



**VILLAGE OF KIMBERLY, WI**  
**NOTICE OF VILLAGE BOARD MEETING**

**DATE:** Monday, July 22, 2024  
**TIME:** 5:00pm  
**LOCATION:** Village Hall, Rick J. Hermus Council Chambers  
515 W. Kimberly Ave.  
Kimberly, WI 54136

Notice is hereby given that a Village Board meeting will be held on Monday, July 22, 2024 at the Village Hall. This meeting is open to the public.

- 1) Call to Order
- 2) Roll Call
- 3) Moment of Silent Reflection, Pledge of Allegiance
- 4) President's Remarks
- 5) Approval of Minutes from the 07/15/24 meeting
- 6) Unfinished Business
  - a) None
- 7) New Business
  - a) Certified Survey Map, 424 S. Washington St
  - b) Special Event Permit Application for Slayer Sunset Showdown Baseball Tournament at Sunset Park on Aug. 23-25, 2024
  - c) Certificate of Payment #1 to Zignego Company in the amount of \$103,102.55 for Blue Development Street Construction
- 8) Public Participation
- 9) Adjournment

**Village Board Virtual Meeting Information**

Jul 22, 2024, 5:00 – 5:30 PM (America/Chicago)

**Please join my meeting from your computer, tablet or smartphone.**

<https://meet.goto.com/923495757>

**You can also dial in using your phone.**

Access Code: 923-495-757

United States (Toll Free): [1 877 309 2073](tel:18773092073)

United States: [+1 \(646\) 749-3129](tel:+16467493129)

**VILLAGE OF KIMBERLY  
BOARD MEETING MINUTES  
07/15/2024**

A meeting of the Village Kimberly Board was called to order on Monday, July 15, 2024 at 5:00pm in the Rick J. Hermus Council Chambers, 515 W. Kimberly Ave by President Kuen.

Board Present: President Chuck Kuen, Trustees Lee Hammen, Tom Gaffney, Norb Karner, Mike Hruzek, Marcia Trentlage and Dave Hietpas  
Board Excused: None  
Staff Present: Deputy Clerk Erica Ziegert and Administrator/Public Works Director Danielle Block

**President's Remarks**

None

**Approval of Minutes from the 07-08-2024 Meeting**

Trustee Hammen moved, Trustee Karner seconded the motion to approve the Village Board minutes from 07-08-2024. Motion carried by unanimous vote of the board.

**Unfinished Business**

None

**New Business**

**Certificate of Payment #2 to Jossart Brothers, Inc. in the amount of \$675,930.90 for Welhouse Drive & Curtin Avenue Sanitary, Water & Storm Sewer Reconstruction project**

Trustee Karner moved, Trustee Trentlage seconded the motion to approve the certificate of payment #2 to Jossart Brothers, Inc. in the amount of \$675,930.90 for the 2024 Welhouse Drive & Curtin Avenue Sanitary, Water & Storm Sewer Reconstruction. There was no discussion on this item. Motion carried by unanimous vote of the board.

**Certificate of Payment #5 (Final) to Vinton Construction Co. in the amount of \$5,000.00 for Sunset Drive Street Reconstruction project**

Trustee Hammen moved, Trustee Karner seconded the motion to approve the Certificate of Payment #5 (Final) to Vinton Construction Co. in the amount of \$5,000.00 for Sunset Drive Street Reconstruction project. Motion carried by unanimous vote of the board.

**Receive Minutes of Boards and Commissions**

**Water Commission minutes from 06/11/2024, Library Board minutes from 05/20/2024 & Fire Commission minutes from 03/08/2024**

There was no discussion or action taken on these items, the minutes will be filed as presented.

**Public Participation**

Administrator Block mentioned the large item pick up for flood damage started today. She also mentioned that she has been in touch with the Outagamie County Emergency Management and we have some clean up kits here for residents for free that the American Red Cross put together.

**Closed Session**

Trustee Hammen moved, Trustee Karner 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 5:03pm.

Trustee Hammen moved, Trustee Gaffney seconded the motion to reconvene into open session. Motion carried by unanimous vote of the board at 5:11pm. No action was taken on closed session matters.

**Adjournment**

Trustee Karner moved, Trustee Trentlage seconded the motion to adjourn. Motion carried by unanimous vote at 5:12pm.

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Erica Ziegert  
Deputy Clerk

Dated 07/16/24  
Approved by Village Board \_\_\_\_\_



## Village of Kimberly REQUEST FOR BOARD CONSIDERATION

**ITEM DESCRIPTION:** Approval of CSM for 424 S. Washington St. Parcel 250172700

**REPORT PREPARED BY:** Greg Ulman - Director of Public Works/Zoning  
Administrator

**REPORT DATE:** July 22, 2024

**ADMINISTRATOR'S REVIEW / COMMENTS:**

No additional comments to this report DLB\_\_\_\_\_

See additional comments attached \_\_\_\_\_

**EXPLANATION:**

The Plan Commission on July 16, 2024, recommended the approval for the CSM application for 424 S. Washington St.

Better Way Investments, owner, via Corey Kalkofen of McMahon Engineering is seeking approval of the proposed CSM redistributing the existing lands into two parcels. Presently there is an industrial warehouse style building on the west side of the property and a former convenience store on the northeast section of the property. The resulting CSM creates two parcels so the existing warehouse building, and majority of the parking lot would be on Lot 2 while the existing former convenience store and a section of the parking lot would be in Lot 1. All setbacks are in compliance with the I-2 Zoning according to Village code.

Each property would have adequate access to Washington St for vehicle needs.

To fully approve the CSM the Kimberly Village Board needs to approve the application.

