



## CITY OF BURLINGTON

Administration Department  
300 N. Pine Street, Burlington, WI, 53105  
(262) 342-1161 - (262) 763-3474 fax  
[www.burlington-wi.gov](http://www.burlington-wi.gov)

# AGENDA

## COMMITTEE OF THE WHOLE

Tuesday, July 18, 2017  
Fire Station, 165 W. Washington Street  
EMS Conference Room

Mayor Jeannie Hefty  
Susan Kott, Alderman, 1st District  
Edward Johnson, Alderman, 1st District  
Bob Grandi, Alderman, 2nd District  
Ruth Dawidziak, Alderman, 2nd District  
Tom Vos, Alderman, 3rd District  
Jon Schultz, Council President, Alderman, 3rd District  
Thomas Preusker, Alderman, 4th District  
Todd Bauman, Alderman, 4th District

1. Call to Order - Roll Call
2. Citizen Comments
3. Minutes (*B. Grandi*)
  - A. Approval of June 20, 2017 Committee of the Whole Minutes
4. **RESOLUTIONS:**
  - A. **Resolution 4857(15)** - to consider the award of the contract for the S. Pine Street Sanitary Sewer project to The Wanasek Corporation for the not-to-exceed amount of \$113,367.60. (*Due to it's timeliness, this item has been placed on tonight's Common Council agenda for final consideration.*)
  - B. **Resolution 4858(16)** - to approve an Addendum to the to the Agreement for Construction Management Services with Scherrer Construction for the Guaranteed Maximum Price of \$4,628,879 for the Burlington Community Pool Project. (*Due to it's timeliness, this item has been placed on tonight's Common Council agenda for final consideration.*)
  - C. **Resolution 4859(17)** – to adopt a Memorandum of Understanding between the City of Burlington and Racine County to accept a conditional grant in the amount of two hundred thousand dollars (\$200,000) from Racine County for the purchase of property at 587 E. State Street for use by the Burlington Senior Center. (*Due to it's timeliness, this item has been placed on tonight's Common Council agenda for final consideration.*)

- D. **Resolution 4860(18)** - to consider approving an Extraterritorial Zoning (ETZ) Certified Survey Map (CSM) for property located on Schaal Road in the Town of Burlington. *(Due to its timeliness, this item has been placed on tonight's Common Council agenda for final consideration.)*
- E. **Resolution 4861(19)** - to consider approval of a Certified Survey Map for property located at 2100 Milwaukee Avenue.
5. **ORDINANCES: There are none.**
6. **MOTIONS:**
- A. Motion 17-878** - to consider approving a contract with John's Disposal for Disaster Relief Aid for garbage, recycling and electronics. *(Due to its timeliness, this item has also been placed on tonight's Common Council for final consideration).*
7. **Adjourn** *(R. Dawidziak)*

*Note: If you are disabled and have accessibility needs or need information interpreted for you, please call the City Clerk's Office at 262-342-1161 at least 24 hours prior to the meeting.*



**COMMITTEE OF THE WHOLE**

**ITEM NUMBER 3A**

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**DATE:** July 18, 2017

**SUBJECT:** June 20, 2017 Committee of the Whole Minutes

**SUBMITTED BY:** Diahnn Halbach, City Clerk

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**BACKGROUND/HISTORY:**

The attached minutes are from the June 20, 2017 Committee of the Whole meeting.

**BUDGET/FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

Staff recommends approval of the attached minutes from the June 20, 2017 Committee of the Whole meeting.

**TIMING/IMPLEMENTATION:**

This item is scheduled for final consideration at the July 18, 2017 Common Council Meeting.

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**Attachments**

6/20/2017 COW Minutes

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**CITY OF BURLINGTON**  
**Committee of the Whole Minutes**  
**Jeannie Hefty, Mayor**  
**Diahnn Halbach, City Clerk**  
**Tuesday, June 20, 2017**

1. **Call to Order / Roll Call**

Mayor Jeannie Hefty called the Committee of the Whole meeting to Order at 6:30 p.m.

Present: Alderman Susan Kott; Alderman Ed Johnson; Alderman Bob Grandi; Alderman Ruth Dawidziak; Alderman Tom Preusker; Alderman Todd Bauman; Mayor Jeannie Hefty

Absent: Alderman Tom Vos; Alderman Jon Schultz

Also City Administrator Carina Walters; City Attorney John Bjelajac; Finance Director Steve

Present: DeQuaker; Director of Administrative Services Megan Watkins; Police Chief Mark Anderson; Fire Chief Alan Babe; Library Director Joe Davies; DPW Director Jim Bergles

2. **Citizen Comments and Questions**

There were none.

3. **Approval of Minutes for June 6, 2017**

A motion was made by Alderman Grandi with a second by Alderman Johnson to approve the June 6, 2017 Committee of the Whole meeting minutes as presented. With all in favor, the motion carried.

4. **Topic: Discussion** - to provide an update of the 2016-2018 Strategic Plan Initiatives.

Mayor Hefty introduced the discussion topic. Walters reviewed the background history and provided an update of the five strategic priorities set forth by Council.

Mayor Hefty introduced the discussion item. Walters provided the background history for the three year period from 2016-2019, which consists of five strategic priorities: Financial Sustainability, Economic Development, Infrastructure Maintenance and Expansion, a Competitive Workforce, and Citizen Engagement. Walters further reviewed the strategic initiatives related to each priority and the current status.

5. **Topic: Resolution 4856(14)** - to consider authorizing the issuance and sale of up to \$896,473 Taxable Waterworks System Revenue Bonds, Series 2017c, and providing for other details and covenants with respect thereto, and approval of related \$1,054,675 Financial Assistance Agreement.

Mayor Hefty introduced Resolution 4856(14). Walters reviewed the background history and stated that Council discussed during the 2017 budget process and Financial Management Plan to fund the Well 11 Radium Removal Project with the Safe Drinking Water Fund Loan, following an approval by the PSC. Walters stated that PSC has given their approval to proceed with this budgeted project. Walter further explained that this is the next step needed to complete the Well 11 Radium Removal Project.

Alderman Grandi asked if the Bonds issued in 2011 and 2012 would reduce the existing bonds or if these were additional. Walters said that she would look further into this as she did see a refunding in the

General Obligations, but would check whether or not its specifically to these bonds.

6. **Topic: Motion 17-877** - to approve Julie Verhagen as the Pool Manager for the Burlington Community Pool. Due to timing this item is scheduled for final consideration at tonight's Common Council meeting.

Mayor Hefty introduced Motion 17-877. Scott Hoffman, Pool Board Member, introduced Julie Verhagen and spoke of her qualifications and experiences and that Pool Board has approved Verhagen as the Pool Manager for the Burlington Community Pool. Hoffman further stated that in accordance with the Agreement between the City and the Pool Board, Common Council must also approve the Pool Manager. Verhagen then addressed Mayor and Council and reiterated her passion, qualifications and experience. Verhagen is also a Burlington resident and an English teacher at Burlington High School.

7. **Adjourn**

A motion was made by Alderman Dawidziak with second by Alderman Preusker. With all in favor, the meeting adjourned 6:48 p.m.

Minutes respectfully submitted by:

Diahnn C. Halbach

City Clerk

City of Burlington



**COMMITTEE OF THE WHOLE**

**ITEM NUMBER 4A**

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**DATE:** July 18, 2017

**SUBJECT: RESOLUTION 4857(15)** - to consider the award of the contract for the S. Pine Street Sanitary Sewer project to The Wanasek Corporation for the not-to-exceed amount of \$113,367.60.

**SUBMITTED BY:** Carina Walters, City Administrator

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**BACKGROUND/HISTORY:**

At the June 6, 2017 Common Council meeting, the Council approved proceeding with the special assessment process associated with the S. Pine Street Sanitary Sewer Project that will affect the five properties from 928 S. Pine Street to 1008 S. Pine Street. This project allows for the construction of sanitary sewer improvements to extend municipal sewer to the five properties. Water was not a part of this project, as water is currently available in the middle of Pine Street; whereas, each property owner would need to tap into the connection.

On June 29, 2017, the Board of Public Works opened three bids for the Project. Based upon the recommendation by the City Engineer, staff recommends that the bid be awarded to the lowest, most responsive bidder, The Wanasek Corporation, for the not-to-exceed amount of \$113,367.60, which is \$11,548 under the estimated cost from the City Engineer.

**BUDGET/FISCAL IMPACT:**

The cost of this work was planned for with the General Obligation Bonds that were approved by Council. A major portion of this cost will be recouped through the Special Assessment process, as detailed in Resolution 4828(47), which Council approved on June 6, 2017. This project comes in under the Engineer's Estimate.

**RECOMMENDATION:**

Staff recommends that the Common Council award the Pine Street Sanitary Sewer project to The Wanasek Corporation for a Total Base Bid of \$113,367.60.

**TIMING/IMPLEMENTATION:**

This item is for discussion at the July 18, 2017 Committee of the Whole meeting and due to its timeliness, this is scheduled for final consideration at the Common Council meeting this same evening.

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**Attachments**

Res 4857(15) Wanasek Pine Street Sewer Project  
Bid Sheet  
Bid Approval Memo  
Agreement with Wanasek Corporation

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**A RESOLUTION APPROVING THE AWARD OF THE PINE STREET SANITARY SEWER PROJECT TO THE WANASEK CORPORATION FOR THE BASE BID OF \$113,367.60.**

**WHEREAS**, the City of Burlington did post a Class 2 Notice to Bidders for the Pine Street Sanitary Sewer project on June 15, and June 22, 2017 and,

**WHEREAS**, three bids were received by the City and were opened and reviewed at the Board of Public Works bid opening on June 29, 2017 and forwarded to the City Engineer and City Staff for final review; and,

**WHEREAS**, the City Engineer, and the Department of Public Works have reviewed the bids and recommend acceptance of the lowest, most responsive bid from The Wanasek Corporation, a copy of which is attached hereto, and made a part thereof; and,

**WHEREAS**, the City Engineer, and the Department of Public Works have recommended approval of the Base Bid of \$113,367.60,

**NOW, THEREFORE, BE IT RESOLVED** by the Common Council of the City of Burlington that the Pine Street Sanitary Sewer project be awarded to The Wanasek Corporation, for the not-to-exceed amount of \$113,367.60 for the Total Base Bid.

Introduced: July 18, 20  
Adopted:

\_\_\_\_\_  
Jeannie Hefty, Mayor

Attest:

