

**Special Village Board
February 1, 2010**

President Coutts called the meeting to order at 6:58 p.m. at East Side Community Center, 6156 Douglas Avenue, Racine Wisconsin.

Board Present: Trustee Burton, Trustee McCalvy, Trustee Wanggaard, Trustee Morgan, Trustee Bradley and President Coutts.

Absent: Trustee Wishau was excused.

Others: Village Administrator Tom Lebak, Utility District Manager Bob Lui, Attorney John Bjelajac and Consulting Engineer Tom Ludwig.
Also present were a few Utility District Commissioners.

1. Review and possible approval of Right of Entry and Testing Agreement between Caledonia East and West Water Utility Districts and the Village of Caledonia and US Cellular Operating Co., LLC

Attorney Bjelajac updated the board on U.S. Cellular's desire to lease a portion of the tower for the purpose of installing some of their equipment on top of it. They first need to inspect the area to determine the viability and feasibility of the site. An Agreement has been drafted laying out specific ground rules that U.S. Cellular must agree to before entering the tower. It was also discussed that the board would have to review and approve any work or installation of any equipment.

Trustee Bradley moved, seconded by Trustee Wanggaard to approve the Right of Entry and Testing Agreement. **Motion carried unanimously.**

2. Discussion and possible action regarding Utility District's proposed water tower site on 7 Mile Road.

Utility Manager Lui asked for an update on the 7 Mile Road site for the proposed water tower. President Coutts stated that there are some assessment related issues that need to be resolved. A March 1st deadline was set to get those issues resolved.

3. A motion to go into CLOSED SESSION pursuant to 19.85(1)(g), WI Stats., to confer with legal counsel with respect to litigation in which it is involved in with Earth-X, LLC. and possible litigation with its surety Old Republic.

Trustee Wanggaard moved, seconded by Trustee Bradley to go into CLOSED SESSION pursuant to 19.85(1)(g), WI Stats., to confer with legal counsel with respect to litigation in which it is involved in with Earth-X, LLC., and possible litigation with its surety Old Republic.

President Coutts called for a Roll Call vote and the vote was recorded as follows:

Trustee Burton – aye	Trustee Morgan – aye
Trustee McCalvy - aye	Trustee Bradley - aye
Trustee Wanggaard – aye	President Coutts - aye

Motion carried unanimously.

Discussion was held regarding the Earth-X litigation and an update of its surety Old Republic.

2. The Village Board reserves the right to RECONVENE INTO OPEN SESSION

Trustee Wanggaard moved, seconded by Trustee Burton to reconvene into open session. **Motion carried unanimously.** Open session reconvened at 7:21 p.m.

3. Possible action may be taken on the items discussed during the CLOSED SESSION

Trustee Wanggaard moved, seconded by Trustee Bradley to approve a Settlement Agreement with Old Republic, which would include in part, paying the sum of \$17,500 for liquidated damages to the Utility District. **Motion carried unanimously.**

Trustee Wanggaard moved, seconded by Trustee Burton to adjourn the meeting. **Motion carried unanimously.** Meeting adjourned at 7:23 p.m.

Respectfully submitted,

Karie Torkilsen
Village Clerk