**RECOMMENDED ACTION:** Approve the CSM application.

**Attachments:** Plan Commission CSM Packet



**Village of Kimberly  
Request for  
Planning Commission Recommendation**

**ITEM DESCRIPTION:** Certified Survey Map, 424 S. Washington St. Parcel  
250172700

**REPORT PREPARED BY:** Greg Ulman

**REPORT DATE:** July 16, 2024

**EXPLANATION:**

Better Way Investments, owner, via Corey Kalkofen of McMahon Engineering is seeking approval of the proposed CSM redistributing the existing lands into two parcels. The property lies within the I-2 (General Industrial) zoning district. Presently there is an industrial warehouse style building on the west side of the property and a former convenience store on the northeast section of the property. The resulting CSM creates two parcels so the existing warehouse building, and majority of the parking lot would be on Lot 2 while the existing former convenience store and a section of the parking lot would be in Lot 1.

Each property would have adequate access to Washington St for vehicle needs. The newly created parcel is within code of our Village ordinances regarding setbacks.

**RECOMMENDED ACTION:** Staff recommends approval of the CSM

**CERTIFIED SURVEY MAP**

SHEET 1 OF 4

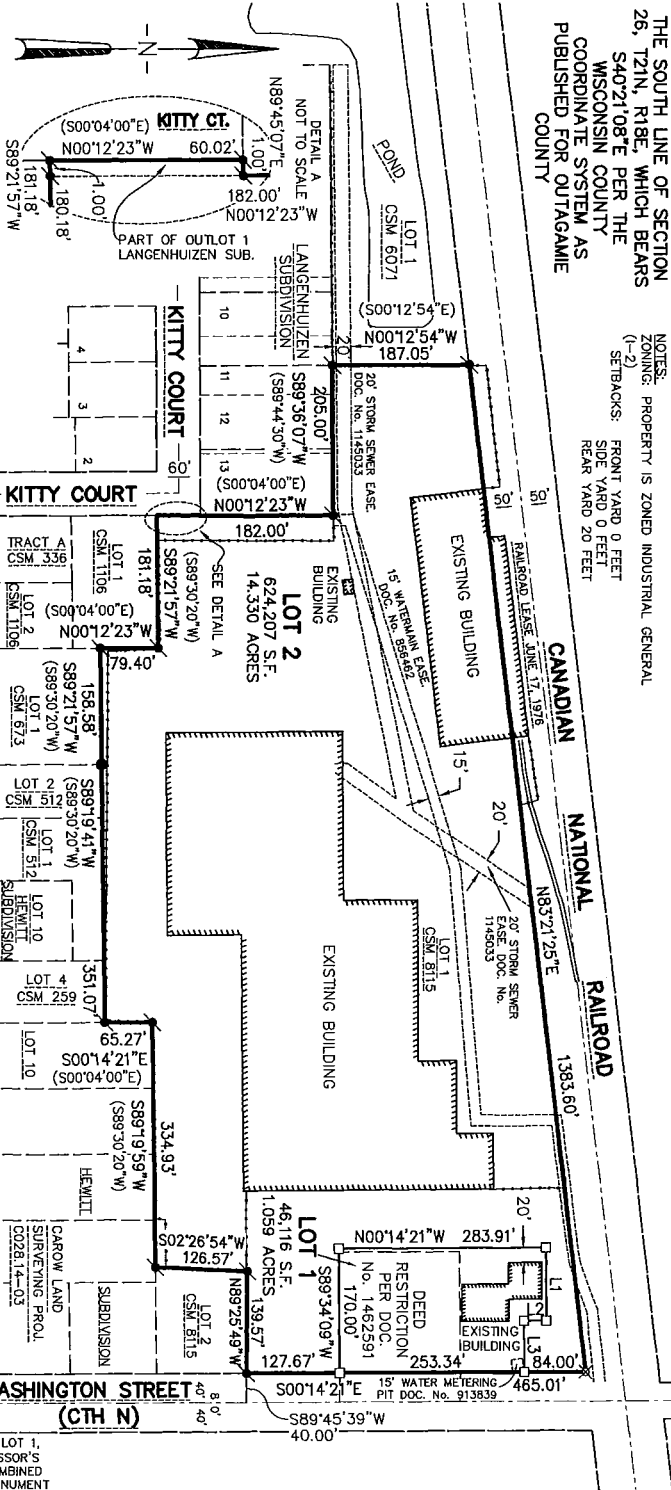
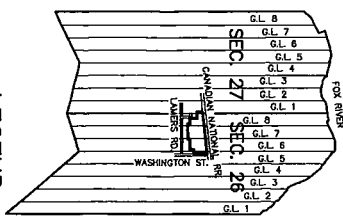
ALL OF LOT 1 OF CERTIFIED SURVEY MAP No. 8115 AS RECORDED IN DOCUMENT No. 2233390, LOCATED IN GOVERNMENT LOTS 5, 6, 7 & 8 OF SECTION 26 AND GOVERNMENT LOT 1 OF SECTION 27, ALL IN TOWNSHIP 21 NORTH, RANGE 18 EAST, VILLAGE OF KIMBERLY, OUTAGAMIE COUNTY, WISCONSIN

FOR: -U.S. VENTURE, INC.  
-425 BETTER WAY  
-APPLETON, WI 54915

BEARINGS ARE REFERENCED TO THE SOUTH LINE OF SECTION 26, T21N, R18E, WHICH BEARS S40°21'08"E PER THE WISCONSIN COUNTY COORDINATE SYSTEM AS PUBLISHED FOR OUTAGAMIE COUNTY

NOTES:  
ZONING: PROPERTY IS ZONED INDUSTRIAL GENERAL (I-2)  
SETBACKS: FRONT YARD 0 FEET  
SIDE YARD 0 FEET  
REAR YARD 20 FEET

