



**CITY OF ELKHORN  
COMMON COUNCIL MEETING AGENDA**

**January 6, 2020**

**5:30 p.m.**

**Council Chambers, City Hall, 9 S. Broad St., Elkhorn, Wisconsin**

- 1) **Call to Order**
- 2) **Pledge of Allegiance**
- 3) **Roll Call**
- 4) **Public Comment** *Although the public may speak on any item that is not included on this agenda as a "Public Hearing or Forum", the Council may not respond or discuss the issue brought forward at this time. In accordance with open meeting laws the Council must notice an item on the agenda to allow discussion on that matter. Your comments will be considered and may be placed on a future agenda for further discussion.*
- 5) **Council Minutes**
  - a) Council Meeting Minutes: December 16, 2019
- 6) **Report of City Officers**
  - a) Mayor
    - i) Oath of Office for new Patrolman Nicholas Pupp
  - b) City Administrator
- 7) **Committee Minutes**
  - a) Legislative & Regulatory
    - i) Demerit Point Assessment for Bernie's Pub and Grill
- 8) **New Business**
  - a) Resolution 20-01 Declaring Official Intent to Reimburse Expenditures from Proceeds of Borrowing
  - b) Architectural/Engineering Services for Babe Mann Park Shelter
  - c) Change Order for Department of Public Works Building
  - d) Discussion on Signage Additions for Commerce/Tasch Drive
- 9) **Adjourn**

DATED at Elkhorn, Wisconsin, this 3<sup>rd</sup> day of January 2020

Cairie L. Virrueta, City Clerk

Should you have any questions or comments regarding any items on this agenda, please contact the City Clerk's office at 723-2219. Upon reasonable notice to the City Clerk, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services.

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**CITY OF ELKHORN COMMON COUNCIL  
MEETING MINUTES  
December 16, 2019  
COUNCIL CHAMBERS, 9 S. BROAD ST., ELKHORN, WI 53121**

The Common Council meeting was called to order by Mayor Reynolds at 5:30 p.m. in the Council Chambers followed by the Pledge of Allegiance.

**ROLL CALL**

Present: Mayor Howie Reynolds, Aldermen Tim Shiroda, Frank Boggs, Karel Young, Tom Myrin, Ron Dunwiddie, Scott McClory

Others present: City Administrator James Heilman, Attorney Ward Phillips, City Clerk Cairie Virrueta, Police Chief Joel Christensen, Utility Director John Murphy, DPW Manager Matthew Lindstrom, Fire Chief Rod Smith, Recreation Director Karl Sorvick, Library Director Lisa Selje, James Duquette, Bill Henry, other interested persons

**PUBLIC COMMENT**

None.

**COUNCIL MINUTES**

***Motion (McClory/Dunwiddie) to approve the minutes of the December 2, 2019 Common Council meeting. Voice vote, all approved, motion carried.***

**BILLS PAYABLE**

***Motion (Dunwiddie/Shiroda) to approve the City and Utility Bills in the amount of \$1,965,961.14 (Check number). Roll call vote: Boggs, yes; Shiroda, yes; Young, yes; Dunwiddie, yes; McClory, yes; Myrin, yes. Motion carried.***

**REPORT OF CITY OFFICERS**

**MAYOR'S REPORT**

Mayor Reynolds moved the American Legion tank agenda item forward. He told the Council it is not a request as it is going in Veteran's Park, but the Legion was looking for support of placing the tank in the City limits. Mark G. of the Legion said the post in Whitewater is dissolving and the Elkhorn post can obtain the tank. He said Walworth County will allow the tank at Veteran's Park but was requiring the City to approve it. Mark said the tank will be cleaned and painted and the Legion has insurance for it. Alderman Dunwiddie said he shared this on Facebook and out of the 40-50 responses, only one was negative. He said all veterans are appreciative of this. There is not a firm date to move it yet and it still needs to go to the County for final approval. ***Motion (McClory/Dunwiddie) to approve the Mayor preparing and signing a letter of support for placement of a tank in Veteran's Park. Voice vote, all approved, motion carried.***

Mayor Reynolds said he would be gone the month of January. The City Attorney reviewed the Statutes and the Council President is authorized to sign City documents in his absence.