\_\_\_\_\_  
Diahn Halbach, City Clerk



**Pine Street Sanitary Sewer, GENERAL BID TAB**

City of Burlington, Racine County, Wisconsin

Bid Opening: June 29, 2017, 10:00am

**BASE BID:**

<b>Pine Street Sanitary Sewer</b>				Engineers Estimate		APPARENT LOW BIDDER The Wanasek Corp.		DK Contractors, Inc		Globe Contractors, Inc	
Item No.	Item Description	Unit	Bid Qty.	Bid Unit \$	Bid Total \$	Bid Unit \$	Bid Total \$	Bid Unit \$	Bid Total \$	Bid Unit \$	Bid Total \$
204.011	Removing Asphaltic Surface	SY	33	\$ 22.50	\$ 742.50	\$ 4.00	\$ 132.00	\$ 15.00	\$ 495.00	\$ 15.00	\$ 495.00
465.012	Asphaltic Surface Driveways and Field Entrances	TON	8	\$ 350.00	\$ 2,800.00	\$ 206.00	\$ 1,648.00	\$ 330.00	\$ 2,640.00	\$ 250.00	\$ 2,000.00
606.01	Rip Rap Light	CY	4	\$ 75.00	\$ 300.00	\$ 55.00	\$ 220.00	\$ 90.00	\$ 360.00	\$ 100.00	\$ 400.00
628.1504	Silt Fence	LF	650	\$ 1.50	\$ 975.00	\$ 1.30	\$ 845.00	\$ 2.00	\$ 1,300.00	\$ 2.00	\$ 1,300.00
628.2004	Erosion Mat Urban Class 1, Type B (NON-NETTED)	SY	900	\$ 2.00	\$ 1,800.00	\$ 1.85	\$ 1,665.00	\$ 3.00	\$ 2,700.00	\$ 2.00	\$ 1,800.00
628.701	Inlet Protection Type B	EACH	1	\$ 50.00	\$ 50.00	\$ 35.00	\$ 35.00	\$ 57.00	\$ 57.00	\$ 75.00	\$ 75.00
628.7015	Inlet Protection Type C	EACH	14	\$ 50.00	\$ 700.00	\$ 25.00	\$ 350.00	\$ 55.00	\$ 770.00	\$ 100.00	\$ 1,400.00
645.013	Geotextile Type R (Riprap)	SY	15	\$ 5.00	\$ 75.00	\$ 3.00	\$ 45.00	\$ 2.00	\$ 30.00	\$ 50.00	\$ 750.00
690.015	Sawing Asphalt	LF	120	\$ 2.00	\$ 240.00	\$ 2.00	\$ 240.00	\$ 3.00	\$ 360.00	\$ 3.00	\$ 360.00
SPV.0060.01	Manhole Frame & Cover	EACH	4	\$ 500.00	\$ 2,000.00	\$ 1,194.00	\$ 4,776.00	\$ 1,330.00	\$ 5,320.00	\$ 590.00	\$ 2,360.00
SPV.0060.02	Pothole & Explore Existing Utility (Undistributed)	EACH	2	\$ 750.00	\$ 1,500.00	\$ 712.00	\$ 1,424.00	\$ 2,000.00	\$ 4,000.00	\$ 750.00	\$ 1,500.00
SPV.0090.01	Sanitary Sewer 6-Inch PVC Lateral	LF	58	\$ 65.00	\$ 3,770.00	\$ 70.00	\$ 4,060.00	\$ 90.00	\$ 5,220.00	\$ 154.00	\$ 8,932.00
SPV.0090.02	Sanitary Sewer 8-Inch PVC	LF	606	\$ 77.13	\$ 46,740.78	\$ 82.00	\$ 49,692.00	\$ 115.00	\$ 69,690.00	\$ 138.00	\$ 83,628.00
SPV.0090.03	Sanitary Sewer 8-Inch HDPE (Directional Drill)	LF	108.8	\$ 200.00	\$ 21,760.00	\$ 292.00	\$ 31,769.60	\$ 620.00	\$ 67,456.00	\$ 350.00	\$ 38,080.00
SPV.0105.01	Traffic Control	LS	1	\$ 2,000.00	\$ 2,000.00	\$ 1,952.00	\$ 1,952.00	\$ 5,640.00	\$ 5,640.00	\$ 4,750.00	\$ 4,750.00
SPV.0105.01	(627.0200), Fertilizer Type A (629.0205), Seeding Mix No. 40	SY	900	\$ 4.00	\$ 3,600.00	\$ 6.00	\$ 5,400.00	\$ 12.00	\$ 10,800.00	\$ 7.00	\$ 6,300.00
SPV.0200.01	Sanitary Manhole 48-Inch	VF	31	\$ 485.00	\$ 15,035.00	\$ 294.00	\$ 9,114.00	\$ 590.00	\$ 18,290.00	\$ 260.00	\$ 8,060.00
Contingency Eng/legal				\$ 20,817.60							
<b>TOTAL BASE BID</b>				<b>\$ 124,905.88</b>		<b>\$ 113,367.60</b>		<b>\$ 195,128.00</b>		<b>\$ 162,190.00</b>	

# MEMORANDUM TO THE CITY OF BURLINGTON

To: Diahnn Halbach

From: Greg Governatori

CC: Carina Walters, Megan Watkins, Judy Gerulat, Jim Bergles, Mike Timmers

Date: June 29, 2017

Re: Bid Approval and Recommendation for Pine Street Sanitary Sewer Project

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A total of Three bids were received on Thursday, June 29, 2017 for the *Pine Street Sanitary Sewer Project*. The bids were reviewed and the final bid tab results are as follows:

Item	Engineer's Estimate	<u>Bidder No. 1</u> The Wanasek Corporation (Burlington, WI)	<u>Bidder No. 2</u> DK Contractors, Inc (Pleasant Prairie, WI)	<u>Bidder No. 3</u> Globe Contractors, Inc (Pewaukee, WI)
Total Base Bid:	\$124,905.88	<b>\$113,367.60</b>	\$195,128.00	\$162,190.00

Based on the review of the submitted bids, the review of the bidder's qualification statement, and discussion with John Bjelajac City Attorney and the DPW staff, it is my recommendation to award the *Pine Street Sanitary Sewer Project* base bid contract to **The Wanasek Corporation**. for the total cost of \$113,367.60. A bid bond of 5% of the contract price, and qualification statement were submitted and complete. The project General Bid Tab is attached for your review.

AGREEMENT  
BETWEEN OWNER AND CONTRACTOR  
FOR CONSTRUCTION CONTRACT (STIPULATED PRICE)

THIS AGREEMENT is by and between City of Burlington (“Owner”) and  
The Wanasek Corp (“Contractor”).

Owner and Contractor hereby agree as follows:

**ARTICLE 1 – WORK**

1.01 Contractor shall complete all Work as specified or indicated in the Contract Documents. The Work is generally described as follows:

**Pine Street Sanitary Sewer**

City of Burlington  
300 N. Pine St.  
Burlington, WI 53105

**BID OPENING: Thursday, June 29, 2017, 10:00 am (CDT)**

**ARTICLE 2 – THE PROJECT**

*The Project, of which the Work under the Contract Documents is a part, is generally described as follows: All work to be completed as detailed on the provided construction plans. The project is located between 928 and 1008 S. Pine Street in the City of Burlington.*

The Base Bid work for the above contract includes: laying new gravity sanitary sewer within the right of way for Pine Street, including a section of pipe that will be directionally drilled underneath Pine Street, as well as asphalt driveway removal and replacement, erosion control, and restoration. Major items of work and approximate quantities for which bids are requested include: 606 LF 8” PVC Sanitary Sewer (open cut), 109 LF 8” HDPE Sanitary Sewer (directionally drilled), and 4 Sanitary Manholes. Also included on this project are Asphaltic Surface Driveway Replacement, Sawing Asphalt, Sanitary Sewer Laterals (6-Inch) Landscape Restoration, Traffic Control and Erosion Control.

**ARTICLE 3 – ENGINEER**

3.01 The part of the Project that pertains to the Work has been designed by Kapur & Associates, Inc., 1224 S. Pine Street, Burlington, WI 53105.

3.02 The Owner has retained **Kapur & Associates, Inc** (“Engineer”) to act as Owner’s representative, assume all duties and responsibilities, and have the rights and authority assigned to Engineer in the Contract Documents in connection with the completion of the Work in accordance with the Contract Documents.

**ARTICLE 4 – CONTRACT TIMES**

4.01 *Time of the Essence*

A. All time limits for Milestones, if any, Substantial Completion, and completion and readiness for final payment as stated in the Contract Documents are of the essence of the Contract.

4.02 *Contract Times: Dates*

A. The Work will be substantially completed on or before **September 30, 2017**, and completed and ready for final payment in accordance with Paragraph 15.06 of the General Conditions on or before **October 31, 2017**. If needed contractor may stabilize for winter and restore in spring under warranty. Refer to the Special Provisions.

4.03 *Liquidated Damages*

A. Contractor and Owner recognize that time is of the essence as stated in Paragraph 4.01 above and that Owner will suffer financial and other losses if the Work is not completed and Milestones not achieved within the times specified in Paragraph 4.02 above, plus any extensions thereof allowed in accordance with the Contract. The parties also recognize the delays, expense, and difficulties involved in proving in a legal or arbitration proceeding the actual loss suffered by Owner if the Work is not completed on time. Accordingly, instead of requiring any such proof, Owner and Contractor agree that as liquidated damages for delay (but not as a penalty):

(1) *If the contractor does not complete the work within the contract time or within the extra time allowed under engineer-granted time extensions, the Owner will assess liquidated damages. The Owner will deduct a specified sum from payments due the Contractor for every calendar day on calendar day contracts and completion date contracts, or for every working day on working day contracts, that the work remains uncompleted.*

(2) *This deducted sum is not a penalty but is a fixed, agreed, liquidated damage due the Owner from the Contractor by reason of inconvenience to the public, the added cost of engineering and supervision, maintenance of detours, and other items that have caused an expenditure of public funds resulting from the Contractor’s failure to complete the work within the contract time.*

*Revise 108.11(3) to update the amounts charged for liquidated damages based on analysis of fiscal 2015 data.*

(3) *Unless modified in the special provisions, the Owner will assess the following daily liquidated damages. The values shown reflect only the cost of engineering and supervision.*

ORIGINAL CONTRACT AMOUNT		DAILY CHARGE	
FROM MORE THAN	TO AND INCLUDING	CALENDAR DAY	WORKING DAY
\$0	\$250,000	\$805	\$1610
\$250,000	\$500,000	\$835	\$1670
\$500,000	\$1,000,000	\$1210	\$2420
\$1,000,000	\$2,000,000	\$1590	\$3180
\$2,000,000	-----	\$2065	\$4130

(4) *If the Engineer allows the Contractor to continue and finish the work or any part of it after the contract time expires, the Owner waives no rights under the contract.*

## ARTICLE 5 – CONTRACT PRICE

5.01 Owner shall pay Contractor for completion of the Work in accordance with the Contract Documents the amounts that follow, subject to adjustment under the Contract:

- A. For all Work, at the prices stated in Contractor’s Bid, attached hereto as an exhibit.

## ARTICLE 6 – PAYMENT PROCEDURES

### 6.01 *Submittal and Processing of Payments*

- A. Contractor shall submit Applications for Payment in accordance with Article 15 of the General Conditions. Applications for Payment will be processed by Engineer as provided in the General Conditions.

### 6.02 *Progress Payments; Retainage*

- A. Owner shall make progress payments on account of the Contract Price on the basis of Contractor’s Applications for Payment once a month during performance of the Work as provided in Paragraph 6.02.A.1 below, provided that such Applications for Payment have been submitted in a timely manner and otherwise meet the requirements of the Contract. All such payments will be measured by the Schedule of Values established as provided in the General Conditions (and in the case of Unit Price Work based on the number of units completed) or, in the event there is no Schedule of Values, as provided elsewhere in the Contract.

1. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below but, in each case, less the aggregate of payments previously made and less such amounts as Owner may withhold, including but not limited to liquidated damages, in accordance with the Contract
  - a. 95 percent of Work completed (with the balance being retainage). If the Work has been 50 percent completed as determined by Engineer, and if the character and progress of the Work have been satisfactory to Owner and Engineer, then as long as the character and progress of the Work remain satisfactory to Owner and Engineer, there will be no additional retainage; and
  - b. 95 percent of cost of materials and equipment not incorporated in the Work (with the balance being retainage).

- B. Upon Substantial Completion, Owner shall pay an amount sufficient to increase total payments to Contractor to 100 percent of the Work completed, less such amounts set off by Owner pursuant to Paragraph 15.01.E of the General Conditions, and less 200 percent of Engineer’s estimate of the value of Work to be completed or corrected as shown on the punch list of items to be completed or corrected prior to final payment.

### 6.03 *Final Payment*

- A. Upon final completion and acceptance of the Work in accordance with Paragraph 15.06 of the General Conditions, Owner shall pay the remainder of the Contract Price as recommended by Engineer as provided in said Paragraph 15.06.