**LOCATION MAP**



**LEGEND**

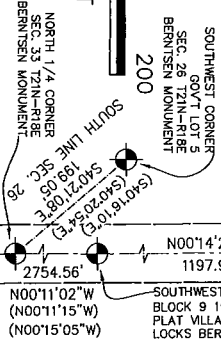
- — 3/4" x 18" ROUND IRON REBAR WEIGHING 1.5 lbs./lineal ft. SET
- — MAG NAIL SET IN PAVEMENT
- ✕ — CHISELED "X" FOUND IN CONCRETE
- ✎ — 3/4" ROUND STEEL REBAR FOUND
- — 1" ROUND IRON PIPE FOUND
- ⊙ — CERTIFIED LAND CORNER OUTAGAMIE COUNTY
- ( ) — RECORDED BEARING AND/OR DISTANCE
- S.F. — SQUARE FEET
- — EXISTING FENCE

LINE	BEARING	DISTANCE
L1	N89°45'39"E	100.00'
L2	S00°14'21"E	30.00'
L3	N89°45'39"E	70.00'



DRAFTED BY: COREY W. KALKOFEN

DATE: 6/27/2024 4:36 PM, xref: none



CERTIFIED SURVEY MAP

SHEET 2 OF 4

ALL OF LOT 1 OF CERTIFIED SURVEY MAP No. 8115 AS RECORDED IN DOCUMENT No. 2233390, LOCATED IN GOVERNMENT LOTS 5, 6, 7 & 8 OF SECTION 26 AND GOVERNMENT LOT 1 OF SECTION 27, ALL IN TOWNSHIP 21 NORTH, RANGE 18 EAST, VILLAGE OF KIMBERLY, OUTAGAMIE COUNTY, WISCONSIN

SURVEYOR'S CERTIFICATE

I, Corey W. Kalkofen, Wisconsin Professional Land Surveyor S-2726, certify that I have surveyed, divided and mapped all of Lot 1 of Certified Survey Map No. 8115 as recorded in Document No. 2233390, located in Government Lots 5, 6, 7 & 8 of Section 26 and Government Lot 1 of Section 27, all in Township 21 North, Range 18 East, Village of Kimberly, Outagamie County, Wisconsin containing 670,323 square feet (15.388 acres) of land.

That I have made this survey by the direction of the Owners of said Land.

I further certify that this map is a correct representation of the exterior boundary lines of the land surveyed and the division of that land, and that I have complied with section 236.34 of the Wisconsin Statutes and the Village of Kimberly Subdivision Ordinance in surveying, dividing and mapping the same.

Given under my hand and seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Corey W. Kalkofen, WI Professional Land Surveyor S-2726



McMAHON ASSOCIATES, INC.  
1445 McMAHON DRIVE NEENAH, WI 54956  
Mailing: P.O. BOX 1025 NEENAH, WI 54957-1025  
PH 920.751.4200 FX 920.751.4284 MCMGRP.COM

CERTIFIED SURVEY MAP

SHEET 3 OF 4

ALL OF LOT 1 OF CERTIFIED SURVEY MAP No. 8115 AS RECORDED IN DOCUMENT No. 2233390, LOCATED IN GOVERNMENT LOTS 5, 6, 7 & 8 OF SECTION 26 AND GOVERNMENT LOT 1 OF SECTION 27, ALL IN TOWNSHIP 21 NORTH, RANGE 18 EAST, VILLAGE OF KIMBERLY, OUTAGAMIE COUNTY, WISCONSIN

VILLAGE BOARD OF KIMBERLY CSM APPROVAL

Approved by the Village Board of Kimberly, Wisconsin on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Village President  
Charles A. Kuen

\_\_\_\_\_  
Date

\_\_\_\_\_  
Village Clerk  
Jennifer Weyenberg

\_\_\_\_\_  
Date

CERTIFICATE OF TREASURERS

I, being the duly elected, qualified and acting Treasurer, do hereby certify that in accordance with the records in my office there are no un-paid taxes or un-paid special assessments on any of the lands included in this Certified Survey Map as of: \_\_\_\_\_ affecting the lands.

\_\_\_\_\_  
Village Treasurer  
Jennifer Weyenberg

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Treasurer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

NOTES

- THIS CSM IS ALL OF TAX PARCEL No. 25-0-1727-00.
- THE PROPERTY OWNER OF RECORD IS BETTER WAY INVESTMENTS-WASHINGTON STREET, LLC.
- THIS PROPERTY IS CONTAINED WITHIN LANDS DESCRIBED IN DOCUMENT No. 2243361.



CERTIFIED SURVEY MAP

SHEET 4 OF 4

ALL OF LOT 1 OF CERTIFIED SURVEY MAP No. 8115 AS RECORDED IN DOCUMENT No. 2233390, LOCATED IN GOVERNMENT LOTS 5, 6, 7 & 8 OF SECTION 26 AND GOVERNMENT LOT 1 OF SECTION 27, ALL IN TOWNSHIP 21 NORTH, RANGE 18 EAST, VILLAGE OF KIMBERLY, OUTAGAMIE COUNTY, WISCONSIN

OWNER'S CERTIFICATE

Better Way Investments—Washington Street, LLC, a Wisconsin limited liability company, As Owners, We hereby certify that we caused the land described on this Certified Survey Map to be surveyed, divided and mapped. We also certify that this Certified Survey Map is required by s. 236.10 or 236.12 of the Wisconsin Statutes to be submitted to the following for approval.

Village of Kimberly

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Printed Name & Title

\_\_\_\_\_  
Printed Name & Title

State of Wisconsin)  
                                  )ss  
\_\_\_\_\_ County)

Personally appeared before me on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, the above named person(s) to me known to be the person(s) who executed the foregoing instrument, and acknowledged the same.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_ County, \_\_\_\_\_

My commission expires \_\_\_\_\_





## Village of Kimberly REQUEST FOR BOARD CONSIDERATION

**ITEM DESCRIPTION: Special Event Permit Application – Slayer Sunset Showdown Baseball Tournament in Sunset Park**

**REPORT PREPARED BY: Holly Femal, CED**

**REPORT DATE: 7/22/2024**

**ADMINISTRATOR'S REVIEW / COMMENTS:**

**No additional comments to this report \_\_\_\_\_ DLB \_\_\_\_\_**

**See additional comments attached \_\_\_\_\_**

**EXPLANATION:**

Drive to Thrive Sports Inc. hosted their first ball tournament in Sunset Park in August 2023. The group has submitted a Special Event Permit Application to host a tournament in Sunset Park, August 23<sup>rd</sup> – 25<sup>th</sup> with reservations of the Upper, Lower, and Youth Diamond fields. Certificate of Insurance is on file, permit fees have been paid, liquor license is on file.

