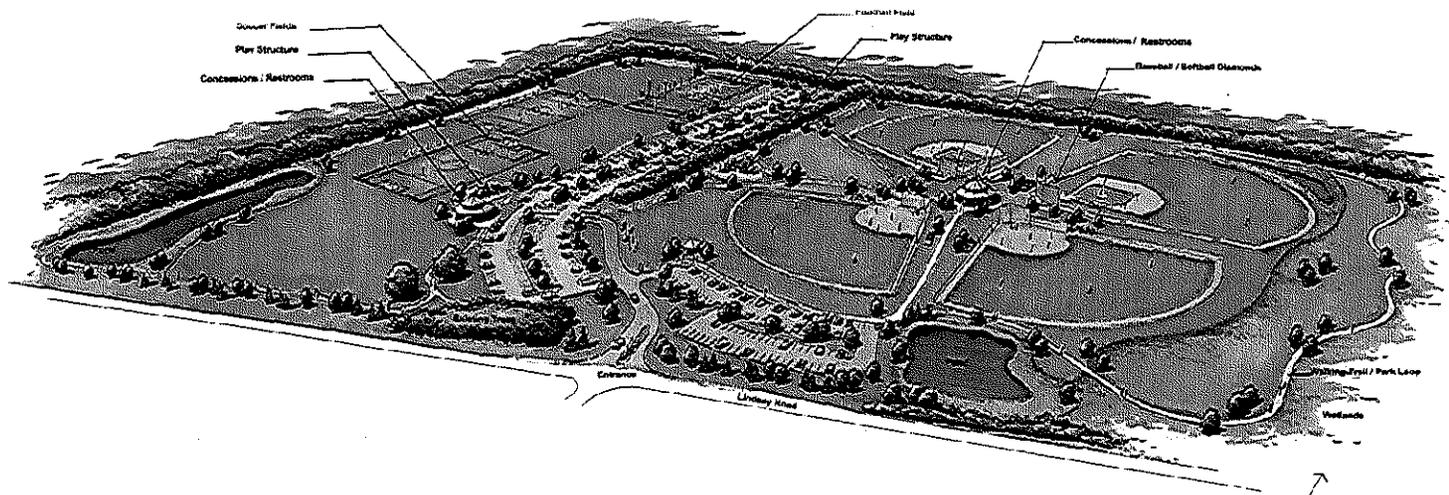
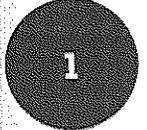
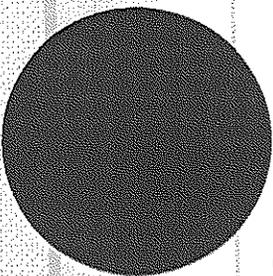


1	Presentation
2	Infrastructure Phase Development Costs Worksheet
3	RA Smith National Plan Clinkenbeard Plan Engineering Cost Estimate on Accel-Decel Lanes
4	Estimated Impact on Debt Service
5	Legal Opinion Regarding Referendum
6	Tourism Program Proposals - Art in the Park and Kite Festival
7	Potential Grants to be Applied For
8	Joint Park/Recreation Department Ordinance



Pewaukee Sports Complex
Pewaukee, Wisconsin
R.A. Smith National
General Contracting



PEWAUKEE SPORTS COMPLEX

Plan for development

ESTABLISHING THE NEED

- 1999 Joint Comprehensive Park and Open Space Plan created by Foth & Van Dyke
 - Top recommendation: *“Acquire 40-60 acres to accommodate a sports complex (special use) facility”*.
 - Park development since 1999
 - 2005 Simmons Woods Park – nature based, trail park
 - 2006 City purchased 59 acres on Lindsay Road for Sports Complex



WHY THIS SITE?

- Committee reviewed potential sites for new park starting in 1999 after Joint Comprehensive Plan was complete.
- Of the 14 original sites that were possibly suitable, many are now subdivisions, industrial sites or the owners are not interested in selling.
- The Lindsay site was the BEST possible fit for this purpose.
 - Flat, Easier to Develop
 - Easy Access off of HWY 74
 - Adjacencies Allow For Greatest Potential
 - Spring Creek-Provides Additional Potential

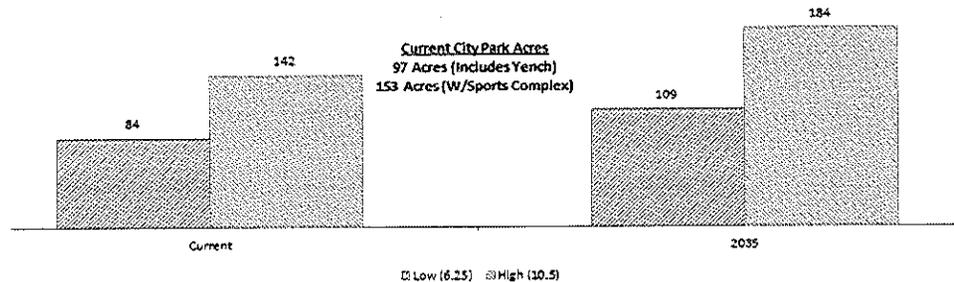
ESTABLISHING THE NEED

o Population/Changing Demographics

- City Residential Development
 - o 24 Separate Residential Developments
 - o 4 Additional Areas of Potential Development – 2.5 Sq Miles, 12% of City Land
 - o Projected population increase of 4,000 by 2035