## ARTICLE 7 – INTEREST

7.01 All amounts not paid when due shall bear interest at the rate of 0 percent per annum.

## ARTICLE 8 – CONTRACTOR’S REPRESENTATIONS

- 8.01 In order to induce Owner to enter into this Contract, Contractor makes the following representations:
- A. Contractor has examined and carefully studied the Contract Documents, and any data and reference items identified in the Contract Documents.
  - B. Contractor has visited the Site, conducted a thorough, alert visual examination of the Site and adjacent areas, and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, and performance of the Work.
  - C. Contractor is familiar with and is satisfied as to all Laws and Regulations that may affect cost, progress, and performance of the Work.
  - D. Contractor has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or adjacent to the Site and all drawings of physical conditions relating to existing surface or subsurface structures at the Site that have been identified in the Supplementary Conditions, especially with respect to Technical Data in such reports and drawings, and (2) reports and drawings relating to Hazardous Environmental Conditions, if any, at or adjacent to the Site that have been identified in the Supplementary Conditions, especially with respect to Technical Data in such reports and drawings.
  - E. Contractor has considered the information known to Contractor itself; information commonly known to contractors doing business in the locality of the Site; information and observations obtained from visits to the Site; the Contract Documents; and the Site-related reports and drawings identified in the Contract Documents, with respect to the effect of such information, observations, and documents on (1) the cost, progress, and performance of the Work; (2) the means, methods, techniques, sequences, and procedures of construction to be employed by Contractor; and (3) Contractor’s safety precautions and programs.
  - F. Based on the information and observations referred to in the preceding paragraph, Contractor agrees that no further examinations, investigations, explorations, tests, studies, or data are necessary for the performance of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract.
  - G. Contractor is aware of the general nature of work to be performed by Owner and others at the Site that relates to the Work as indicated in the Contract Documents.
  - H. Contractor has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Contractor has discovered in the Contract Documents, and the written resolution thereof by Engineer is acceptable to Contractor.
  - I. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.
  - J. Contractor’s entry into this Contract constitutes an incontrovertible representation by Contractor that without exception all prices in the Agreement are premised upon performing and furnishing the Work required by the Contract Documents.

## ARTICLE 9 – CONTRACT DOCUMENTS

### 9.01 *Contents*

- A. The Contract Documents consist of the following:

1. This Agreement (pages 1 to 7, inclusive).
  2. Performance bond (pages 1 to 3, inclusive).
  3. Payment bond (pages 1 to 3, inclusive).
  4. General Conditions (pages 1 to 73, inclusive).
  5. Supplementary Conditions (pages 1 to 11, inclusive).
  6. Special Provisions as listed in the table of contents of the Project Manual.
  7. Drawings (not attached but incorporated by reference) consisting of \_\_\_ sheets with each sheet bearing the following general title: **Pine Street Sanitary Sewer**.
  8. Addenda (numbers \_\_\_ to \_\_\_, inclusive).
  9. Exhibits to this Agreement (enumerated as follows):
    - a. Contractor's Bid (pages \_\_\_ to \_\_\_, inclusive).
    - b. Standard Detail Drawings (pages 1 to 25, inclusive).
    - c. Soil Borings Information (pages 1 to 14, inclusive).
  10. The following which may be delivered or issued on or after the Effective Date of the Contract and are not attached hereto:
    - a. Notice to Proceed.
    - b. Work Change Directives.
    - c. Change Orders.
    - d. Field Orders.
- B. The documents listed in Paragraph 9.01.A are attached to this Agreement (except as expressly noted otherwise above).
- C. There are no Contract Documents other than those listed above in this Article 9.
- D. The Contract Documents may only be amended, modified, or supplemented as provided in the General Conditions.

## **ARTICLE 10 – MISCELLANEOUS**

### **10.01 Terms**

- A. Terms used in this Agreement will have the meanings stated in the General Conditions and the Supplementary Conditions.

### **10.02 Assignment of Contract**

- A. Unless expressly agreed to elsewhere in the Contract, no assignment by a party hereto of any rights under or interests in the Contract will be binding on another party hereto without the written consent of the party sought to be bound; and, specifically but without limitation, money that may become due and money that is due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

10.03 *Successors and Assigns*

- A. Owner and Contractor each binds itself, its successors, assigns, and legal representatives to the other party hereto, its successors, assigns, and legal representatives in respect to all covenants, agreements, and obligations contained in the Contract Documents.

10.04 *Severability*

- A. Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon Owner and Contractor, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

10.05 *Contractor's Certifications*

- A. Contractor certifies that it has not engaged in corrupt, fraudulent, collusive, or coercive practices in competing for or in executing the Contract. For the purposes of this Paragraph 10.05:
  1. "corrupt practice" means the offering, giving, receiving, or soliciting of any thing of value likely to influence the action of a public official in the bidding process or in the Contract execution;
  2. "fraudulent practice" means an intentional misrepresentation of facts made (a) to influence the bidding process or the execution of the Contract to the detriment of Owner, (b) to establish Bid or Contract prices at artificial non-competitive levels, or (c) to deprive Owner of the benefits of free and open competition;
  3. "collusive practice" means a scheme or arrangement between two or more Bidders, with or without the knowledge of Owner, a purpose of which is to establish Bid prices at artificial, non-competitive levels; and
  4. "coercive practice" means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the bidding process or affect the execution of the Contract.

10.06 *Other Provisions*

- A. Owner stipulates that if the General Conditions that are made a part of this Contract are based on EJCDC® C-700, Standard General Conditions for the Construction Contract, published by the Engineers Joint Contract Documents Committee®, and if Owner is the party that has furnished said General Conditions, then Owner has plainly shown all modifications to the standard wording of such published document to the Contractor, through a process such as highlighting or "track changes" (redline/strikeout), or in the Supplementary Conditions.

IN WITNESS WHEREOF, Owner and Contractor have signed this Agreement.

This Agreement will be effective on July 18<sup>th</sup>, 2017 (which is the Effective Date of the Contract).

OWNER:

CONTRACTOR:

**City of Burlington**

**The Wanasek Corp.**

\_\_\_\_\_  
By: \_\_\_\_\_

Title: \_\_\_\_\_

Attest: \_\_\_\_\_

Title: \_\_\_\_\_

Address for giving notices:

**City of Burlington**

**300 N. Pine Street**

**Burlington, WI 53105**

*(If Owner is a corporation, attach evidence of authority to sign. If Owner is a public body, attach evidence of authority to sign and resolution or other documents authorizing execution of this Agreement.)*

\_\_\_\_\_  
By: \_\_\_\_\_

Title: \_\_\_\_\_

*(If Contractor is a corporation, a partnership, or a joint venture, attach evidence of authority to sign.)*

Attest: \_\_\_\_\_

Title: \_\_\_\_\_

Address for giving notices:

**The Wanasek Corp**

**29606 Durand Ave**

**Burlington, WI 53105**

License No.: \_\_\_\_\_  
*(where applicable)*

*NOTE TO USER: Use in those states or other jurisdictions where applicable or required.*



**COMMITTEE OF THE WHOLE**

**ITEM NUMBER 4B**

**DATE:** July 18, 2017

**SUBJECT:** **RESOLUTION 4858(16)** - to approve an Addendum to the to the Agreement for Construction Management Services with Scherrer Construction for the Guaranteed Maximum Price of \$4,628,879 for the Burlington Community Pool Project.

**SUBMITTED BY:** Carina Walters, City Administrator

**BACKGROUND/HISTORY:**

On May 16, 2017, the Common Council approved a Construction Management Agreement with Scherrer Construction for the not-to exceed amount of 3% of the total cost of construction for the Burlington Community Pool project. That evening staff indicated the Common Council would be approving at a future meeting Guaranteed Maximum Price (GMP) of the cost of construction, contingency, and 3% construction management fee for the pool project. At that time we were unable to provide a GMP as the City and Scherrer had not released the bids, nor completed the bid tabulations to identify the GMP.

The week of May 22, 2017, Scherrer Construction released the request for bids for the construction of the Burlington Community Pool. On Thursday June 22, 2017, the The Board of Public Works received a total of forty (40) bids. There were seventeen (17) Work Categories; however, bids were received for fifteen (15) of the categories. No bids were received for Work Category 7 – Painting and Work Category 8 – Furnishings, was removed from bidding, thus allowing an allowance for the City to directly purchase the furnishings. Those categories in which bids were not received will be completed through a future change order.

Based on the detailed bid review completed by Scherrer Construction and staff, staff recommends the following GMP in the amount total amount of \$4,628,879 that includes the following:

Construction Cost	\$ 4,120,612
Contingency	\$ 329,649
CM Fee	\$ 123,618
A/E Fee	\$ 20,000
<u>Bond</u>	<u>\$ 35,000</u>
<b>Total GMP</b>	<b>\$ 4,628,879</b>

**BUDGET/FISCAL IMPACT:**

For your convenience, attached is the overall Project GMP by category and responsible bidder.

**RECOMMENDATION:**

Staff recommends approval of the addendum to the Construction Management Agreement with Scherrer Construction and allow the City Administrator discretion to complete change orders with the understanding that change orders my come before the Common Council for approval.

**TIMING/IMPLEMENTATION:**

This item is scheduled for discussion at the July 18, 2017 Committee of the Whole meeting and due to timing, is scheduled for final consideration at the same night Common Council meeting.

Res 4858(16) Pool Construction  
Overall Gauranteed Max Price

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**A RESOLUTION APPROVING AN ADDENDUM TO THE TO THE AGREEMENT  
FOR CONSTRUCTION MANAGEMENT SERVICES WITH SCHERRER CONSTRUCTION  
FOR THE GUARANTEED MAXIMUM PRICE OF \$4,628,879 WITH THE BURLINGTON  
COMMUNITY POOL PROJECT**

**WHEREAS**, the City is constructing a new community swimming pool and related facilities/buildings on the real property owned by the City, located at 394 Amanda Street, Burlington, Wisconsin known as Devor Park; and,

**WHEREAS**, on May 16, 2017, the Common Council approved entering into a construction management services agreement ("Contract") with Scherrer Construction to oversee the construction of the Burlington Community Pool, including the provision of construction management services, preparation of progress reports and logs and other related construction services; and,

**WHEREAS**, as a part of the agreement for construction management services that the City entered into with Scherrer Construction, Scherrer Construction shall, subject to certain contractual limits and conditions, guarantee the maximum cost to be paid by the City for the construction of the Community Pool ("Project"); and,

**WHEREAS**, the said Guaranteed Maximum Price (GMP) was not capable of being determined until this present stage of the construction proceedings, with the public bids for the project now having been received and other project costs having been estimated and determined; and,

**WHEREAS**, attached hereto as Exhibit A is the addendum ("Addendum") that is to be used for the Contract and which specifies the GMP for the Project.

**NOW, THEREFORE, BE IT RESOLVED** that the Addendum is hereby approved by Common Council of the City of Burlington.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Mayor and the City Administrator are hereby authorized to execute and deliver the Addendum as a part of the Contract.

Introduced: July 18, 2017  
Adopted:

\_\_\_\_\_  
Jeannie Hefty, Mayor

Attest:

\_\_\_\_\_  
Diahnn Halbach, City Clerk

## Burlington Community Pool

Burlington, WI

New Facility

Construction Phase

July 7, 2017

### Overall Project GMP

Description		Costs	
<b>Construction</b>			
	Construction Budget	\$	4,120,612
	Contingency	\$	329,649
	<b>Subtotal</b>	<b>\$</b>	<b>4,450,261</b>
<b>Insurance</b>			
	Builders Risk Insurance		By Owner
	General Liability Insurance	\$	-
	<b>Subtotal</b>	<b>\$</b>	<b>4,450,261</b>
<b>Fees</b>			
3.00%	Const. Mngmt / Gen. Contractor Fee	\$	123,618
	Preconstruction Services Fee	\$	-
	A/E Fee (Construction Phase Services)	\$	20,000
	<b>Subtotal</b>	<b>\$</b>	<b>4,593,879</b>
<b>Bonds</b>			
	Performance Bond	\$	35,000
	<b>Total Direct Construction Costs (GMP)</b>	<b>\$</b>	<b>4,628,879</b>
<b>Allowances for Owner Costs</b>			
	Design Fees, A/E Reimbursables (Plans, State Review Fee)	\$	80,000
	Property Surveys	\$	-
	Geotechnical & Materials Testing	\$	-
	USGS Monitoring Well Relocation (Allowance)	\$	-
	Bonding & Quarrels	\$	113,745
	Utility Charges (Gas & Electric Service Fees)	\$	5,000
	Hazardous Materials Survey & Testing	\$	-
	Hazardous Materials Abatement Testing	\$	-
	Playground Allowance	\$	65,000
	Security System	\$	-
	Audio Visual System	\$	-
	Data/Telephone/Communication Equipment	\$	-
	Computer Systems	\$	-
	Furnishings Allowance	\$	47,000
	Signage Allowance	\$	5,000
	Focus On Energy Rebate (Estimated)	\$	-
	Owner Equipment (Including MEP Hook-Ups)	\$	-
	Legal Fees	\$	-
	Financing Costs	\$	-
	Moving Expenses	\$	-
	Owner Contingency	\$	375,376
	<b>Total Project Cost</b>	<b>\$</b>	<b>5,320,000</b>