**RECOMMENDED ACTION:**

Approve special event permit application as presented for the Slayer Sunset Showdown event in Sunset Park, August 23<sup>rd</sup> – 25<sup>th</sup>.

Village of Kimberly  
SPECIAL EVENT  
PERMIT APPLICATION



Please include PERMIT FEE with application submission.

This application is a request for a special event. Please refer to the checklist to see if you will need to contact other departments regarding your event. When requesting use of a facility **please be very specific**. Use exact dates, times, shelters, parks, streets, and areas. Doing so will help avoid delays in processing your request. Please call (920) 788-7507 with questions regarding this special event permit.

Event sponsor: Drive To Thrive Sports Inc.

Event name: Slayer Sunset Showdown

Check one:  Parade  Run/Walk  Festival  Tournament  Other

Dates needed: 8-23-24 → 8-25-24

Times needed: 4-9 p.m. 8-23-24 7am-9pm 8-24 7am-9pm 8-25  
(Please include beginning and end times, if different times are needed on different dates please specify.)

Buildings, Parks, shelters, open space needed: \_\_\_\_\_

Will you be requesting street closure or use of street right of way? YES \_\_\_\_\_ NO X  
If yes, what streets (submit mapped route and/or area requested)? \_\_\_\_\_

Will tents or other temporary structures be erected? No

Will you be having any kind of animals, performances or amusement rides? No

Will you be selling or serving alcohol? Yes Does your event include fireworks? No

Number of people attending: 500 Please be aware that portable toilets will be required if crowd size exceeds toilet capacity.

Other requests: \_\_\_\_\_

**Indemnification Agreement**

The applicant/organization shall indemnify, defend, and hold harmless the Village and its officers, officials, employees, and volunteers from and against any and all claims, damages, losses, and expenses arising out of the applied for activity/event except where caused by the sole negligence or willful misconduct of the Village. Applicant/Organization also understands and acknowledges that as required by the Village, liability insurance is the financial means to legally defend the Village and cover liability arising from the activity/event. I certify by my signature that I understand and agree to comply with this agreement & the insurance requirements and that I'm a qualified representative of my organization authorized to sign this agreement. I also certify the information is true and accurate.

Dennis Looker \_\_\_\_\_ [Signature] \_\_\_\_\_ 3-28-24 \_\_\_\_\_  
Officer of Sponsoring Organization - Name Signature Date

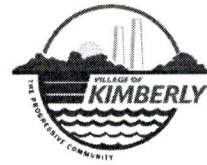
Address N9064 Papermaker Pass Menasha, WI. 54952

Work Phone 920-659-3072 Cell Phone 920-659-3072 Home Phone 920-659-3072

**RETURN FORM AND PERMIT FEE TO: Kimberly Parks & Recreation Dept., 515 W. Kimberly Avenue, Kimberly, WI 54136**

Date Received: \_\_\_\_\_ Amount Received: \_\_\_\_\_ Received By: \_\_\_\_\_

# Village of Kimberly SPECIAL EVENT PERMIT INFORMATION



When organizing a special event, and planning to use public facilities (parks, streets, buildings, public right of way), you need to involve the appropriate Village Departments in the planning process. Most events take place in one location, such as Sunset Park or the Municipal Complex. When that is the case, your planning can be handled directly through the responsible Village Department. However, if your event involves use of Village Streets or if the event requires special safety/crowd control considerations, you will need a Special Event Agreement with the other involved Village Departments.

## DEFINITION

Special event means any planned occurrence on the public right-of-way or public premises including, but not limited to, parades, gatherings, festivals and athletic events which is not within the normal and ordinary use of that public premises or place or which, by nature of the event, may have a greater impact on Village services or resources than would have occurred had the event not taken place. Whether the event is considered within the normal, ordinary, or intended use of public facilities or property shall be determined by the Village Department that maintains jurisdiction over the proposed venue.

All new Special Events require Village Board approval. Do not publish information about your event if it has not yet been approved! The **Event Sponsor** should meet with Village Staff at least 3 months prior to the event date to allow for the approval process. Applications submitted less than 3 months of the event may serve as grounds for denial of the event permit without further consideration.

**THIS AGREEMENT** is intended to clarify the working relationship between the **Sponsor** of the special event and the **Village of Kimberly**. The **Sponsor** agrees to abide by the terms of this agreement, and all existing policies governing use of Village facilities unless specifically noted in the agreement. All Village Departments involved in the event as well as the Village Board must approve this agreement.

**PARK FACILITIES** must be reserved by the **Sponsor** through the **Parks and Recreation Department**, with payment due at that time. Note: The Kimberly Amphitheater will follow the Rental Policy & Procedures established for that facility.

**MUNICIPAL COMPLEX FACILITIES** must be reserved by the **Sponsor** through the **Village Clerk's Office**, with payment due at that time.

Use of **VILLAGE STREETS** for events such as festivals, parades, sales, block parties, walks and runs must be approved by the **Street Department and Fox Valley Metro Police Department**. If the route or grounds extends beyond the Village of Kimberly limits, the **Sponsor** must contact authorities in those jurisdictions for approval. If the event requires street closures or re-routing of traffic, the **Sponsor** may be required to mail a notice to affected residences and businesses PRIOR to the Village Board meeting.

**TOILET FACILITIES** on the immediate premises. Additional portable toilets may be required.

1. Toilet facilities shall be provided based on the anticipated peak crowd size in accordance with the following guidelines: One male & female toilet facility shall be provided for every 500 persons on premise
2. Any portable units shall be located immediately adjacent to or within the authorized area of the event.
3. Portable toilets shall be properly enclosed, in good repair, emptied when full, and a minimum distance of 100 feet away from any food preparation area.
4. All toilet facilities, in use for an event, shall be kept in a clean useable condition by the sponsor.