o Standard for parkland acreage

- 6.25-10.5 acres per 1,000 people (*NRPA Standard*)
- *City*



o Potentially the last new park to be developed in the City of Pewaukee

o Lifestyle Changes – Organized Sports/Boomers Active

2013 SURVEY KEY POINTS

- Community Surveys – 1999, 2006, 2013
- 2013 response rate was 31% or 930 responses
 - 65% were City residents
- Of those 65% City resident responses:
 - 65% were satisfied or very satisfied with the Dept.
 - 77% felt parks were in excellent or good condition.
 - 46% replied to add new amenities to existing parks
 - 49.9% supported some kind of tax increase toward park development
- Overall interest (City & Village) in developing a community pool and/or community center.

WHAT HAS OCCURRED AT THE SITE SINCE 2006

- o Park Master Plan created.
- o House, barn and outbuildings environmentally treated and removed. (2006-2012)
- o Construction documents were created. (2009)
- o All concrete including silos have been removed. (2012)
- o Total spent on park since purchased: \$116,820.67
- o Truckloads of street millings from Springdale road projects have been donated. (2012)
- o Approximately 100 truckloads of topsoil has been donated from the School District. (2013)

BENEFITS OF DEVELOPING PARK

- Centralized location for team sports
- Centralized location could result in less maintenance at neighborhood parks fields as they will not be getting as heavy of use therefore will not need as much maintenance.
- Park will accommodate growing population in the City and demands that will create for park space.
- This COMMUNITY park will benefit all ages (children through seniors).
- Other parks can become specialized.
- Rental income will increase by allowing rentals year round at other parks.

DEVELOPMENT PLAN WHEN COMPLETE

o Sports Complex will be a community park and the infrastructure development will include:

- Green space for soccer fields and other activities
- 4 baseball diamonds
- Walking path around perimeter
- Ample gravel parking

o Future development could include:

- Paving parking lots and/or walking trail
- 2 concession stands with restrooms
- Playgrounds and picnic shelters
- Senior Exercise Stations



FUTURE DEVELOPMENT PLAN

- Paving of parking lots/walking trail: \$660,000
- 2 Concession stands with restrooms: up to \$750,000
- Maintenance building: \$475,000
- Playgrounds and picnic shelters: \$300,000
- Senior Exercise Stations: Cost estimate not available

- Total future development: \$2,185,000
 - We hope to secure corporate sponsorships and/or private donations to assist with these costs.

HOW WAS THIS DEVELOPMENT PLAN DETERMINED?

- o Park Master plan with cost estimates created in 2007 by Bonestroo.
- o Development costs of infrastructure phase were created by RA Smith National in 2009.
- o Plan was reviewed by City Planner in 2012 and more conservative cost estimates were created.
- o Also the 2009 RA Smith National costs were revised in 2012 by RA Smith National to ensure costs were the most recent version.
- o Potential costs for infrastructure development phase were determined by combining the RA Smith estimates and the City Planner estimates, usually including the higher cost of the two.

POTENTIAL PARTNERSHIPS FOR DEVELOPMENT

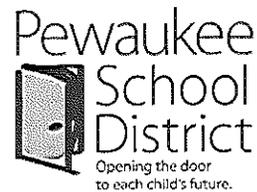
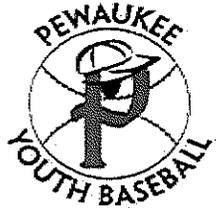
Partnerships with clubs: \$600,000

Corporate sponsorships: TBD

Impact Fee contribution: \$95,720 *(as of 5/31/13)*

Potential partnership with school: TBD

Current balance in Sports Complex fund: \$392,574



TOURISM CONTRIBUTION

- o Previous Alderman suggested 18% of development costs provided by Tourism Fund.
- o 18% of time spent on tourist type activity would equate to 5 weekends between prime time use of park of April 1- October 31.
- o 2 weekends already accounted for by tournaments through local clubs.
- o Other potential activities: Art in the Park craft fair, Take Flight Kite and Air festival.
- o All activities will be organized/administered through the Park/Recreation Department.

OTHER CONCERNS

- o Turn lane into park. Park activity will be similar to what is seen at Wagner Park, therefore Engineering Department recommended a decel and accel lane, that cost is included.
- o Paving the parking lot is to be included in a future phase. It is not included during the infrastructure phase however it is hoped the temporary parking lot surface will allow the park to be used until paving occurs.

MAINTENANCE COSTS (FUTURE BUDGET IMPACT)

- Additional equipment purchases - \$27,000
- Yearly maintenance costs - \$30,000 once entire park is developed to full plan.
- Total impact on future budgets
 - These costs will be split between City and Village as all other maintenance costs are per our joint agreement.