**Burlington Community Pool**

Burlington, WI

New Facility

Construction Phase

July 7, 2017

Detailed Breakdown

Div	Title	Item Description	Qty	Unit	\$/Unit	Sub Total	Section Subtotal	Division Subtotal
<b>DIVISION 01 - GENERAL CONDITIONS</b>								\$ 379,442
<b>Staff/Administration</b>								\$ 263,205
		Superintendent (9 months)	1560	hr	\$ 95.00	\$ 148,200.00		
		Project Manager	624	hr	\$ 95.00	\$ 59,280.00		
		Project Coordinator	624	hr	\$ 75.00	\$ 46,800.00		
		Safety Director	105	hr	\$ 85.00	\$ 8,925.00		
<b>Engineering/Consultants</b>								\$ 35,000
		Surveying / Layout Allowance	1	ls	\$ 15,000.00	\$ 15,000.00		
		Testing Services Allowance	1	ls	\$ 20,000.00	\$ 20,000.00		
<b>Temporary Construction/Equipment/Facilities</b>								\$ 57,165
		Temporary Fence	1500	lf	\$ 4.00	\$ 6,000.00		
		Temporary Roads / Asphalt Patching	1	ls	\$ -	\$ -		
		Temporary Construction	1	ls	\$ 5,000.00	\$ 5,000.00		
		Temporary Heat (Equip Rental)	4	mo	\$ 750.00	\$ 3,000.00		
		Temporary Heat (Fuel Consumption)	4	mo	\$ 1,000.00	\$ 4,000.00		
		Temp Telephone (Install & Useage)		ls	\$ -	\$ -		
		Temporary Electric Service (Installation)	1	ls	\$ 1,500.00	\$ 1,500.00		
		Temp Electricity (Consumption)	6	mo	\$ 250.00	\$ 1,500.00		
		Telephone/Cell Phone Usage	9	mo	\$ 150.00	\$ 1,350.00		
		Mobilize/Demobilize Trailers	1	ls	\$ 1,500.00	\$ 1,500.00		
		Field Office Trailer	9	mo	\$ 600.00	\$ 5,400.00		
		Field Office Equipment	9	mo	\$ 150.00	\$ 1,350.00		
		Lunch Trailer		mo	\$ -	\$ -		
		Tool Shed/Trailer	9	mo	\$ 200.00	\$ 1,800.00		
		Temporary Toilets	9	mo	\$ 85.00	\$ 765.00		
		Temporary Railings		lf	\$ 20.00	\$ -		
		Barracades		lf	\$ -	\$ -		
		Project ID & Signs	1	ls	\$ 750.00	\$ 750.00		
		Winter Conditions Allow (Snow/Ice/Thawing/Protection)	1	ls	\$ 20,000.00	\$ 20,000.00		
		Transportation & Material Handling	30	hr	\$ 65.00	\$ 1,950.00		
		Onsite Material Distribution	20	hr	\$ 65.00	\$ 1,300.00		
<b>Cleaning &amp; Maintenance</b>								\$ 10,890
		General Clean up/Progress Cleaning	60	hr	\$ 65.00	\$ 3,900.00		
		Dumpsters	10	ea	\$ 500.00	\$ 5,000.00		
		Final Cleaning	5960	sf	\$ 0.25	\$ 1,490.00		
		Window Washing	1	ls	\$ 500.00	\$ 500.00		
<b>Documents &amp; Document Distribuion</b>								\$ 2,000
		Blueprint Reproduction	1	ls	\$ 1,500.00	\$ 1,500.00		
		Postage & Shipping	1	ls	\$ 500.00	\$ 500.00		
<b>Permits &amp; Fees</b>								\$ 11,182
		Permit Fees	5960	sf	\$ -	\$ -		
		General Liability Insurance	1	ls	\$ 11,182.00	\$ 11,182.00		
		Sewer Impact Fees		ls	\$ -	\$ -		
		Water Tap-On Fees		ls	\$ -	\$ -		
<b>DIVISION 02 - SITE CONSTRUCTION</b>								\$ 587,250
<b>Earthwork/Demolition</b>								\$ 347,192
		<b>Earthwork Bid - Fischer Construction</b>	1	ls	\$ 142,192.00	\$ 142,192		
		Undercut Topsoil and Stockpile Fill - Reesman	1	ls	\$ 140,000.00	\$ 140,000		
		Undercut Testing/Layout Allowance	1	ls	\$ 15,000.00	\$ 15,000		
		Undercut Building Foundations/Poor Soils Allowance	1	ls	\$ 50,000.00	\$ 50,000		
<b>Site Utilities</b>								\$ 79,990
		<b>Site Utilities Bid - Wanasek</b>	1	ls	\$ 74,990.00	\$ 74,990		
		Slurry Backfill Allowance	1	ls	\$ 5,000.00	\$ 5,000		

**Burlington Community Pool**

Burlington, WI

New Facility

Construction Phase

July 7, 2017

Detailed Breakdown

Div	Title	Item Description	Qty	Unit	\$/Unit	Sub Total	Section Subtotal	Division Subtotal
	Asphalt Paving & Striping						\$ 71,796	
	<b>Asphalt Paving Bid - Asphalt Contractors</b>		1	ls	\$ 71,796.00	\$ 71,796		
	Fencing						\$ 39,337	
	<b>Fencing Bid - Century Fence</b>		1	ls	\$ 39,337.00	\$ 39,337		
	Pool Chain Link Fence			lf	Incl Above			
	Pool Rope Fence			lf	Incl Above			
	Dumpster Enclosure Fence/Gates			ls	Incl Above			
	Landscaping						\$ 48,935	
	<b>Landscape Bid - Finishing Touches</b>		1	ls	\$ 37,435.00	\$ 37,435		
	Irrigation Allowance		1	ls	\$ 7,500.00	\$ 7,500		
	Bio Retention Soil Allowance		1	ls	\$ 4,000.00	\$ 4,000		
<b>DIVISION 03 - CONCRETE</b>								\$ 309,670
	Cast In Place Concrete						\$ 309,670	
	<b>Concrete Bid - Scherrer Construction</b>		1	ls	\$ 309,670.00	\$ 309,670		
	Spread Footing		439	lf	Incl Above			
	Frost Walls		1,756	sf	Incl Above			
	Stoop Foundations		124	lf	Incl Above			
	Pad Ftgs (5'x5' Reinforced)		1	ea	Incl Above			
	Slab On Grade (Interior)		4,355	sf	Incl Above			
	Surge Tanks		1	ls	Incl Above			
	Ext Conc Pavement - Regular Concrete		5,316	sf	Incl Above			
	Dumpster Slab		700	sf	Incl Above			
	Pool Deck - Regular Concrete		15,746	sf	Incl Above			
	Pool Deck - Colored Concrete		3,243	sf	Incl Above			
	Curb & Gutter, Bollards		1,413	lf	Incl Above			
	Bollards		4	ea	Incl Above			
<b>DIVISION 04 - MASONRY</b>								\$ 136,320
	Masonry						\$ 136,320	
	<b>Masonry Bid - JAC Masonry</b>		1	ls	\$ 136,320.00	\$ 136,320		
	Structural Steel/Misc Metals			ls	Incl Above			
<b>DIVISION 05 - METALS</b>								\$ -
	Structural Steel / Misc Metals						\$ -	
	Included with Masonry Bid Package			ls	\$ -	\$ -		
<b>DIVISION 06 - WOOD &amp; PLASTICS</b>								\$ 303,075
	Rough Carpentry						\$ 66,136	
	<b>Rough Carpentry Bid - Scherrer Construction</b>		1	ls	\$ 66,136.00	\$ 66,136		
	Finish Carpentry						\$ 236,939	
	<b>Finish Carpentry Bid - Scherrer Construction</b>		1	ls	\$ 236,939.00	\$ 236,939		
	Doors/Frames/Hardware			ls	Incl Above			
	Millwork			ls	Incl Above			
	Specialties & Accessories			ls	Incl Above			
	Coiling Concessions Door			ea	Incl Above			
	Aluminum Store Front Double Door & Hardware			ea	Incl Above			
	Drywall & Insulation			ls	Incl Above			
	ACT Ceilings			sf	Incl Above			
	Toilet Partitions & Lockers			sf	Incl Above			
	Pool Deck Shade Structures (Large)			ea	Incl Above			
	Pool Deck Shade Structures (Small)			ea	Incl Above			

**Burlington Community Pool**  
Burlington, WI  
New Facility  
Construction Phase  
July 7, 2017  
Detailed Breakdown

Div	Title	Item Description	Qty	Unit	\$/Unit	Sub Total	Section Subtotal	Division Subtotal
<b>DIVISION 07 - THERMAL &amp; MOISTURE PROTECTION</b>								\$ 83,940
	Membrane Roofing & Flashing						\$ 63,940	
		Roofing Bid - Carlsen Racine Roofing	1	ls	\$ 63,940.00	\$ 63,940		
	Joint Sealers						\$ 20,000	
		Caulking Allowance	1	ls	\$ 20,000.00	\$ 20,000		
<b>DIVISION 08 - DOORS &amp; WINDOWS</b>								
	Included in Finish Carpentry Bid Package							
<b>DIVISION 09 - FINISHES</b>								\$ 76,560
	Drywall						\$ -	
		Included in Finish Carpentry Bid Package		sf	\$ -	\$ -		
	Acoustical Ceilings						\$ -	
		Included in Finish Carpentry Bid Package		sf	\$ -	\$ -		
	Tile & Flooring						\$ 52,364	
		Ceramic Tile Bid - Lippert Tile	1	ls	\$ 52,364.00	\$ 52,364		
	Painting & Coatings Allowance						\$ 24,196	
		Painting Allowance	1	ls	\$ 21,196.00	\$ 21,196		
		Sealed Concrete Allowance	1	ls	\$ 3,000.00	\$ 3,000		
<b>DIVISION 10 - SPECIALTIES</b>								\$ -
	Visual Display Boards						\$ -	
		Included in Finish Carpentry Bid Package		sf	\$ -	\$ -		
	Toilet Partitions						\$ -	
		Included in Finish Carpentry Bid Package		sf	\$ -	\$ -		
	Signage Allowance						\$ -	
		Signage Allowance	1	ls	\$ 5,000.00	Incl In Owner Costs		
		Interior Signage		ls		Incl In Owner Costs		
		Exterior Building Mounted Signage		ls		Incl In Owner Costs		
		Monument Sign		ls		Incl In Owner Costs		
	Lockers						\$ -	
		Included in Finish Carpentry Bid Package		sf	\$ -	\$ -		
	Accessories						\$ -	
		Included in Finish Carpentry Bid Package		sf	\$ -	\$ -		
<b>DIVISION 11 - EQUIPMENT</b>								\$ -
	Pool Equipment						\$ -	
		Included in Pool Bid Package		ea	\$ -	\$ -		
<b>DIVISION 12 - FURNISHINGS</b>								\$ -
	Furniture Allowance						\$ -	
		Chaise Lounge	60	ea	\$ 275.00	Incl In Owner Costs		
		Table/4 Chair Set	15	ea	\$ 900.00	Incl In Owner Costs		
		Misc Deck Furniture	1	ls	\$ 5,000.00	Incl In Owner Costs		
		Yard Games - Concrete Ping Pong Table	1	ea	\$ 7,000.00	Incl In Owner Costs		
		Yard Games - Concrete Corn Hole Set	2	ea	\$ 1,000.00	Incl In Owner Costs		
		Bike Rack Allowance	1	ls	\$ 1,000.00	Incl In Owner Costs		
		Blinds/Shades Allowance	1	ls	\$ 2,000.00	Incl In Owner Costs		



**Burlington Community Pool**  
 Burlington, WI  
 New Facility  
**Construction Phase**  
 July 7, 2017  
**Detailed Breakdown**