### Facility Toilet Capacity (Number of Persons)

Sunset Baseball Diamond	2000	Sunset Park Amphitheater	500
Sunset Park Shelter #1	1500	Roosevelt Park	500
Sunset Lower Diamond	1500	Verhagen Park	750
Sunset Upper Diamond	750		

**INDEMNIFICATION AND A CERTIFICATE OF INSURANCE** covering the event must be provided by the **Sponsor** upon approval.

To the fullest extent allowable by law, sponsor hereby indemnifies and shall defend and hold harmless the Village of Kimberly, its elected and appointed officials, officers, employees or authorized representatives or volunteers and each of them from and against any and all suits, actions, legal or administrative proceedings, claims, demands, damages, liabilities, interest, attorneys' fees, costs, and expenses of whatsoever kind or nature whether arising before, during, or after event hereunder and in any manner directly or indirectly caused, occasioned, or contributed to in whole or in part or claimed to be caused, occasioned, or contributed to in whole or in part, by reason of any act, omission, fault, or negligence, whether active or passive, of sponsor or of anyone acting under its direction or control or on its behalf in connection with or incident to the performance of this agreement regardless if liability without fault is sought to be imposed on the Village of Kimberly, sponsors aforesaid indemnity and hold harmless agreement shall not be applicable to any liability caused by the sole fault, sole negligence, or willful misconduct of the Village of Kimberly, or its elected and appointed officials, officers, employees or authorized representatives or volunteers. This indemnity provision shall survive the termination or expiration of this agreement.

**INSURANCE REQUIREMENTS**

1. **GENERAL LIABILITY COVERAGE**

- A. Commercial General Liability
  - (a) \$ 1,000,000 general aggregate
  - (b) \$ 1,000,000 products - completed operations aggregate
  - (c) \$ 1,000,000 Personal injury and advertising injury
  - (d) \$ 1,000,000 each occurrence limit
- B. Claims made form of coverage is not acceptable.

2. **BUSINESS AUTOMOBILE COVERAGE**

- A. Minimum Limits - \$ 250,000 each person / \$ 500,000 each incident for Bodily Injury and \$ 100,000 for Property Damage  
OR \$ 500,000 Combined Single Limit for Bodily Injury and Property Damage each incident
- B. Must cover liability for "Any Auto" - including Owned, Non - owned and Hired Automobile Liability

3. **WORKERS COMPENSATION AND EMPLOYERS LIABILITY**

- A. Must carry coverage for Statutory Workers Compensation and Employers Liability minimum limit of:  
\$500,000 Each Accident  
\$500,000 Disease Policy Limit  
\$500,000 Disease - Each Employee

4. **Liquor Liability** – If the event holder is selling alcoholic beverages then Liquor Liability with the following limit coverage must be carried: Minimum Limits - \$ 500,000 each occurrence / \$ 500,000 aggregate

5. **ADDITIONAL PROVISIONS**

- \* **Additional Insured** – On the General Liability Coverage. Village of Kimberly, and its officers, board members, agents, employees, and authorized volunteers shall be "**Additional Insured's.**"

**PERMIT FEE** must be paid at the time of application submittal. Please contact the Parks Office to determine permit fee amount.

**STAFF** needed to run the event is the responsibility of the **Sponsor**, except where the **Village** determines that Village personnel are required. When the **Village** incurs additional expense, due to personnel working overtime, regular hours, setting up, or cleaning up, the cost (including fringes), will be charged to the **Sponsor**.

**EQUIPMENT** needed to run the event will be the responsibility of the **Sponsor**. The **Sponsor** must request the use of Village equipment such as: *Picnic Tables, garbage cans, barricades, street closing signs, cones, no parking signs, fencing, tables/chairs, coolers, PA system, Kitchen Facilities* subject to approval of Village Staff.

**FEES FOR OPERATION COSTS** (staff & equipment) are established as follows:

- All for Profit Organizations pay 100% of costs
- Community Non-profit organizations pay 10% of Operation Costs
- Other Non-Profit organizations pay 50% of Operation costs

An **INVOICE** detailing charges for Village services will be sent to the **Sponsor** following the event. Payment is due within 30 days of the date of the invoice.

**NO CHANGES** may be made by the sponsor regarding items included in this AGREEMENT, unless written permission is attached to this document. Requests will be reviewed with direction given. When questions regarding this AGREEMENT arise, they should be directed to the appropriate Department. If questions arise during the event, and the Department representative is unavailable, the decision of Village Staff on duty shall prevail.

**CHECKLIST** - The checklist below is designed to “walk you through” the procedure. Village staff is available to help you along the way. If you have any questions, call the department listed.

1. Does your event include a **parade or fireworks**? Additional permit information may be required for a parade or if there will be fireworks. Contact the Park & Recreation Office (788-7507).
2. Will you be **selling and/or serving food**? You will need a temporary food-vending permit. Contact the Outagamie County Public Health Department at 832-5100.
3. Will you be using **Village streets or other public right of way**? You need to work with the Street Department (788-7507) and Fox Valley Metro Police Department (788-7505). Village may require you to notify surrounding businesses and residences if streets will be closed.
4. Will tents or other temporary structures be erected? All tents with stakes require Diggers Hotline and private locate clearance. Any fees will be the responsibility of the **Sponsor**. Please contact the Park & Recreation (788-7507).
5. If your event involves multiple departments (most large events do), Village staff can arrange a meeting to facilitate the discussions with the appropriate personnel. Contact the Parks and Recreation Department (788-7507).
6. Will you be serving or selling **alcohol**? You may need to apply for a Temporary Class “B” (Picnic) Beer License. Contact the Village Clerk’s Office 788-7500
7. Will you need **portable toilets**? See chart above for park restroom capacities.
8. Room capacities at the Municipal Complex must be addressed at the Village Clerk’s Office (788-7507).