The City Clerk presented a list of election inspectors for the 2020-2021 election years. ***Motion (Dunwiddie/Shiroda) to approve the election inspectors list as presented. Voice vote, all approved, motion carried.***

**CITY ADMINISTRATOR'S REPORT**

No report.

**LIAISON COMMITTEE MEETING REPORTS**

Fire Advisory Board – no report

Library Board – no report

Chamber – no report

Recreation Advisory Board – no report

Fire/EMS Advisory Steering – no report

### **UNFINISHED BUSINESS**

**Ordinance No. 19-08 to Amend Chapter 13 regarding Sump Pumps (second reading)**

***Motion (Shiroda/Boggs) to approve Ordinance 19-08. Voice vote, all approved, motion carried.***

### **NEW BUSINESS**

#### **Presentation and Approval of City Hall Design**

Bill Henry reviewed the design of City Hall. He said he worked with staff extensively to put together the plan. The large lobby area will also include kiosks, chairs, and tables for filling out of paperwork. There will be staff only entrances for Administration and Public Works. The vestibule is larger as it has a window that could eventually be a working window and a door into Public Works for contractors to use. The Council Chambers connects to the conference room by a folding partition that could accommodate up to 130 people when open. Henry said the next step is to put construction documents together and put out for bids in March or April. ***Motion (McClory/Myrin) to approve the design for the new City Hall.*** Alderman McClory asked about the geotech in the parking lot and if it will affect plowing. Henry said it is an area mainly for overflow – mainly for elections when there generally is not snow. ***Roll call vote: Boggs, yes; Shiroda, yes; Young, yes; Dunwiddie, yes; McClory, yes; Myrin, yes. Motion carried.***

#### **J&M Displays Fireworks Display Agreement and Multiple Year Agreement Extension**

Alderman McClory said he felt the City should stay with the last Friday in June for the fireworks display although the Chamber has said they get complaints when the date is so far away from July 4<sup>th</sup>. Alderman Myrin said it is actually the Friday immediately preceding July 4<sup>th</sup>, not the last Friday in June, the Council agreed. Mayor Reynolds said Chris Clapper is OK with the City's decision. Alderman McClory wondered if the City would be competing with others as it will be on July 3<sup>rd</sup> next year. Mayor Reynolds said he only knew of the Town of Delavan and maybe Lauderdale Lakes. City Attorney Phillips said there are two agreements, the contract for the show in 2020 at \$11,865 and a multi-year agreement which the City can get out of but if the City doesn't use them then it can't have a show. Administrator Heilman said the contracts are standard with all municipalities and locks in the date for the City. He cannot imagine that the prices would be raised excessively high or they would go out of business. Attorney Phillips said it is a good contract and protects the City very well. ***Motion (Myrin/Young) to approve the Display Agreement and Multiple Year Agreement Extension with J&M Displays. Roll call vote: Boggs, yes; Shiroda, yes; Young, yes; Dunwiddie, yes; McClory, yes; Myrin, yes. Motion carried.***

#### **Soil Boring Proposals for City Hall/Seymour Court**

Administrator Heilman said the City received five bids back. Only Intertek would go to the depth wanted and was the lowest bidder. Bill Henry has worked with them and they are a good company. ***Motion (Dunwiddie/Young) to approve Intertek for City Hall soil borings in the amount of \$3,080. Roll call vote: Boggs, yes; Shiroda, yes; Young, yes; Dunwiddie, yes; McClory, yes; Myrin, yes. Motion carried.***

#### **Public Works Facility Change Order No. 5**

DPW Manager Lindstrom said the total is \$2,788.53 and includes an allowance for utility costs. He said the next change order would be for the allowable balance. ***Motion (Boggs/Shiroda) to approve Change Order No. 5 in the amount of \$2,788.53. Roll call vote: Boggs, yes; Shiroda, yes; Young, yes; Dunwiddie, yes; McClory, yes; Myrin, yes. Motion carried.***