Div	Title	Item Description	Qty	Unit	\$/Unit	Sub Total	Section Subtotal	Division Subtotal	
<b>DIVISION 13 - SPECIAL CONSTRUCTION</b>								\$ 1,698,000	
	Swimming Pool (Total SF - 9,350 sf)							\$ 1,698,000	
		<b>Pool Bid - Stukey</b>	1	ls	\$ 1,698,000.00	\$ 1,698,000			
		Pool - 0 Depth/Feature/Plunge & Hopper	1	ls	incl above				
		Pool - Lap Area	1	ls	incl above				
		Pool - Lazy River	1	ls	incl above				
		Water Slide Feature Allowance	1	ls	incl above				
		Water Feature/Structure	1	ls	incl above				
		Climbing Wall - Aquaclimb Glacier (2 Panel)	1	ls	incl above				
		Misc Pool Equipment (Diving Boards/Life Guard Chairs)	1	ls	incl above				
	Play Equipment								
		Playground Allowance	1	ls	\$ -	Incl In Owner Costs			
<b>DIVISION 14 - CONVEYING SYSTEMS</b>									
<b>DIVISION 15 - MECHANICAL SYSTEMS</b>								\$ 327,680	
	Plumbing Systems							\$ 153,800	
		<b>Plumbing Bid - Bohman &amp; Vick</b>	1	ls	\$ 153,800.00	\$ 153,800			
		Waste/Vent/Water Piping		ls	Incl above				
		H.W. Heaters		ea	Incl above				
		Water Closets & Urinals		ea	Incl above				
		Sinks/Faucets/Drinking Fountains/Showers		ea	Incl above				
		Pool Deck Drainage System & Hook -Ups		ls	Incl above				
		Water Line to Back Park Area		lf	Incl above				
	HVAC System & Controls							\$ 173,880	
		<b>HVAC Bid - Ideal</b>	1	ls	\$ 173,880.00	\$ 173,880			
<b>DIVISION 16 - ELECTRICAL SYSTEMS</b>								\$ 218,675	
	Electrical Power & Lighting							\$ 218,675	
		<b>Electrical Bid - Rewald</b>	1	ls	\$ 218,675.00	\$ 218,675			
		Main Service & Branch Power Distribution	1	ls	Incl Above				
		Interior Power & Lighting	1	ls	Incl Above				
		Mechanical Equipment Wiring	1	ls	Incl Above				
		Site Lighting	1	ls	Incl Above				
<b>CONSTRUCTION BUDGET</b>						\$ 4,120,612.00	\$ 4,120,612	\$ 4,120,612	



**COMMITTEE OF THE WHOLE**

**ITEM NUMBER 4C**

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**DATE:** July 18, 2017

**SUBJECT:** RESOLUTION 4859(17)– to adopt a Memorandum of Understanding between the City of Burlington and Racine County to accept a conditional grant in the amount of two hundred thousand dollars (\$200,000) from Racine County for the purchase of real property at 587 E. State Street for use by the Burlington Senior Center.

**SUBMITTED BY:** Carina Walters, City Administrator

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**BACKGROUND/HISTORY:**

In 2016, Racine County announced their plans to demolish the County building located at 209 N. Main Street. The Western Racine County building, which houses a variety of county departments and staff, as well as the Senior Center, has had intense maintenance to the facility since it was constructed in the 1950's. Currently, analysis of the building shows an asbestos-laden roof and major maintenance issues that cost the County an estimated annual maintenance cost of \$15,000 to \$35,000.

The City and County are equally committed to the Senior Center and have worked together to locate a facility that would be practical and fit the needs of the Seniors. The Knights of Columbus building at 587 E. State Street meets those needs with minor financial investment for upgrades and code compliance.

On June 13, 2017, the Racine County Executive Committee unanimously approved a conditional grant of \$200,000 to the City of Burlington to use for the purchase of the Knights of Columbus building.

**BUDGET/FISCAL IMPACT:**

The purchase price of the Knights of Columbus building in the amount of \$180,000 was agreed on at the May 16, 2017 Common Council meeting. The remaining \$20,000 will go towards ensuring the building is brought up to code with respect to life safety.

**RECOMMENDATION:**

Staff recommends approving the Memorandum of Understanding to accept the conditional grant in the amount of \$200,000 for the purchase of the Knights of Columbus building. A closing date for the property is tentatively scheduled for July 28, 2017.

**TIMING/IMPLEMENTATION:**

This item is for discussion at the July 18, 2017 Committee of the Whole meeting and scheduled for final discussion at the Common Council meeting the same night.

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**Attachments**

Res 4859(17) MOU Senior Center  
MOU for grant for Senior Center  
County resolution to award grant

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**A RESOLUTION TO ADOPT A MEMORANDUM OF UNDERSTANDING BETWEEN  
THE CITY OF BURLINGTON AND RACINE COUNTY TO ACCEPT A CONDITIONAL  
GRANT IN THE AMOUNT OF TWO HUNDRED THOUSAND DOLLARS (\$200,000) FROM  
RACINE COUNTY FOR THE PURCHASE OF PROPERTY AT 587 E. STATE STREET FOR  
USE BY THE BURLINGTON SENIOR CENTER**

**WHEREAS**, the City of Burlington and Racine County wish to enter into an agreement to exchange funds in the amount of \$200,000 for the purchase of property at 587 E. State Street for the use of the Burlington Senior Center, as set forth in draft form at Exhibit "A" which is attached hereto; and,

**WHEREAS**, the Burlington Senior Center is presently located at the Western Racine County Service Center, 201 W. Main St., in the City of Burlington, Wisconsin; and,

**WHEREAS**, the City of Burlington and Racine County recognize the Burlington Senior Center as a positive community asset and endorses the mission of the Burlington Senior Center as an important service to and setting for the senior community; and,

**WHEREAS**, the City of Burlington and Racine County have identified the Knights of Columbus Building ("The Building") at 587 E. State Street as an available property that could accommodate relocation of the Burlington Senior Center; and,

**WHEREAS**, Racine County has approved and authorized a conditional grant in the amount of \$200,000.00 to the City of Burlington for the purchase of The Building; and

**WHEREAS**, the grant will cover the full cost of the City's accepted offer to purchase The Building at a purchase price of One Hundred Eighty Thousand Dollars (\$180,000.00), and the reasonably anticipated cost of improvements needed to make the property suitable and sustainable for use as a senior citizen center; and,

**WHEREAS**, the City of Burlington's accepted offer to purchase The Building is contingent upon Racine County providing monies in an amount sufficient to pay for (i) the sale/purchase of the property and the related transaction costs, and (ii) the cost of the improvements that the City, in its sole discretion, may desire to make the property suitable for a senior citizen center; and

**NOW, THEREFORE, BE IT RESOLVED** by the Common Council of the City of Burlington, Racine County, State of Wisconsin, that the City approves a Memorandum of Understanding between the City and Racine County to accept a conditional grant in the amount of \$200,000 from Racine County for the purchase of the Knights of Columbus Building at 587 E. State Street for use by the Burlington Senior Center.

**BE IT FURTHER RESOLVED** by the Common Council of the City of Burlington that the City Administrator is authorized to execute any contracts, agreements or other documents necessary to carry out the intent of this resolution.

Introduced: July 18, 2017  
Adopted:

\_\_\_\_\_  
Jeannie Hefty, Mayor

Attest:

\_\_\_\_\_  
Diahn Halbach, City Clerk

**MEMORANDUM OF UNDERSTANDING BY AND BETWEEN  
RACINE COUNTY AND THE CITY OF BURLINGTON**

**WHEREAS**, in 1994, Racine County entered into a 15-year lease with the City of Burlington, for the City to use space at the Western Racine County Service Center (“WRCSC”) – 209 W. Main St., Burlington, WI 53105 – as a senior center;

**WHEREAS**, Racine County has continued this relationship and commitment to the senior community since that time (the 15-year lease converted to a \$1.00 year-to-year renewable lease in 2009);

**WHEREAS**, Racine County recognizes the Burlington Senior Center as a positive community asset and endorses the mission of the Burlington Senior Center as an important service to and setting for the senior community in Western Racine County;

**WHEREAS**, Racine County intends to demolish the WRCSC due to an asbestos-laden roof and other major functional issues and to locate an alternative space for governmental operations and services to be readily available to citizens on the west end of Racine County;

**WHEREAS**, Racine County and the City of Burlington identified the Knights of Columbus Building at 587 E. State St., in the City of Burlington, Wisconsin, as an available property that could accommodate relocation of the Burlington Senior Center;

**WHEREAS**, by Resolution No. 2017-14, Racine County authorized the conditional grant of Two Hundred Thousand Dollars (\$200,000.00) in financial assistance to the City of Burlington for the purchase of the Knights of Columbus Building for use by the Burlington Senior Center;

**WHEREAS**, Racine County and the City of Burlington desire to set out the various obligations and responsibilities of the parties;

**NOW, THEREFORE, IT IS MUTUALLY AGREED**, by and between Racine County and the City of Burlington, as follows:

1. Racine County will remit a check in the full amount of Two Hundred Thousand Dollars (\$200,000.00), as financial assistance to the City of Burlington, subject to the following conditions:
  - A. Racine County and the City of Burlington agree that the committed funds will be used exclusively toward the purchase of the Knights of Columbus Building at 587 E. State St., Burlington, Wisconsin and for improvements needed to make the property suitable for senior citizen center programming;
  - B. The City of Burlington shall provide a written report to the Racine County Executive, no later than August 31, 2018, confirming that the subject funds have been expended exclusively for the purchase of the Knights of Columbus Building and necessary improvements thereto;
  - C. If the City of Burlington fails to provide written notice as set forth above, or otherwise fails to expend the funds as set forth herein, Racine County may require the

return of the balance of funds remaining and not so expended and such funds may be deemed forfeited by the City of Burlington;

- D. The City of Burlington shall not assign any part of this agreement without the express written consent of Racine County;
- E. To the fullest extent permitted by law, the City of Burlington agrees to indemnify and hold harmless Racine County, and its officers and its employees, from and against all liability, claims, and demands, on account of any injury, loss, or damage (including costs of investigation and attorney's fees), which arise out of or are connected with the commitment of funds. The City of Burlington shall investigate, handle, respond to, and provide defense for and defend against any such liability, claims, and demands, and to bear all other costs and expenses related thereto, including court costs and attorney's fees. The City of Burlington's obligation shall not be construed to extend to any injury, loss, or damage that is caused by the act, omission, or other fault of Racine County.

City of Burlington

By: \_\_\_\_\_ Date: \_\_\_\_\_

By: \_\_\_\_\_ Date: \_\_\_\_\_

Racine County

By: \_\_\_\_\_ Date: \_\_\_\_\_

By: \_\_\_\_\_ Date: \_\_\_\_\_

By: \_\_\_\_\_ Date: \_\_\_\_\_

10

C. Burl.

May 23, 2017

RESOLUTION NO. 2017-14

RESOLUTION BY THE EXECUTIVE COMMITTEE AUTHORIZING THE CONDITIONAL GRANT OF TWO HUNDRED THOUSAND DOLLARS (\$200,000.00) IN FINANCIAL ASSISTANCE TO THE CITY OF BURLINGTON FOR THE PURCHASE OF THE KNIGHTS OF COLUMBUS BUILDING AT 587 E. STATE ST., IN THE CITY OF BURLINGTON, WISCONSIN, FOR USE BY THE BURLINGTON SENIOR CENTER

To the Honorable Members of the Racine County Board of Supervisors:

BE IT RESOLVED by the Racine County Board of Supervisors that the conditional grant and the transfer of Two Hundred Thousand Dollars (\$200,000.00) to the City of Burlington for the purchase of the Knights of Columbus Building at 587 E. State St., in the City of Burlington, Wisconsin ("Knights of Columbus Building"), for use by the Burlington Senior Center is authorized and approved.

BE IT FURTHER RESOLVED by the Racine County Board of Supervisors that the fiscal note as set forth in Exhibit "A," that is attached hereto, is authorized and approved.

BE IT FURTHER RESOLVED by the Racine County Board of Supervisors that any two of the County Clerk, the County Executive or the County Board Chairman are authorized to execute any contracts, agreements or other documents necessary to carry out the intent of this resolution.

