

Board Present: President Dobbs, Trustee Stillman, Trustee Wanggaard, Trustee Prott, Trustee Wishau, Trustee Martin, and Trustee Weatherston.

Utility Present: President Howard Stacey, Trustee Wishau, Commissioners Michael Pirk, and Tony Minto.

Absent Mark Brigman, Dave Ruffalo and Nick Sullivan were excused.

Staff/Others: Administrator Tom Christensen, HR Director/Asst. Administrator Toni Muisse, Utility Manager Robert Lui, Utility Director Anthony Bunkelman. Also present was Attorney Elaine Ekes.

**1. Call to Order of JOINT MEETING OF THE VILLAGE BOARD AND VILLAGE UTILITY DISTRICT COMMISSION.**

Village President Dobbs and Utility District President Stacy called the meeting to order at 5:10 p.m., via ZOOM.

**2. Receive comments and information (if any) from Globe Contractors Inc regarding the withholding of Final Payment due Globe Contractors Inc. under the Project Contract.**

Bjelajac explained that a notice of claim for damages has been filed for damages that were allegedly sustained from the 4 Mile Road Project. Globe Contractors Inc was the contractor onsite, and there is a final payment due to them under contract. Bjelajac was consulted with regarding whether the payment should be made given the current claim for damages. The contract documents state that if a claim is made, the owner (the Village of Caledonia), has the right to withhold funds until the matter is resolved. It is up to the Board whether to disperse those funds should continue to be held.

Attorney Bob Olson representing Globe Contractors Inc., was present and maintained that they did not allocate any drain tile and did not have any evidence that they destroyed the watermain. They are requesting the final payment and stated that if it ends up being their responsibility, they would be happy to submit it to their insurance. Globe has already been in contact with their insurance and based on the information they've presented; they did not feel they were liable at this point.

**3. The VILLAGE BOARD AND UTILITY DISTRICT COMMISSION will take up motions to go into CLOSED SESSION, for the following purpose. Pursuant to s. 19.85(1)(g), Wis. Stat. conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the bodies with respect to threatened litigation in which it may become involved, specifically as it relates to the claim filed by Mark & Susan Gracyalny against the Village of Caledonia and the Caledonia Utility District regarding claim for damages. This Closed Session discussion will include (i) the possible denial of the Gracyalny claim, and (ii) the possible withholding of the Final Payment due Globe Contractors Inc under the Project Contract because of the Gracyalny claim.**

Motion by Trustee Wishau to go into Closed Session. Seconded by Trustee Stillman.

Trustee Weatherston – aye	Trustee Prott – aye
Trustee Stillman – aye	Trustee Wishau – aye
Trustee Wanggaard – aye	Trustee Martin – aye
President Dobbs – aye	

Motion carried unanimously.

Motion by Commissioner Pirk to go into closed session. Seconded by Commissioner Minto.

Commissioner Pirk – aye  
 Commissioner Minto – aye  
 Motion Carried unanimously.

Trustee Wishau – aye  
 President Stacey – aye

**4. The VILLAGE BOARD AND UTILITY DISTRICT COMMISSION shall then go back into OPEN SESSION and take action upon but not limited to, those items discussed in closed session including whether or not to withhold the Final Payment due Globe Contractors Inc under the Project Contract.**

Motion by Trustee Wanggaard to go back into Open Session. Seconded by Trustee Weatherston. Motion carried unanimously.

Motion by Commissioner Minto to go back into open session. Seconded by Commissioner Pirk. Motion carried unanimously.

The Special Meeting abruptly ended at 6:00 p.m. because of a technical difficulty, all in attendance were notified and alerted to the meeting reconvening after the Village Board meeting starting at 6:00 p.m.

Reconvened at 7:43 PM. (A quorum of the Utility District was not present when the meeting reconvened).

Motion by Trustee Martin to withhold final payment to Glove pending if the insurance company will make the payment. Seconded by Trustee Weatherston. Motion carried unanimously.

**5. Adjournment of Utility District portion of Meeting**

There was no quorum of the Utility to adjourn the meeting. This portion of the meeting ended at 7:45 p.m.

**6. The VILLAGE BOARD will take up a motion to go into CLOSED SESSION, pursuant to s. 19.85(1)(e), Wis. Stat., deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session: specifically to discuss a possible development in the Village of Caledonia.**

Motion by Trustee Stillman to go into Closed Session. Seconded by Trustee Wishau.

Trustee Weatherston – aye  
 Trustee Stillman – aye  
 Trustee Wanggaard – aye  
 President Dobbs – aye  
 Motion carried unanimously.

Trustee Prott – aye  
 Trustee Wishau – aye  
 Trustee Martin – aye

**7. The VILLAGE BOARD reserves the right to go back into OPEN SESSION, and possibly take action on the items discussed during the closed session.**

Motion by Trustee Weatherston to go back into Open Session. Seconded by Trustee Martin. Motion carried unanimously.

**8. Adjournment**

Motion by Trustee Wanggaard to adjourn. Seconded by Trustee Weatherston. Motion carried unanimously. Adjourned at 8:07 p.m.

Respectfully submitted,  
 Joslyn Hoeffert, Deputy Village Clerk