DRIVE01

OP ID: MK

# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
07/12/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

920-734-3110

PRODUCER  
ADEMINO & ASSOCIATES  
1001 TRUMAN P O BOX 99  
KIMBERLY, WI 54136-0099  
RAY GOBIN

CONTACT NAME: RAY GOBIN  
PHONE (A/C, No, Ext): 920-734-3110 FAX (A/C, No): 920-734-6027  
E-MAIL ADDRESS: rgobin@ademino.com

INSURER(S) AFFORDING COVERAGE  
INSURER A : WEST BEND INSURANCE COMPANY NAIC # 15350

INSURED  
DRIVE TO THRIVE SPORTS  
N9087 LILAC RD  
MENASHA, WI 54952


INSURER B :  
INSURER C :  
INSURER D :  
INSURER E :  
INSURER F :

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			B746170	08/23/2024	08/26/2024	EACH OCCURRENCE	\$ 500,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 100,000
							MED EXP (Any one person)	\$ EXCL
							PERSONAL & ADV INJURY	\$ 1,000,000
							GENERAL AGGREGATE	\$ 1,000,000
							PRODUCTS - COMPI/OP AGG	\$ 1,000,000
								\$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident)	\$
							BODILY INJURY (Per person)	\$
							BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (Per accident)	\$
								\$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE	\$
							AGGREGATE	\$
								\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y / N If yes, describe under DESCRIPTION OF OPERATIONS below		N / A				PER STATUTE	OTH-ER
							E.L. EACH ACCIDENT	\$
							E.L. DISEASE - EA EMPLOYEE	\$
							E.L. DISEASE - POLICY LIMIT	\$
A	LIQUOR LIABILITY			B746366	08/23/2024	08/26/2024		\$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

<b>CERTIFICATE HOLDER</b>  KIVIL-1  VILLAGE OF KIMBERLY 515 KIMBERLY AVE KIMBERLY, WI 54136	<b>CANCELLATION</b>  SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE 
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## Village of Kimberly REQUEST FOR BOARD CONSIDERATION

**ITEM DESCRIPTION:** Certificate of Payment #1, to Zignego Company, in the amount of \$103,102.55 for the 2024 Welhouse Drive & Curtin Avenue Street Reconstruction, and the Blue Development Street Construction

**REPORT PREPARED BY:** Greg Ulman, Deputy Director of Public Works/ Zoning Administrator; Danielle Block, Administrator/Director of Public Works

**REPORT DATE:** July 22, 2024

**ADMINISTRATOR'S REVIEW / COMMENTS:**

**No additional comments to this report** DLB

**See additional comments attached** \_\_\_\_\_

**EXPLANATION:** Certificate for payment #1 issued for \$103,102.55 for work performed through June 28, 2024, for the project.

*See attached certificate for Payment #1*

Engineer Werner will discuss and address questions from the Board.

**RECOMMENDED ACTION:** Staff recommends approval of Certificate of Payment #1, to Zignego Company, in the amount of \$103,102.55 for the 2024 Welhouse Drive & Curtin Avenue Street Reconstruction, and the Blue Development Street Construction

**Attachments:**

2024 Welhouse Drive & Curtin Avenue Street Reconstruction, and the Blue Development Street Reconstruction, Certificate of Payment #1



July 2, 2024

Village of Kimberly  
Attn: Danielle Block, Administrator  
515 W. Kimberly Avenue  
Kimberly, WI 54136

Re: Village of Kimberly  
Welhouse & Curtin Avenue Street Reconstruction  
Blue Development Street Construction  
Certificate for Payment #1  
McM. No. K0001-09-23-00727.00

Dear Danielle:

Enclosed herewith is Certificate for Payment #1 for the above referenced project. This Certificate is issued to Zignego Company in the amount of \$103,102.55 for partial payment for work performed through June 28, 2024.

Please process the enclosed, and forward payment to Zignego Company. Should you have any questions, please contact our office at your convenience.

Respectfully,

McMahon Associates, Inc.

A handwritten signature in black ink, appearing to read "Brad D. Werner".

Brad D. Werner, P.E.  
Vice President / Sr Municipal Engineer

BDW:car

cc: Zignego Company

Enclosure: Certificate for Payment #1

# McMAHON

ENGINEERS ARCHITECTS

1445 McMAHON DRIVE PO BOX 1025  
NEENAH, WI 54956 NEENAH, WI 54957-1025

TELEPHONE: 920.751.4200  
FAX: 920.751.4284

McMAHON ASSOCIATES, INC.

# CERTIFICATE FOR PAYMENT

VILLAGE OF KIMBERLY  
515 W. Kimberly Avenue  
Kimberly, WI 54136

Contract No. K0001-09-23-00727  
Project File No. K0001-09-23-00727  
Certificate No. One (1)  
Issue Date: July 2, 2024  
Project: Welhouse & Curtin Ave Street Recon.  
Blue Development Street Construction

This Is To Certify That, In Accordance With The Contract Documents Dated: April 15, 2024

ZIGNEGO COMPANY  
W226 N2940 Duplainville Road  
Waukesha, WI 53186

Is Entitled To Partial Payment For Work Performed Through: June 28, 2024

- Contractor's Application for Payment Attached
- Itemized Cost Breakdown Attached

Original Contract	<u>\$1,471,685.90</u>	Completed To Date	<u>\$108,529.00</u>
Net Change Orders	<u>\$0.00</u>	Retainage 5%	<u>\$5,426.45</u>
Current Contract Amount	<u>\$1,471,685.90</u>	Subtotal	<u>\$103,102.55</u>
		Previously Certified	<u>\$0.00</u>

**Amount Due This Payment: \$103,102.55**

Please process and forward payment to Zignego Company.