#### **Sanitary Sewer Basin No. 3: Response to WDNR on Notice of Non-Compliance (NON)**

DPW Manager Lindstrom said the two NON's for sanitary sewer overflows was discussed in January. The Council authorized Strand to perform Phase I as they were already looking at Nettesheim. He said since

the City is currently using Applied Technologies for I&I Mitigation and Strand has a conflict with WALCOMET, they could be used to complete Phase 2 and 3. They are willing to work with the new Civil Engineering Tech, which will help reduce the fee. He said the contract price is time and material and recommended a not to exceed amount. ***Motion (Dunwiddie/Boggs) to contract with Applied Technologies for Phase 2 and 3 in an amount not to exceed \$49,750. Roll call vote: Boggs, yes; Shiroda, yes; Young, yes; Dunwiddie, yes; McClory, yes; Myrin, yes. Motion carried.***

**Resolution No. 19-15 Municipal Court Bond Schedule**

Judge James Duquette said the fees are set by the court and approved by the governing body. He said some penalties are determined by Statute, others by the City. Alderman McClory questioned 9.02, which puts discharging a firearm at only \$300 and it does not say to refer to DA. He also pointed out it is not illegal in Wisconsin to possess a firearm. Police Chief Christensen said there are still some rural areas that are a bit confusing about hunting and there are some areas that you cannot possess a gun, such as the school grounds. ***Motion (Shiroda/Young) to approve Resolution No. 19-15. Voice vote, all approved, motion carried.***

**ADJOURN TO CLOSED SESSION**

***Motion (Boggs/Shiroda) to adjourn to closed session pursuant to Wisconsin Statute 19.85(1)(e) "Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session." Voice vote, all approved, motion carried.*** Adjourned to closed session at 6:25 p.m.

**RECONVENE IN OPEN SESSION**

Reconvened in open session at 6:42 p.m.

**ADJOURN**

***Motion (Boggs/Young) to adjourn at 6:42 p.m. Voice vote, all approved, motion carried.***

Cairie L. Virrueta  
City Clerk

## **COMMON COUNCIL MEMO**

**Meeting Date: January 6, 2020**

**Agenda Item: Summary**

**Report Prepared By: City Administrator**

Resolution 20-01 will allow the City, if necessary, to purchase vehicles/equipment or begin a project prior to bond funds being available, with reimbursement of those funds when bond proceeds are available. This is standard operating procedure to insure projects are not delayed.

Kehoe-Henry has provided some information on our proposed shelter/restrooms at Babe Mann Park. The only item on this agenda is a decision to use Kehoe-Henry as our Architect/Engineer on this project. We did not solicit bids because this is a very small project and we are already comfortable working with Bill Henry on the City Hall project. This will allow the project to move forward in a timely fashion. Karl Sorvick (Recreation Director) is taking the Shelter options for review by the Recreation Advisory Board and that item will be on the Common Council agenda on January 20, 2020. This will allow Council members time to review the proposed project options and the associated timeline.

The signage discussion will relate to additional signage that we are proposing for the Commerce Court/Tasch Drive area. Some Semi's/Motorist leaving that area have had difficulty following the present signage, so we are looking to improve that experience. We have had some complaints about semi-tractor trailers that end-up going in the wrong direction and have found some curious locations to get turned around.

**CITY OF ELKHORN**  
**Legislative and Regulatory Committee Minutes**  
**First Floor Conference Room, 9 S. Broad Street, Elkhorn, Wisconsin**

**December 16, 2019**

Legislative and Regulatory Committee was called to order at 5:30 p.m. by Alderman Young followed by Roll Call.