Respectfully submitted,

1st Reading 5-23-17  
2nd Reading 6-13-17  
BOARD ACTION  
Adopted yes  
For 16  
Against 0  
Absent 5

VOTE REQUIRED: 2/3 M.E.

Prepared by:  
Corporation Counsel

EXECUTIVE COMMITTEE

Russell A. Clark, Chairman  
Pamela Zenner-Richards, Vice Chairman  
Q.A. Shakoor II, Secretary  
Mark M. Gleason  
Ronald Molnar  
David J. Cooke  
Janet Bernberg  
Robert N. Miller  
Thomas Roanhouse  
Scott Maier

3  
4 **The foregoing legislation adopted by the County Board of Supervisors of  
5 Racine County, Wisconsin, is hereby:**

6 **Approved:** \_\_\_\_\_

7 **Vetoed:** \_\_\_\_\_

8  
9 **Date:** \_\_\_\_\_,

10  
11  
12 \_\_\_\_\_  
13 **Jonathan Delagrave, County Executive**

14 **INFORMATION ONLY**

15  
16 **WHEREAS**, the Burlington Senior Center is presently located at the Western Racine  
17 County Service Center, at 201 W. Main St., in the City of Burlington, Wisconsin; and

18  
19 **WHEREAS**, Racine County recognizes the Burlington Senior Center as a positive  
20 community asset and endorses the mission of the Burlington Senior Center as an important service  
21 to and setting for the senior community; and

22  
23 **WHEREAS**, Racine County intends to demolish the Western Racine County Service Center  
24 due to an asbestos-laden roof and other major functional issues and to locate an alternative space  
25 for governmental operations and services to be readily available to citizens on the west end of the  
26 County; and

27  
28 **WHEREAS**, Racine County and the City of Burlington identified the Knights of Columbus  
29 Building as an available property that could accommodate relocation of the Burlington Senior  
30 Center; and

31  
32 **WHEREAS**, the Racine County Executive requests approval to authorize a conditional  
33 grant in the amount of \$200,000.00 to the City of Burlington for the purchase of the Knights of  
34 Columbus Building; and

35  
36 **WHEREAS**, the grant will cover the full cost of the City of Burlington's accepted offer to  
37 purchase the Knights of Columbus Building – at a purchase price of One Hundred Eighty  
38 Thousand Dollars (\$180,000.00) – and the reasonably anticipated cost of improvements needed to  
39 make the property suitable and sustainable for use as a senior citizen center; and

40  
41 **WHEREAS**, the City of Burlington's accepted offer to purchase is contingent upon, among  
42 other things, Racine County providing monies in an amount sufficient to pay for (i) the  
43 sale/purchase of the property and the related transaction costs, and (ii) the cost of the  
44 improvements that the City of Burlington, in its sole discretion, may desire to make the property  
45 suitable for a senior citizen center; and

46  
47 **WHEREAS**, of the \$200,000.00 funding, \$75,000.00 will be transferred from completed  
48 capital projects and the remaining \$125,000.00 will be transferred from the Human Services  
49 Department tax stabilization.

\*JUNE-13-17\*

FISCAL NOTE RESOLUTION NO: 2017-14

EXHIBIT "A"

Fiscal Year:

2017

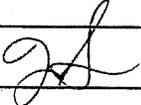
ACCOUNT NAME	ACCOUNT NUMBER	CURRENT BUDGET	CURRENT BALANCE	TRANSFER	BUDGET AFTER TRANSFER	BALANCE AFTER TRANSFER
<b>CAPITAL PROJECTS</b>						
COMPLETED PROJECTS	33100000.483002	75,000	75,000	(75,000)	0	0
<b>HUMAN SERVICES</b>						
URD - TAX STABILIZATION	47.257600	0	(5,173,943)	(125,000)	(125,000)	(5,298,943)
<b>TOTAL SOURCES</b>				<u>(200,000)</u>		
<b>ECONOMIC DEVELOPMENT</b>						
C/S CITY OF BURLINGTON	14700000.404840	0	0	200,000	200,000	200,000
<b>TOTAL USES</b>				<u>200,000</u>		
				<u>0</u>		

CONDITIONAL GRANT TO THE CITY OF BURLINGTON FOR THE PURCHASE OF THE KNIGHTS OF COLUMBUS BUILDING AT 587 E. STATE STREET CITY OF BURLINGTON WI FOR USE BY THE BURLINGTON SENIOR CENTER

FINANCE COMMITTEE RECOMMENDATION

After reviewing the Resolution/Ordinance and fiscal information supplied, your Finance Committee recommends FOR-AGAINST adoption.

REASONS

FOR	AGAINST
<hr/>	<hr/>
<hr/>	<hr/>
	<hr/>
<hr/>	<hr/>



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**COMMITTEE OF THE WHOLE****ITEM NUMBER 4D**

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**DATE:** July 18, 2017**SUBJECT:** **RESOLUTION 4860(18)** - to consider approving an Extraterritorial Zoning (ETZ) Certified Survey Map (CSM) for property located on Schaal Road in the Town of Burlington.**SUBMITTED BY:** Gregory Guidry, Bldg Inspector

---

**BACKGROUND/HISTORY:**

As part of the City's Extraterritorial Plat Approval Jurisdiction Area with the Town of Burlington, which includes any area within 1.5 miles of the City of Burlington, all divisions and subdivisions of land shall be reviewed by the Plan Commission and Common Council. The purpose of this is to enable the City to extend regulations to adjacent land that could affect quality of life within the city. The Extraterritorial Zoning District (ETZ) represents a city's potential growth boundary, both with respect to its future tax base and municipal service area.

This Certified Survey Map has been submitted for review by Randolph French for property located on Schaal Road in the Town of Burlington. The applicant would like to re-divide the 2007 plat of the Schaal Woods Conservation Community. The current plat includes two outlots, right-of-way dedicated to the public for road purposes, a set of utility, gas pipeline and stormwater drainage easements and eight parcels. The proposed re-division of Schaal Woods will result in the vacation of public right-of-way on Aspen Drive and the abandonment of the utility easements, stormwater easements and the road reservations. The re-division will produce Proposed Lots 1 of 11.04 acres and Proposed Lot 2 of 11.04 acres. Proposed Lot 1 will retain the gas pipeline easement and the uses of the other two lots were not indicated on the CSM.

The Town of Burlington Planning and Zoning Committee will consider approving this CSM at their July 13, 2017 meeting. The City Plan Commission approved this ETZ CSM at their July 11, 2017 meeting.

**BUDGET/FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

The Plan Commission and City Staff recommend approval of this Certified Survey Map in the Town of Burlington within the Extraterritorial zoning boundary.

**TIMING/IMPLEMENTATION:**

This item is for discussion at the July 18, 2017 Committee of the Whole and is for final consideration at the Common Council meeting the same night.

---

**Attachments**

Res 4860(18) CSM Schaal Rd  
Schaal Rd.

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**A RESOLUTION APPROVING A CERTIFIED SURVEY MAP FOR RANDOLPH FRENCH  
FOR PROPERTY LOCATED ON SCHAAL ROAD IN THE TOWN OF BURLINGTON,  
WITHIN THE CITY'S EXTRATERRITORIAL PLAT JURISDICTION**

**WHEREAS**, the Plan Commission of the City of Burlington has reviewed a certified survey map shown hereon, proposed and submitted by Randolph French for property located on Schaal Road in the Town of Burlington; for property described as:

BEING A REDIVISION OF SCHAAL WOODS, A CONSERVATION COMMUNITY AS RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS IN AND FOR RACINE COUNTY, WISCONSIN ON APRIL 22, 2008 AS DOCUMENT NO. 2171881 AND BEING LOCATED IN PART OF THE NORTHEAST 1/4 NORTHWEST 1/4, SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 21. TOWNSHIP 2 NORTH. RANGE 19 EAST OF THE FOURTH PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF BURLINGTON, COUNTY OF RACINE AND STATE OF WISCONSIN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOW: COMMENCE AT THE NORTH 1/4 CORNER OF SAID SECTION 21; THENCE NORTH 88°43'47" EAST ALONG THE NORTH LINE OF SAID NORTHEAST 1/4 SECTION 655.02 FEET; THENCE SOUTH 01°24'20" EAST 472.43 FEET; THENCE NORTH 88°43'47" EAST 438.67 FEET TO A FOUND IRON PIPE AND THE PLACE OF BEGINNING OF THIS DESCRIPTION: THENCE NORTH 88°36'41" EAST 359.83 FEET; THENCE SOUTH 14°41'00" EAST 1607.16 FEET TO A POINT ON THE NORTH LINE OF SCHAAL ROAD; THENCE SOUTH 49°43'52" WEST ALONG SAID NORTH LINE 68.16 FEET; THENCE SOUTH 69°14'11" WEST ALONG NORTH LINE 716.49 FEET; THENCE NORTH 01°24'08" WEST 1844.56 FEET TO THE PLACE OF BEGINNING. CONTAINING 22.08 ACRES OF LAND MORE OR LESS.

**NOW, THEREFORE, BE IT RESOLVED** by the Common Council of the City of Burlington, Racine County and Walworth County, State of Wisconsin, that the attached certified survey map prepared on June 14, 2017 by Robert J. Wetzel, WLS, is hereby approved.

**BE IT FURTHER RESOLVED** that the City Clerk shall forward a copy of this resolution to the Town of Burlington Clerk, 32288 Bushnell Road, Burlington, WI 53105; Julie Anderson, Director, Racine County Planning and Development, 14200 Washington Ave., Sturtevant, WI 53177; and Walworth County Land Use and Resource Management, W3929 County Road NN, Elkhorn, WI 53121.

Introduced: July 18, 2017  
Adopted:

\_\_\_\_\_  
Jeannie Hefty, Mayor

Attest:

\_\_\_\_\_  
Diahn Halbach, City Clerk

**CERTIFIED SURVEY MAP NO.** \_\_\_\_\_.

BEING A REDIVISION OF SCHAAL WOODS, A CONSERVATION COMMUNITY AS RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS IN AND FOR RACINE COUNTY, WISCONSIN ON APRIL 22, 2008 AS DOCUMENT NO. 2171881 AND BEING LOCATED IN PART OF THE NORTHEAST 1/4, NORTHWEST 1/4, SOUTHWEST 1/4 AND THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 21, TOWNSHIP 2 NORTH, RANGE 19 EAST OF THE FOURTH PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF BURLINGTON, COUNTY OF RACINE AND STATE OF WISCONSIN.

OWNERS: CHEMICAL BANK  
RANDOLPH FRENCH REO MANAGER  
2301 W. BIG BEAVER ROAD  
TROY, MI 48084

PREPARED BY: B.W. SURVEYING, INC.  
412 N. PINE STREET  
BURLINGTON, WI 53105  
262-767-0225  
JOB NO. 9337-CSM

**LEGAL DESCRIPTION:**

BEING A REDIVISION OF SCHAAL WOODS, A CONSERVATION COMMUNITY AS RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS IN AND FOR RACINE COUNTY, WISCONSIN ON APRIL 22, 2008 AS DOCUMENT NO. 2171881 AND BEING LOCATED IN PART OF THE NORTHEAST 1/4, NORTHWEST 1/4, SOUTHWEST 1/4 AND THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 21, TOWNSHIP 2 NORTH, RANGE 19 EAST OF THE FOURTH PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF BURLINGTON, COUNTY OF RACINE AND STATE OF WISCONSIN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTH 1/4 CORNER OF SAID SECTION 21; THENCE NORTH 88°43'47" EAST ALONG THE NORTH LINE OF SAID NORTHEAST 1/4 SECTION 655.02 FEET; THENCE SOUTH 01°24'20" EAST 472.43 FEET; THENCE NORTH 88°43'47" EAST 438.67 FEET TO A FOUND IRON PIPE AND THE PLACE OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 88°36'41" EAST 359.83 FEET; THENCE SOUTH 14°41'00" EAST 1607.16 FEET TO A POINT ON THE NORTH LINE OF SCHAAL ROAD; THENCE SOUTH 49°43'52" WEST ALONG SAID NORTH LINE 68.16 FEET; THENCE SOUTH 69°14'11" WEST ALONG SAID NORTH LINE 716.49 FEET; THENCE NORTH 01°24'08" WEST 1844.56 FEET TO THE PLACE OF BEGINNING. CONTAINING 22.08 ACRES OF LAND MORE OR LESS.

