

This Regular Board meeting was called to order by President Mire at 7:00p.m.

Roll Call:

Physically Present – Rankin, Fowler, Schneider, Fiems and Robertson

Absent – DeMarlie

Others Physically Present – Captain Ron Erickson, Treasurer Barber, Ryan Bump, Clerk Housenga

Others Virtually Present – Sarah Ford, Chris Cooper of MSA

A quorum was physically established.

CONSENT “Omnibus” Agenda: Robertson motioned to approve 05/10/2022 Regular Meeting Minutes, 06/2022 Monthly Bills totaling \$95,203.83 and Treasure’s Report presented by Barber for 05/2022; Fiems seconded. All present members voted yes, motion passes.

PERSONS TO ADDRESS THE BOARD: None.

PRESIDENT – Mire: Nothing to report at this time.

POLICE REPORT: Report as presented. Mire thanked the department for their actions during a recent incident within the village.

ATTORNEY – N. Mason: No report at this time.

FIRE REPORT – Chief Carey: Report reviewed as provided.

DIRECTOR OF PUBLIC WORKS REPORT: Report as presented.

INFRASTRUCTURE – Rankin: Rankin explained a pre-bid construction meeting has been established for June 17th at 9am and bid opening for replacement of the 13th Street culvert will be June 28th at 10am.

No project updates were available for 17th Street currently, a meeting is set up for August to give an update.

The Waterloo project was then discussed. In March 2022 a letter was sent to McClintock to discuss all change orders. McClintock did not respond to the original request, but a letter was received earlier this month from Attorney Jerry Pepping requesting payment in the amount of \$197,349.25, which is the remainder of the original contract and change orders. Change orders were reviewed with Chris Cooper of MSA Professional Services to obtain his professional recommendations on each change order and what his reasonings were for the recommendation. Prior to discussion of the change orders Mire reminded everyone that the drilling technique that was used to complete the project was changed from what was originally proposed and accepted by Canadian Pacific Railroad this change was initiated by McClintock’s subcontractor, this information was confirmed in an email from a David Palmtag of Canadian Pacific Railroad dated October 20th, 2022.

| Change Order | Amount | MSA Recommendation | Summary of change order and Cooper determination reasoning |
|--------------|-------------|--------------------|--|
| 2 | \$ 2,080.00 | To pay | Additional rock needed caused by drilling technique. |
| 3 | \$ 5,151.00 | Not to pay | Advanced Underground mobilization but no work was completed. |
| 4 | \$29,120.00 | To pay | Additional trench boxes and steel plates needed due to change in drilling technique. |
| 5 | \$11,930.00 | To pay | Additional HDD and fusible pvc. |
| 6 | \$ 5,413.99 | Not to pay | Materials price increase due to waiting time. |
| 7 | \$ 2,542.00 | To pay | 90-degree bends for elevation adjustment - These items were not included in original plans and would have been needed if a change did not occur. |
| 8 | \$ 3,399.62 | Pay partial | Grouting needed due to change in drilling technique - Cooper recommends a modified payment of \$280.97. |

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|----|-------------|--------------------------|---|
| 9 | \$17,891.91 | Not to pay | Excavation and backfill of pit dug in VanDuyne yard - Work completed by McClintock that was not prior authorized by the Village, this was a third-party agreement outside of the original easement agreement, but the pit needed to be done to complete the project and the Village is a beneficiary of the pit - Cooper state the Village is under no obligation to pay. |
| 10 | \$26,250.00 | To pay | Canadian Pacific Railroad worker in charge beyond 6 days. - Required due to failure to inject the grout - Took 11 days to come to a solution and agree to additional elevation monitoring |
| 11 | \$26,250.00 | To pay | Geotechnical Engineer in charge beyond 6 days - Required due to failure to inject the grout - Took 11 days to come to a solution and agree to additional elevation monitoring - IMEG kept showing up to monitor rail levels - Cooper thinks McClintock got billed as well |
| 12 | \$ 8,029.50 | To pay / Partial payment | Restoration for quantities for agreed upon easement locations - change due to modification to keep carwash open - Cooper feels 75% payout is adequate |
| 13 | \$14,610.58 | Not to pay | Restoration of VanDuyne property - third party agreement - under no obligation to pay, but Village is a beneficiary since work was complete - Cooper also stated he would recommend negotiations |

Mire noted that Pepping's letter is not factual as referenced in the letter all change orders being recommended for payout by the engineering firm when in fact they are not. Cooper concurred with the thought the letter was not factual. Clerk Housenga forwarded a copy of the letter send by Attorney Pepping. Mire has spoken with Village Attorney Mason, gaining authorization and blessing for a second opinion on the legality of the change orders purpose and responsibilities. Robertson motioned to authorize Mire to engage and enlist the services of Califf and Harper to review documentation and form a legal opinion on this matter at a cost of \$280.00/hour, total amount not to exceed \$7,500.00. Fiems seconded the motion, all present voted yes, motion passes. At a meeting in November with McClintock understood the project should come in as bid and no further communication was allowed since McClintock did not wish to communicate with Village Officials as many attempts were made. All action on this matter regarding McClintock will be halted until the second opinion has been received.

Rankin motioned to approve the payout of MSA Professional Services invoice for engineering service for the Waterloo project in the amount of \$7,880.00. Schneider seconded the motion, all present board members voted yes, motion carries.

PARKS, RECREATION & CEMETERY – Robertson: Robertson is going to obtain pricing on replacement park equipment for Riverbend Park, the old equipment is metal and gets hot.

COMMUNITY RELATIONS, EVENT PLANNING & PUBLIC SAFTEY – Fowler: Nothing to report at this time.

ORDINANCE & LICENSES –Fiems: Nothing to report.

PERSONNEL & FINANCE – Schneider. Schneider motioned to approve Zabina Buchanan (Luxury Cleaning) to conduct monthly cleaning of Village Hall and Community Center for \$75.00. Rankin seconded the motion. All present board members voted yes, motion passes. Schneider also approved to donate \$100.00 to Wounded Warriors Project.

ELECTIONS – Mire: Elections are on June 28th, early voting has started.

BUILDING, ZONING & PLANNING – DeMarlie: 5 general permits were issued last month.

OLD BUSINESS:

NEW BUSINESS: None.

PUBLIC DISCUSSION: None.

With nothing further to discuss Fiems motioned to adjourn this Regular Board Meeting at 7:44pm. Fowler seconded the motion, all members of the Board concurred.

Missy M. Housenga
Village Clerk