**Roll Call**

Present: Aldermen Karel Young, Frank Boggs, Ron Dunwiddie

Also present: Police Chief Joel Christensen, City Clerk Cairie Virrueta

**Demerit Point Notification: Bernie's Pub and Grill**

Police Chief Christensen said when doing the renewal inspection at Bernie's it was discovered there was not a licensed bartender on the premise. There was only one employee working and she was not licensed. According to City Ordinance, 75 demerit points would be issued against Bernie's. There are no points assessed against them currently. Alderman Dunwiddie said he was on the Council when the ordinance was amended to add the demerit system. He said all license holders were invited to help craft it and they all supported it. ***Motion (Dunwiddie/Young) to assess 75 demerit points against Bernie's Pub and Grill for failing to have a licensed bartender on premise during operating hours. Voice vote: Dunwiddie, yes; Young, yes; Boggs, abstain. Motion carried.*** City Clerk Virrueta will send a letter to Bernie's informing him of the decision.

**Adjournment**

***Motion (Dunwiddie/Young) to adjourn at 4:56 p.m. Voice vote, all approved, motion carried.***

Cairie L. Virrueta  
City Clerk

**RESOLUTION NO 20-01**  
**RESOLUTION DECLARING OFFICIAL INTENT**  
**TO REIMBURSE EXPENDITURES FROM PROCEEDS OF BORROWING**

**WHEREAS**, the City of Elkhorn, Walworth County, Wisconsin (the "Municipality") plans to undertake certain public improvements, including: streets; sidewalks; water system improvements; storm water management facilities; sanitary sewer improvements; equipment; vehicles; and construction of a City Administrative Services Facility (the "Project"); and

**WHEREAS**, the Municipality expects to finance the Project on a long-term basis with tax-exempt borrowing; and

**WHEREAS**, because the borrowed funds will not be issued prior to May 2020, the Municipality must provide interim financing to cover costs of the Project incurred prior to receipt of the proceeds of the borrowing; and

**WHEREAS**, it is necessary, desirable, and in the best interests of the Municipality to advance monies from its funds on hand on an interim basis to pay the costs of the Project until the borrowed funds are issued.

**NOW, THEREFORE, BE IT RESOLVED** by the Common Council of the City of Elkhorn, Walworth County, Wisconsin, that:

**Section 1. Expenditure of Funds.** The Municipality shall make expenditures as needed from its funds on hand and to pay the costs of the Project until proceeds from the anticipated borrowing become available.

**Section 2. Declaration of Official Intent.** The Municipality hereby officially declares its intent under Treasury Regulation Section 1.150-2 to reimburse said expenditures with proceeds of the borrowing, the principal amount of which is not expected to exceed \$5,200,000.

**Section 3. Unavailability of Long-Term Funds.** No funds for payment of the Project from sources other than the borrowing are, or are reasonably expected to be reserved, allocated on a long-term basis, or otherwise set aside by the Municipality pursuant to its budget and/or financial policies.

**Section 4. Public Availability of Official Intent Resolution.** This Resolution shall be made available for public inspection at the Municipal Clerk's office within 30 days after its approval in compliance with applicable State law governing the availability of records of official acts including subchapter II of Chapter 19, and shall remain available for public inspection until the borrowed funds are received.

**Section 5. Effective Date.** This Resolution shall be effective upon its adoption and approval.

Approved: January 6, 2020

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Scott McClory, Mayor Pro-Tem

ATTEST:

\_\_\_\_\_  
Cairie Virrueta, City Clerk



25 NORTH WISCONSIN STREET  
ELKHORN, WI 53121

**DANIEL R. KEHOE**  
Architect  
262-723-2660

**WILLIAM R. HENRY**  
Architect-P.E.  
262-723-4399

January 3, 2020

**City of Elkhorn**  
9 South Broad Street  
Elkhorn, WI 53121

Attn: Mr. James Heilman  
City Administrator/Finance Director

Re: Architectural and Engineering Services for the  
Proposed New Shelter Building at  
**BABE MANN PARK**  
Elkhorn, Wisconsin

Dear Mr. Heilman:

We are pleased to submit our proposal to furnish architectural and engineering design services for a new shelter building at Babe Mann Park. The new building is to replace the existing structure, which is to be demolished as part of this project. It is our understanding that Building Inspector Joe Mesler shall review the final construction documents locally and state approval will not be required.