Certified By:  
McMAHON ASSOCIATES, INC.  
Neenah, Wisconsin



Brad B. Werner, P.E.  
Vice President / Sr Municipal Engineer

**CERTIFICATE FOR PAYMENT**

VILLAGE OF KIMBERLY  
 Welhouse & Curtin Avenue Street Reconstruction  
 Blue Development New Street Construction  
 Contract No. K0001-09-23-00727

Engineer: McMAHON ASSOCIATES, INC.  
 1445 McMahan Drive  
 PO Box 1025  
 Neenah, WI 54956 / 54957-1025

ZIGNEGO COMPANY  
 W226 N2940 Duplainville Road  
 Waukesha, WI 53186

**WELHOUSE DRIVE / CURTIN AVENUE**

Item	Description	Qty	Unit
1.	Mobilization and Bonding	1	L.S.
2.	Unclassified Excavation (Estimated 4,750 C.Y.)	1	L.S.
3.	Concrete Street Pavement Removal	1	L.S.
4.	6 Inch Concrete Pavement Integral Pavement	9,600	S.Y.
5.	8 Inch Road Base	10,700	S.Y.
6.	EBS Including Base Course	200	C.Y.
7.	Remove and Replace 6 Inch Concrete Apron /Sidewalk with Base	10,750	S.F.
8.	Remove and Replace 4 Inch Concrete Sidewalk with Base	4,900	S.F.
9.	Full Depth Sawcut Existing Concrete Pavement	132	L.F.
10.	#6 Epoxy Coated Tie Bars Drilled and Set	70	Ea.
11.	Detectable Warning Field - Yellow	40	S.Y.
12.	3 Inch Pulverized Topsoil, Seed Mix #4 and E-mat	4,500	S.Y.
13.	Stump Removal	70	Ea.
14.	Inlet Protection Maintenance	20	Ea.
15.	Adjust Sanitary and Storm Manhole Castings	12	Ea.
16.	Furnish and Install Sanitary Manhole Chimney Seal	6	Ea.
17.	Adjust Inlet Casting	14	Ea.
18.	Adjust Water Valve Box	7	Ea.
19.	Install Mailbox Provided by Homeowner	46	Ea.
SUB-TOTAL (Items 1. through 19., Inclusive)			

BID QUANTITIES		CERT-PAYMENT 01		COMPLETED TO DATE	
Unit Price	Total	Qty	Total	Qty	Total
\$53,800.00	\$53,800.00	0.30	\$16,140.00	0.30	\$16,140.00
\$60,802.00	\$60,802.00	0.50	\$30,401.00	0.50	\$30,401.00
\$40,106.00	\$40,106.00	1.00	\$40,106.00	1.00	\$40,106.00
\$45.07	\$432,672.00		\$0.00	0.00	\$0.00
\$6.01	\$64,307.00	2000.00	\$12,020.00	2000.00	\$12,020.00
\$39.00	\$7,800.00		\$0.00	0.00	\$0.00
\$8.53	\$91,697.50		\$0.00	0.00	\$0.00
\$7.44	\$36,456.00		\$0.00	0.00	\$0.00
\$6.00	\$792.00	132.00	\$792.00	132.00	\$792.00
\$30.00	\$2,100.00		\$0.00	0.00	\$0.00
\$32.00	\$1,280.00		\$0.00	0.00	\$0.00
\$6.60	\$29,700.00		\$0.00	0.00	\$0.00
\$95.00	\$6,650.00	66.00	\$6,270.00	66.00	\$6,270.00
\$50.00	\$1,000.00		\$0.00	0.00	\$0.00
\$50.00	\$600.00		\$0.00	0.00	\$0.00
\$500.00	\$3,000.00		\$0.00	0.00	\$0.00
\$50.00	\$700.00		\$0.00	0.00	\$0.00
\$500.00	\$3,500.00		\$0.00	0.00	\$0.00
\$25.00	\$1,150.00		\$0.00	0.00	\$0.00
\$838,112.50		\$105,729.00		\$105,729.00	

**THE BLUE DEVELOPMENT**

Item	Description	Qty	Unit
20.	Mobilization and Bonding	1	L.S.
21.	Full Depth Sawcut Concrete Pavement	700	L.F.
22.	#6 Epoxy Coated Tie Bars Drilled and Set (Street Patching)	60	E
23.	#4 Epoxy Coated Tie Bars Drilled and Set (Existing Curb)	200	E
24.	Remove Existing 8 Inch Concrete Street Pavement	1,800	S.Y.
25.	8 Inch Concrete Street Patching	100	S.Y.
26.	8 Inch Doweled Concrete Pavement	5,950	S.Y.
27.	6 Inch Non-Reinforced Concrete Pavement	3,700	S.Y.
28.	Trimming New Streets (Estimated 400 Tons-Waste)	1	L.S.
29.	Terrace Backfilling (Estimated 1,100 C.Y.)	1	L.S.
30.	Terrace Temporary Seeding / Mulching (Estimated 3,500 S.Y.)	1	L.S.
31.	1 Foot Thick Gravel Driveway Pad	54	Ea.
32.	12 Inch Thick Grave - Tanah Trail Cul de Sac Island (172 S.Y.)	1	L.S.
33.	12 Inch Thick Gravel - Terra Blue Court Cul de Sac Island (330 S.Y.)	1	L.S.
34.	Papermill Run Asphalt Transition	1	L.S.
35.	Furnish and Install Sanitary Manhole Chimney Seal	8	Ea.
36.	Adjust Sanitary and Storm Manhole Castings	19	Ea.
37.	Adjust Inlet Casting	16	Ea.
38.	Adjust Water Valve Box	14	Ea.
SUB-TOTAL (Items 20. through 38., Inclusive)			

