Board taking into account this additional risk to the Village, of expenditures due to the need to remove and replace contaminated soils, beyond the fact that it is already known that unsuitable soils probably also exists under the parking lot and the existing garage addition, the Board views

the bid of SMA Construction the safest, most suitable, and ultimately the lowest bid of all competing contractors for the project, considering that Miron bid \$55/ cu. yd. for soil removal and replacement whereas SMA bid \$46/ cu. yd. for soil removal and replacement.

Motion carried with a 4-1 vote with Trustee Hruzek opposed.

Adjournment

Trustee Karner moved, Trustee Gaffney seconded the motion to adjourn. Motion carried by unanimous vote at 5:45pm.



Erica Ziegert
Deputy Clerk

Dated 07/09/24

Approved by Village Board 7-15-24