Services to be provided for the Design through Construction Phases shall be similar to those set forth in our current agreement for the new municipal administration building project. An AIA Standard Form of Agreement Between Owner and Architect shall be prepared for review and approval should our proposal be accepted.

The scope of the new shelter building is to be as outlined in the attached conceptual budgets and shall consist of public toilets, a concessions area, mechanical space/plumbing chase, and an open air covered shelter. An enclosed heated shelter may be added in the future, but no design work is to be included as part of this project for that possible expansion. Our services shall be provided for the building only. We understand that the site/civil portions of the project shall be designed by Kapur and Associates, Inc. as part of another project under a separate contract.

Based on our experience in the design and construction of similar projects, we propose that our fee be charged on an hourly basis, not to exceed the following additive sliding scale percentages of Construction Cost. The percentage-based fee can convert to a specific fixed or not to exceed fee at the end of the Design Phase when all the unknowns will have been identified and the project scope and construction cost estimates have been firmly established.

<u>Construction Cost</u>	<u>Percentage Fee</u>
For the first \$150,000	10.50%
For the next \$150,000	8.75%
For the remainder	7.50%



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January 3, 2020  
Mr. James Heilman

Progress payments for the Design through Construction Phase services in each phase shall total the following percentages of the total Basic Compensation.

Design Phase	40%
Construction Documents Phase	40%
Bidding Phase	5%
Construction Phase	<u>15%</u>
Total Basic Compensation:	100%

Thank you for considering our firm as the Architect/Engineer to assist you with the planning and construction of the new Babe Mann Park shelter. We look forward to continuing our relationship with the City of Elkhorn on this much needed project.

Respectfully submitted,

**KEHOE-HENRY & ASSOCIATES, INC.**

*William R. Henry*

William R. Henry  
Architect-PE

WRH/amw

Cc: file

Encl: Option A Budget  
Option B Budget  
Project Schedule



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January 3, 2020

Proposed New Shelter Building at  
**BABE MANN PARK**  
Elkhorn, Wisconsin

**CONCEPTUAL PROJECT BUDGET SUMMARY - OPTION A: 1,440 SF BUILDING**

**Site Development Work:**

Improvements to Parking Lot, Drives, Walks, etc:	Separate Project
Site Utilities (Water and Sanitary):	Existing To Be Reused
Demolition of Existing Building (Allowance):	\$ 22,000
Landscaping:	By Others - Not In Contract
<b>Subtotal Site Development Work:</b>	<b>\$ 22,000</b>

**Building Construction Work (900 SF Covered Shelter + 540 SF Toilets/Concessions):**

General Construction:	\$ 267,840
Plumbing:	Included
Ventilation:	Included
Electrical:	Included
<b>Subtotal Building Construction Work:</b>	<b>\$ 267,840</b>
Building Construction Budget per Square Foot:	\$ 186.00

<b>Total Site Development &amp; Building Construction Work:</b>	<b>\$ 289,840</b>
Total Construction Budget per Square Foot:	\$ 201.28

<b>Architectural - Engineering Fees:</b>	<b>\$ 27,986</b>
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**Miscellaneous Costs:**

Local Fees, Printing Costs, etc:	\$ 1,959
Topographic Survey:	By Kapur
Soil Borings & Geotechnical Report:	Not Required
Foodservice Equipment:	By Others - Not In Contract
Contingency (approx. 10% of Total Construction Work):	30,215
<b>Subtotal Miscellaneous Costs:</b>	<b>\$ 32,174</b>

<b>TOTAL PROJECT BUDGET:</b>	<b>\$ 350,000</b>
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Respectfully submitted,

**KEHOE - HENRY & ASSOCIATES, INC.**

*William R. Henry*

William R. Henry  
Architect - P.E.