**SURVEYOR'S CERTIFICATE:**

I, ROBERT J. WETZEL, REGISTERED LAND SURVEYOR, HEREBY CERTIFY THAT AT THE DIRECTION OF RANDOLPH FRENCH AS REO MANAGER OF CHEMICAL BANK, THAT I HAVE SURVEYED THE LAND DESCRIBED HEREON AND THAT THE MAP SHOWN IS A CORRECT REPRESENTATION OF ALL LOT LINES AND THAT I HAVE FULLY COMPLIED WITH CHAPTER 236.34 OF THE WISCONSIN STATUTES AND WITH THE SUBDIVISION CONTROL ORDINANCE FOR THE TOWN OF BURLINGTON, RACINE COUNTY, WISCONSIN.

DATED THIS 14TH DAY OF JUNE, 2017.

  
ROBERT J. WETZEL S-1778



NORTH 1/4 CORNER  
SECTION 21-2-19  
N. 232,835.38  
E. 2,466,555.74

(N88°43'47"E

2620.02')

(655.02')

(1965.02')

NORTHEAST CORNER  
SECTION 21-2-19  
N. 232,893.46  
E. 2,469,175.08

SURVEY FOR: CHEMICAL BANK  
RANDOLPH FRENCH REO MANAGER  
2301 W. BIG BEAVER ROAD  
TROY, MI 48084

PREPARED BY: B.W. SURVEYING, INC.  
412 N. PINE STREET  
BURLINGTON, WI 53105  
(262)-767-0225  
JOB NO. 9337-CSM

S01°24'20"E 472.43'

UNPLATTED LAND

N88°36'41"E  
359.83'

(N88°43'47"E 438.67')

179.92'

179.91'

100' WIDE GAS LINE  
EASEMENT PER PLAT  
OF SCHAAL WOODS

UNPLATTED LAND

S14°41'00"E

**CERTIFIED SURVEY MAP NO. \_\_\_\_\_**

BEING A REDIVISION OF SCHAAL WOODS,  
A CONSERVATION COMMUNITY AS  
RECORDED IN THE OFFICE OF THE  
REGISTER OF DEEDS IN AND FOR RACINE  
COUNTY, WISCONSIN, ON APRIL 22, 2008  
AS DOCUMENT NO. 2171881 AND BEING  
LOCATED IN PART OF THE NORTHEAST  
1/4, NORTHWEST 1/4, SOUTHWEST 1/4  
AND SOUTHEAST 1/4 OF THE  
NORTHEAST 1/4 OF SECTION 21,  
TOWNSHIP 2 NORTH, RANGE 19 EAST OF  
THE FOURTH PRINCIPAL MERIDIAN, IN  
THE TOWNSHIP OF BURLINGTON, COUNTY  
OF RACINE AND STATE OF WISCONSIN.

MINIMUM PRINCIPAL STRUCTURE SETBACKS:  
STREET YARD: NOT LESS THAN 75 FEET  
SIDE YARD: NOT LESS THAN 25 FEET  
REAR YARD: NOT LESS THAN 25 FEET

UNPLATTED LAND

N01°24'08"W

S07°10'27"E

UNPLATTED LAND

1607.16'

1728.97'

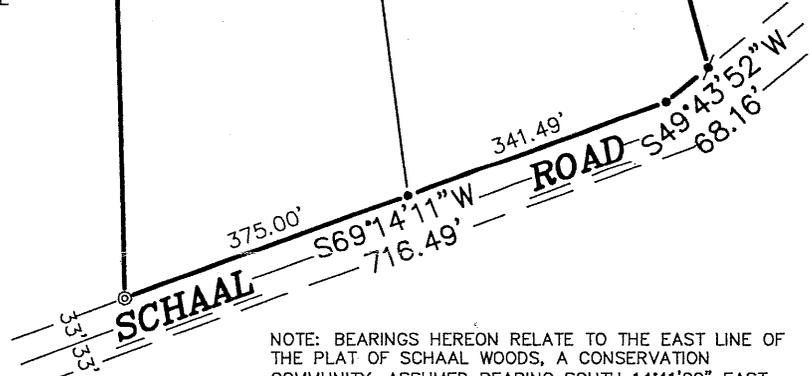
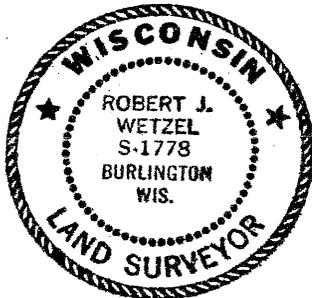
1844.56'

**LOT 1**  
481,037 sq. ft.  
11.04 acres

**LOT 2**  
480,899 sq. ft.  
11.04 acres

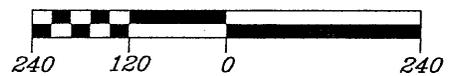
**LEGEND**

- ⊕ FOUND RACINE COUNTY MONUMENT (CAST IRON/CAP)
- ⊙ FOUND 2" O.D. IRON PIPE
- ⊘ FOUND 1" O.D. IRON PIPE
- ⊚ FOUND PINCH PIPE
- SET 1-5/16" O.D. X 18" IRON PIPE WEIGHING NOT LESS THAN 1.68 POUNDS PER LINEAL FOOT.
- ( ) RECORDED AS PER PLAT OF SCHAAL WOODS



NOTE: BEARINGS HEREON RELATE TO THE EAST LINE OF THE PLAT OF SCHAAL WOODS, A CONSERVATION COMMUNITY, ASSUMED BEARING SOUTH 14°41'00" EAST.

**GRAPHIC SCALE**



SCALE: 1" = 240'

*Robert J. Wetzel*  
ROBERT J. WETZEL S-1778  
JUNE 14, 2017

**CERTIFIED SURVEY MAP NO. \_\_\_\_\_.**

BEING A REDIVISION OF SCHAAL WOODS, A CONSERVATION COMMUNITY AS RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS IN AND FOR RACINE COUNTY, WISCONSIN ON APRIL 22, 2008 AS DOCUMENT NO. 2171881 AND BEING LOCATED IN PART OF THE NORTHEAST 1/4, NORTHWEST 1/4, SOUTHWEST 1/4 AND THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 21, TOWNSHIP 2 NORTH, RANGE 19 EAST OF THE FOURTH PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF BURLINGTON, COUNTY OF RACINE AND STATE OF WISCONSIN.

**OWNER'S CERTIFICATE:**

I, RANDOLPH FRENCH, AS REO MANAGER FOR CHEMICAL BANK, HEREBY CERTIFY THAT I CAUSED THE LAND DESCRIBED ON THIS MAP TO BE SURVEYED, DIVIDED, AND MAPPED AS REPRESENTED HEREON. I ALSO CERTIFY THAT THIS MAP IS REQUIRED BY s.236.34 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION: TOWNSHIP OF BURLINGTON AND THE CITY OF BURLINGTON, RACINE COUNTY, WISCONSIN.

\_\_\_\_\_  
RANDOLPH FRENCH

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) ss

PERSONALLY CAME BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, THE ABOVE NAMED RANDOLPH FRENCH, TO ME KNOWN TO BE THE PERSON WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGE THE SAME.

\_\_\_\_\_  
NOTARY PUBLIC  
COUNTY OF \_\_\_\_\_, STATE OF \_\_\_\_\_  
MY COMMISSION EXPIRES:

**TOWN OF BURLINGTON TOWN BOARD APPROVAL:**

THIS CERTIFIED SURVEY MAP IS HEREBY APPROVED BY THE TOWN OF BURLINGTON TOWN BOARD ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
RALPH RICE TOWN CHAIRMAN                      \_\_\_\_\_  
ADELHEID STREIF TOWN CLERK

**CITY OF BURLINGTON COMMON COUNCIL APPROVAL (EXTRATERRITORIAL):**

THIS CERTIFIED SURVEY MAP IS HEREBY APPROVED BY THE CITY OF BURLINGTON COMMON COUNCIL ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
JEANNIE HEFTY MAYOR                      \_\_\_\_\_  
DIAHNN HALBACH CITY CLERK

DATED THIS 14TH DAY OF JUNE, 2017.

*Robert J. Wetzel*  
\_\_\_\_\_  
ROBERT J. WETZEL S-1778





**COMMITTEE OF THE WHOLE**

**ITEM NUMBER 4E**

---

**DATE:** July 18, 2017

**SUBJECT:** RESOLUTION 4861(19) - to consider approval of a Certified Survey Map for property located at 2100 Milwaukee Avenue.

**SUBMITTED BY:** Gregory Guidry, Bldg Inspector

---

**BACKGROUND/HISTORY:**

This item is to consider recommending approval a Certified Survey Map application from Rodney Wekkin on behalf of Menards for property located at 2100 Milwaukee Avenue. This CSM, drafted by Kevin A. Slotke, WLS, seeks to separate lots. The applicant is proposing for lot separation to make outlot for the detention ponds. The project proposes to subdivide Lynch automotive dealership into Proposed Lot 1 with 12.034 acres and Proposed Lot 2 will contain the stormwater facility.

The Plan Commission approved this CSM at their July 11, 2017 meeting.

**BUDGET/FISCAL IMPACT:**

N/A

**RECOMMENDATION:**

The Plan Commission and City Staff recommend approval of this Certified Survey Map request.

**TIMING/IMPLEMENTATION:**

This item is for discussion at the July 18, 2017 Committee of the Whole meeting and for final consideration at the August 1, 2017 Common Council meeting.

---

**Attachments**

Res 4862(20) CSM 2100 Milwaukee Ave  
Menard's CSM

---

**A RESOLUTION APPROVING A CERTIFIED SURVEY MAP IN THE CITY OF  
BURLINGTON FOR PROPERTY LOCATED AT 2100 MILWAUKEE AVENUE.**

**WHEREAS**, the Plan Commission of the City of Burlington has reviewed a Certified Survey Map (CSM) for property described as:

COMMENCING AT THE NORTH ¼ CORNER OF SAID SECTION 22; THENCE S 02°03'39" E ALONG THE EAST LINE OF THE NORTHWEST ¼ OF SAID SECTION 22, 1140.64 FEET; THENCE S 51°35'55" W, 74.49 FEET TO THE WESTERLY RIGHT OF WAY LINE OF BROWNS ROAD AND THE POINT BEGINNING; THENCE S 02°03'39" E ALONG SAID WESTERLY LINE.155.22 FEET; THENCE SOUTHWESTERLY ALONG SAID WESTERLY LINEE, 606.21 FEET AONG THE ARC OF A CURVE DEFLECTING TO THE RIGHT, HAVING A CHORD BEARING AND DISTANCE OF S 04°07'51" W, 605.03 FEET AND RADIUS OF 2,804.84 FEET; THENCE S 10°19'21" W ALONG SAID WESTERLY LINE, 1056.17 FEET TO A POINT ON A MEANDER LINE OF THE FOX RIVER; THENCE ALONG SAID MEANDER LINE THE FOLLOWING TWO COURSES: S 72°52'06" W, 274.34 FEET; THENCE N 10°17'05" E, 205.30 FEET; THENCE N 51°36'33" E 371.42 FEET; THENCE N 38°23'31" W, 126.07 FEET; THENCE N 10°20'42" E, 224.30 FEET; THENCE N 79°40'30" W, 118.11 FEET; THENCE N 38°24'05" W, 626.85 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF S.T.H. "36", THENCE N 51°35'55" E ALONG SAID SOUTHERLY LINE, 1013.64 FEET TO THE WESTERLY RIGHT OF WAY LINE OF BROWNS LAKE ROAD AND THE POINT OF BEGINNING.

TAX PARCEL ID: 206 03-19-22-004-021  
CONTAINING 672.422 SQUARE FEET (15.437 ACRES)

**WHEREAS**, at their July 11, 2017 meeting, the Plan Commission did recommend a conditional approval of the CSM.

**NOW, THEREFORE, BE IT RESOLVED** by the Common Council of the City of Burlington, Racine County, State of Wisconsin, that the attached CSM prepared on June 16, 2017 by Kevin A. Slottko, WLS, is hereby approved.