BID QUANTITIES		CERT-PAYMENT 01		COMPLETED TO DATE	
Unit Price	Total	Qty	Total	Qty	Total
\$8,015.00	\$8,015.00		\$0.00	0.00	\$0.00
\$3.00	\$2,100.00	700.00	\$2,100.00	700.00	\$2,100.00
\$30.00	\$1,800.00		\$0.00	0.00	\$0.00
\$30.00	\$6,000.00		\$0.00	0.00	\$0.00
\$6.33	\$11,394.00		\$0.00	0.00	\$0.00
\$100.00	\$10,000.00		\$0.00	0.00	\$0.00
\$56.00	\$333,200.00		\$0.00	0.00	\$0.00
\$45.07	\$166,759.00		\$0.00	0.00	\$0.00
\$1.00	\$1.00		\$0.00	0.00	\$0.00
\$11,865.00	\$11,865.00		\$0.00	0.00	\$0.00
\$19,250.00	\$19,250.00		\$0.00	0.00	\$0.00
\$278.00	\$15,012.00		\$0.00	0.00	\$0.00
\$1,115.00	\$1,115.00		\$0.00	0.00	\$0.00
\$1,675.00	\$1,675.00		\$0.00	0.00	\$0.00
\$7,400.00	\$7,400.00		\$0.00	0.00	\$0.00
\$500.00	\$4,000.00		\$0.00	0.00	\$0.00
\$50.00	\$950.00		\$0.00	0.00	\$0.00
\$50.00	\$800.00		\$0.00	0.00	\$0.00
\$500.00	\$7,000.00		\$0.00	0.00	\$0.00
\$608,336.00		\$2,100.00		\$2,100.00	

**RAILROAD STREET CONCRETE PATCHING**

Item	Description	Qty	Unit
39.	Mobilization and Bonding	1	L.S.
40.	Full Depth Sawcut Concrete Pavement	100	L.F.
41.	Remove Existing Concrete Pavement	70	S.Y.
42.	30 Inch Curb and Gutter	70	L.F.
43.	8 Inch Non-Reinforced Concrete Pavement / Sidewalk	120	S.Y.
44.	Remove and Replace 4 Inch Concrete Sidewalk	140	S.Y.
45.	#6 Epoxy Coated Tie Bars Drilled and Set	50	Ea.
46.	#4 Epoxy Coated Tie Bar Drilled and Set	50	Ea.
SUB-TOTAL (Items 39. through 46., Inclusive)			
TOTAL (Items 1. through 46., Inclusive)			

BID QUANTITIES		CERT-PAYMENT 01		COMPLETED TO DATE	
Unit Price	Total	Qty	Total	Qty	Total
\$1,000.00	\$1,000.00		\$0.00	0.00	\$0.00
\$7.00	\$700.00	100.00	\$700.00	100.00	\$700.00
\$16.72	\$1,170.40		\$0.00	0.00	\$0.00
\$42.00	\$2,940.00		\$0.00	0.00	\$0.00
\$81.00	\$9,720.00		\$0.00	0.00	\$0.00
\$60.05	\$8,407.00		\$0.00	0.00	\$0.00
\$14.00	\$700.00		\$0.00	0.00	\$0.00
\$12.00	\$600.00		\$0.00	0.00	\$0.00
\$25,237.40		\$700.00		\$700.00	
\$1,471,685.90		\$108,529.00		\$108,529.00	

Completed to Date:	\$108,529.00	\$108,529.00
Retainage:	\$5,426.45	\$5,426.45
Subtotal:	\$103,102.55	\$103,102.55
Previous Application:		\$0.00
<b>Amount Due This Application:</b>		<b>\$103,102.55</b>

# McMAHON

ENGINEERS ARCHITECTS

McMAHON ASSOCIATES, INC.

1445 McMahon Drive P.O. Box 1025  
Neenah, WI 54956 Neenah, WI 54957-1025

Telephone: (920)751-4200  
FAX: (920)751-4284

## APPLICATION FOR PAYMENT

VILLAGE OF KIMBERLY  
515 W. Kimberly Avenue  
Kimberly, WI 54136

PROJECT: Welhouse & Curtin Ave. | Blue Development  
CONTRACTOR Zignego Company  
Contract No. K0001-09-23-00727  
Project No. K0001-09-23-00727  
Application No. One (1)  
Application Date 6/28/2024  
Period From 6/3/24 To 6/28/24

Application Is Made For Payment In Connection With The Above Contract.

The following documents are attached:

- Schedule Of Values
- Schedule Of Unit Prices
- Inventory Of Stored Materials

The Present Status Of The Account For This Contract Is As Follows:

Original Contract	<u>\$1,471,685.90</u>	Completed To Date	<u>\$151,179.00</u>
Net Change Orders	<u>\$0.00</u>	Retainage 5%	<u>\$7,558.95</u>
Current Contract Amount	<u>\$1,471,685.90</u>	Subtotal	<u>\$143,620.05</u>
		Previous Applications	<u>\$0.00</u>

**Amount Due This Application: \$143,620.05**

The undersigned Contractor hereby swears, under penalty of perjury, that (1 All previous progress payments received from the Owner, on account of work performed under the contract referred to above, have been applied by the undersigned to discharge in full all obligations of the undersigned incurred in connection with work covered by prior Applications For Payment under said contract, being Applications For Payment numbered 1 through \_\_\_\_\_ inclusive; and 2) All materials and equipment incorporated in said project or otherwise listed in or covered by this Application For Payment are free and clear of all liens, claims, security interests and encumbrances.

Dated June 28th 20 24 Zignego Company  
(contractor)

By Mark Marinaro-Project Manager  
(name & title)

COUNTY OF  
Waukesha } ss  
STATE OF  
Wisconsin

Before me on this 3 day of July 20 24 personally appeared Mark Marinaro  
known to me, who being duly sworn, did depose and say that he/she is the  
Project manager of the Contractor above mentioned; that he/she  
(title)

executed the above Application For Payment and statement on behalf of said Contractor; and that all of the statements contained therein are true, correct and complete.

My Commission Expires: 10-29-2027

John W. Zignego  
JOHN WILLIAM ZIGNEGO  
Notary Public  
State of Wisconsin

(Notary Public)