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Architect-P.E.  
262-723-4399

January 3, 2020

Proposed New Shelter Building at  
**BABE MANN PARK**  
Elkhorn, Wisconsin

**CONCEPTUAL PROJECT BUDGET SUMMARY - OPTION B: 1,920 SF BUILDING**

**Site Development Work:**

Improvements to Parking Lot, Drives, Walks, etc:	Separate Project
Site Utilities (Water and Sanitary):	Existing To Be Reused
Demolition of Existing Building (Allowance):	\$ 22,000
Landscaping:	By Others - Not In Contract
<b>Subtotal Site Development Work:</b>	<b>\$ 22,000</b>

**Building Construction Work (1,200 SF Covered Shelter + 720 SF Toilets/Concessions):**

General Construction:	\$ 343,680
Plumbing:	Included
Ventilation:	Included
Electrical:	Included
<b>Subtotal Building Construction Work:</b>	<b>\$ 343,680</b>
Building Construction Budget per Square Foot:	\$ 179.00

<b>Total Site Development &amp; Building Construction Work:</b>	<b>\$ 365,680</b>
Total Construction Budget per Square Foot:	\$ 190.46

<b>Architectural - Engineering Fees:</b>	<b>\$ 33,801</b>
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**Miscellaneous Costs:**

Local Fees, Printing Costs, etc:	\$ 2,366
Topographic Survey:	By Kapur
Soil Borings & Geotechnical Report:	Not Required
Foodservice Equipment:	By Others - Not In Contract
Contingency (10% of Total Construction Work):	36,568
<b>Subtotal Miscellaneous Costs:</b>	<b>\$ 38,934</b>

<b>TOTAL PROJECT BUDGET:</b>	<b>\$ 438,415</b>
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Respectfully submitted,

**KEHOE - HENRY & ASSOCIATES, INC.**

*William R. Henry*

William R. Henry  
Architect - P.E.



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January 3, 2020

Proposed New Shelter Building at  
**BABE MANN PARK**  
Elkhorn, Wisconsin

### **CONCEPTUAL PROJECT SCHEDULE**

- Design Phase Services – January 2020 through mid-February 2020
- Owner Review & Approval – second half of February 2020
- Construction Documents Phase Services – March 2020 through April 2020
- Owner Review & Approval – first half of May 2020
- Bidding Phase Services – mid-May 2020 through June 2020
- Construction Phase Services – July 2020 anticipated commencement of construction (beginning with demolition of existing building after 4th of July) through December 2020 anticipated Substantial Completion



**COMMON COUNCIL MEETING AGENDA MEMORANDUM**  
**DEPARTMENT OF PUBLIC WORKS FACILITY**  
**CHANGE ORDER NO. 6**

**Date:** January 6, 2020  
**Prepared by:** Matthew Lindstrom (DPW Operations Manager)  
**To:** Members of the Common Council

**Summary:**

I am writing to provide information regarding Change Order No. 6 for the new DPW Facility off E. Centralia Street. Item(s) incorporated into subject Change Order (CO) are as follows:

- Deduct for remaining balance of contractual allowance & utility bills during construction phase

**Subtotal = - \$8,651.06**

**Total cost of CO No. 6 = - \$8,651.06**

Kueny has reviewed the accuracy of each item submitted and incorporated into subject CO and recommends approval. The embedded contractual allowance of \$45,000 plus reimbursable utility costs minus previously approved CO's No. 2, 3, 4 & 5 yields an allowance balance of \$8,651.06. Subject CO No. 6 will deduct the remaining allowance balance.

**Scherrer's Construction Cost Summary in Review:**

Base Construction Bid w/ seven Alternates	\$5,060,951
Contract Change Order No. 1	\$125,420
Contract Change Order No. 2 balance from allowance	(\$28,675)
Contract Change Order No. 3 balance from allowance	(\$17,094)
Contract Change Order No. 4 (beyond 45k allowance)	\$3,362
Contract Change Order No. 5 (beyond 45k allowance)	\$5,200
Contract Change Order No. 6 balance from allowance & utility bills	(\$8,651.06)

**Total = \$5,186,281.94**

**Recommendation to Council:**

Authorize execution of subject Change Order No. 6 in the amount of - \$8,651.06