**BE IT FURTHER RESOLVED** that the City Clerk record said CSM with the Racine County Register of Deeds and provide a copy of the recorded CSM to the Planning and Development Director, Julie Anderson, of Racine County Planning and Development, located at 14200 Washington Ave., Sturtevant, WI 53177.

Introduced: July 18, 2017  
Adopted:

\_\_\_\_\_  
Jeannie Hefty, Mayor

Attest:

\_\_\_\_\_

Diahnn Halbach, City Clerk

# CERTIFIED SURVEY MAP NO.

Being a redivision of lot 1 of Certified Survey Map No. 2742, a part of the Southeast 1/4 of the Northwest 1/4 of the Northwest 1/4 of the southwest 1/4 of Section 22, Township 3 North, Range 19 East, in the City of Burlington, County of Racine, State of Wisconsin.

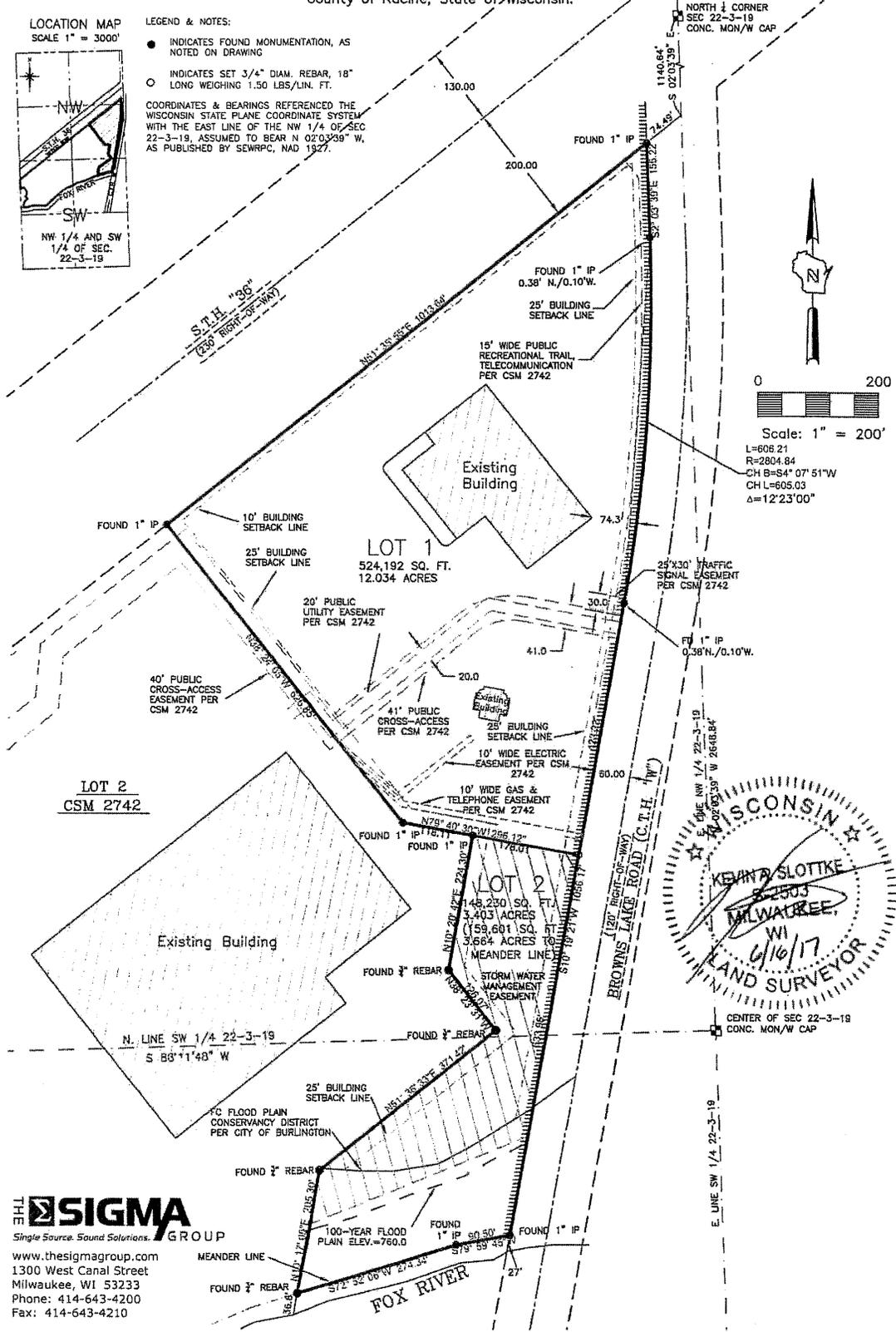
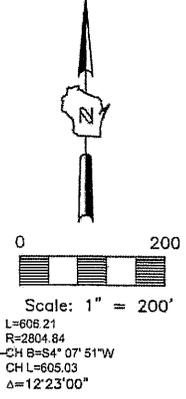
LOCATION MAP  
SCALE 1" = 3000'



LEGEND & NOTES:

- INDICATES FOUND MONUMENTATION, AS NOTED ON DRAWING
  - INDICATES SET 3/4" DIAM. REBAR, 18" LONG WEIGHING 1.50 LBS/LIN. FT.
- COORDINATES & BEARINGS REFERENCED THE WISCONSIN STATE PLANE COORDINATE SYSTEM WITH THE EAST LINE OF THE NW 1/4 OF SEC 22-3-19, ASSUMED TO BEAR N 02°03'39" W, AS PUBLISHED BY SEWRPC, NAD 1927.

NORTH CORNER  
SEC 22-3-19  
CONC. MON/W CAP



**THE SIGMA GROUP**  
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Milwaukee, WI 53233  
Phone: 414-643-4200  
Fax: 414-643-4210

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Being a redivision of lot 1 of Certified Survey Map No. 2742, a part of the Southeast 1/4 of the Northwest 1/4 and the Northeast 1/4 of the southwest 1/4 of Section 22, Township 3 North, Range 19 East, in the City of Burlington, County of Racine, State of Wisconsin.

## SURVEYOR'S CERTIFICATE

I, Kevin A. Slotke, Professional Land surveyor, do hereby certify:

That I have surveyed, mapped and divided a parcel of land being a redivision of Lot 1 of Certified Survey Map No. 2742, a part of the Southeast 1/4 of the Northwest 1/4 and the Northeast 1/4 of the Southwest 1/4 of Section 22, Township 3 North, Range 19 East, in the City of Burlington, County of Racine, State of Wisconsin, more particularly described as follows:

Commencing at the North 1/4 corner of said Section 22; thence S 02°03'39" E along the east line of the Northwest 1/4 of said Section 22, 1140.64 feet; thence S 51°35'55" W, 74.49 feet to the westerly right of way line of Browns Lake Road and the point of beginning; thence S 02°03'39" E along said westerly line, 155.22 feet; thence southwesterly along said westerly line, 606.21 feet along the arc of a curve deflecting to the right, having a chord bearing and distance of S 04°07'51" W, 605.03 feet and radius of 2,804.84 feet; Thence S 10°19'21" W along said westerly line, 1056.17 feet to a point on a meander line of the fox river; thence along said meander line the following two courses: S 79°59'45" W, 90.50 feet; thence S 72°52'06" W, 274.34 feet; thence N 10°17'05" E, 205.30 feet; thence N 51°36'33" E, 371.42 feet; thence N 38°23'31" W, 126.07 feet; thence N 10°20'42" E, 224.30 feet; thence N 79°40'30" W, 118.11 feet; thence N 38°24'05" W, 626.85 feet to the southerly right of way line of S.T.H. "36"; thence N 51°35'55" E along said southerly line, 1013.64 feet to the westerly right of way line of Browns Lake Road and the point of beginning.

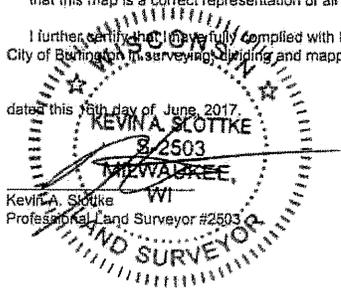
said lands containing 672,422 sq. ft. or 15 437 acres, more or less and approximately 72,235 sq. ft. or 1.66 acres of land between the fox river and the above mentioned meander line.

that I have made such survey, land division and map by the direction of Lynch ventures, LLC, owner's of said lands.

that this map is a correct representation of all exterior boundaries of the land surveyed and the division thereof.

I further certify that I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes and Chapter 18.0600 of the municipal code of the City of Burlington in surveying, dividing and mapping the same.

dated this 18th day of June, 2017.

  
KEVIN A. SLOTTKE  
#2503  
MILWAUKEE, WI  
Professional Land Surveyor #2503

## PLAN COMMISSION APPROVAL

APPROVED BY THE PLAN COMMISSION, CITY OF BURLINGTON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
Jeannie Hefty- CHAIRMAN

\_\_\_\_\_  
Diahnn Halbach - SECRETARY

## COMMON COUNCIL APPROVAL

RESOLVED THAT THE CERTIFIED SURVEY MAP OF LYNCH VENTURES, LLC, OWNER'S OF SAID LANDS, BEING A PART OF THE NORTHWEST 1/4 AND THE SOUTHWEST 1/4 OF SECTION 22, TOWNSHIP 3 NORTH, RANGE 19 EAST, IN THE CITY OF BURLINGTON, RACINE COUNTY, WISCONSIN, HAVING BEEN APPROVED BY THE PLAN COMMISSION AND THE SAME IS HEREBY APPROVED BY THE COMMON COUNCIL OF THE CITY OF BURLINGTON.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
Jeannie Hefty - MAYOR

\_\_\_\_\_  
Diahnn Halbach - CITY CLERK

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## CORPORATE OWNER'S CERTIFICATE:

LYNCH VENTURES, LLC. DOES HEREBY CERTIFY THAT AS OWNER, SAID COMPANY HAS CAUSED THE LAND DESCRIBED ON THIS MAP TO BE SURVEYED, DIVIDED, AND MAPPED AS REPRESENTED ON THIS MAP.

WE FURTHER CERTIFY THAT THIS MAP IS REQUIRED BY WISCONSIN STATUTE S. 236.34 TO BE SUBMITTED TO THE CITY OF BURLINGTON FOR APPROVAL OR OBJECTION.

WITNESS THE HAND AND SEAL OF SAID OWNERS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
LYNCH VENTURES, LLC. - OFFICER

STATE OF WISCONSIN)  
SS  
RACINE COUNTY)

PERSONALLY CAME BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017, \_\_\_\_\_, TO ME KNOWN TO BE THE PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT, AND TO ME KNOWN TO BE REPRESENTATIVES, OF SAID COMPANY, AND ACKNOWLEDGED THAT THEY EXECUTED THE FOREGOING INSTRUMENT AS SUCH OFFICERS AS THE DEED OF SAID COMPANY, BY ITS AUTHORITY.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF WISCONSIN

MY COMMISSION EXPIRES:

## CONSENT OF MORTGAGEE:

\_\_\_\_\_, MORTGAGEE OF THE ABOVE DESCRIBED LAND, DOES HEREBY CONSENT TO THE SURVEYING, MAPPING AND DIVIDING OF LANDS DESCRIBED ON THIS MAP, AND DO HEREBY CONSENT TO THE CERTIFICATE OF LYNCH VENTURES, LLC, OWNER.

WITNESS THE HAND AND SEAL OF SAID MORTGAGEE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

STATE OF WISCONSIN)  
SS  
MILWAUKEE COUNTY)

PERSONALLY CAME BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017, \_\_\_\_\_, TO ME KNOWN TO BE THE PERSON WHO EXECUTED THE FOREGOING INSTRUMENT, AND TO ME KNOWN TO BE MORTGAGEE OF SAID LANDS, AND ACKNOWLEDGED THAT THEY EXECUTED THE FOREGOING INSTRUMENT AS OFFICER, BY ITS AUTHORITY.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF WISCONSIN

MY COMMISSION EXPIRES:



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