CONCLUSION

- While there is immediate benefit, the greatest benefit is realized in the future.
- This community park is an investment in Pewaukee's future.
- Last park developed in City of Pewaukee.
- Completion of infrastructure allows us to identify and access partnership funds for further development.
- Looking for Common Council to support the project and to determine what the next steps are.

PEWAUKEE SPORTS COMPLEX
Potential Costs for Infrastructure Development

SUMMARY	Potential Cost	Potential Donation
General	\$73,334.00	
Earthwork & Erosion Control	\$1,322,516.50	
Utilities	\$1,166,989.00	\$600,000.00
Field Construction	\$72,828.00	\$79,158.00
Paving	\$234,655.00	
Landscaping	\$189,058.15	
Total	\$3,059,380.65	\$679,158.00

Items NOT included

- Concession Stand Buildings**
- Open Air Park Shelters/Kiosks**
- Playgrounds**
- Maintenance Building
- Restrooms
- Site Amenities (benches, receptacles, monument signage)**
- Fence Guards**
- Scoreboards w/ wireless controls**
- Asphalt Paving of the Trails and parking lots
- Concrete Paving around Concession Stand and Maintenance Building
- Recommended 35% contingency

**These items have potential for corporate sponsorships or other grants and private donations.*

PEWAUKEE SPORTS COMPLEX
Potential Costs for Infrastructure Development

<i>Task</i>	<i>Quantity</i>	<i>Unit</i>	<i>Unit Cost</i>	<i>Total</i>
GENERAL				
Relocate 2 Existing Light Poles on Lindsay Road	1	lump sum	\$ 15,000.00	\$ 15,000.00
Close existing well	1	lump sum	\$ 1,000.00	\$ 1,000.00
Addition of turning lane on Lindsay	1	lump sum	\$ 54,834.00	\$ 54,834.00
Close existing septic	1	lump sum	\$ 2,500.00	\$ 2,500.00
				\$ 73,334.00
EARTHWORK & EROSION CONTROL				
Mass Excavation	39360	C.Y.	\$ 3.00	\$ 118,080.00
Import Fill	60800	C.Y.	\$ 10.00	\$ 608,000.00
Clearing & Grubbing	1	lump sum	\$ 5,000.00	\$ 5,000.00
Topsoil Stripping & Stockpiling	86818	C.Y.	\$ 1.75	\$ 151,931.50
Topsoil Replacement	86290	C.Y.	\$ 2.25	\$ 194,152.50
Seed, Fertilize & Mulch	40	A.C.	\$ 1,200.00	\$ 48,120.00
Erosion Control Fencing	4370	L.F.	\$ 1.50	\$ 6,555.00
Construction Fencing	5655	L.F.	\$ 1.75	\$ 9,896.25
Stone Tracking Mat	1	each	\$ 1,500.00	\$ 1,500.00
Inlet Protection	11	each	\$ 100.00	\$ 1,100.00
Erosion Matting (NAG S75BN or Equivalent)	12660	S.Y.	\$ 1.75	\$ 22,155.00
Erosion Matting (NAG P300 or Equivalent)	390	S.Y.	\$ 11.00	\$ 4,290.00
Haybales	75	each	\$ 9.25	\$ 693.75
Riprap	53	C.Y.	\$ 50.00	\$ 2,650.00
Baseball Diamond Infield Dirt Mix	1300	C.Y.	\$ 36.00	\$ 46,800.00
Baseball Diamond Warning Track Dirt Mix	544	C.Y.	\$ 30.00	\$ 16,320.00
Pea Gravel for Infield Underdrain System	3460	ton	\$ 20.00	\$ 69,200.00
Geotextile Fabric for Infield Underdrain System	10715	S.Y.	\$ 1.50	\$ 16,072.50
				\$ 1,322,516.50

Notes or Potential Donations

Potential for contractor who builds retention ponds to keep the limestone in lieu of fees for service. Also we have had 100+ truckloads of topsoil donated to the site from the School District's old football field which may provide cost savings.

PEWAUKEE SPORTS COMPLEX
Potential Costs for Infrastructure Development

Notes or Potential Donations

Task	Quantity	Unit	Unit Cost	Total
UTILITIES				
Storm Sewer				
6" Perforated HDPE	2817	L.F.	\$ 3.00	\$ 8,451.00
8" Perforated HDPE	200	L.F.	\$ 6.00	\$ 1,200.00
8" Solid wall HDPE	296	L.F.	\$ 5.50	\$ 1,628.00
12" RCP CL. V	340	L.F.	\$ 45.00	\$ 15,300.00
15" RCP CL. IV	487	L.F.	\$ 46.00	\$ 22,402.00
18" RCP CL. III	320	L.F.	\$ 51.00	\$ 16,320.00
24" RCP CL. III	80	L.F.	\$ 67.00	\$ 5,360.00
30" RCP CL. III	160	L.F.	\$ 78.00	\$ 12,480.00
36" RCP CL. III	255	L.F.	\$ 108.00	\$ 27,540.00
42" RCP CL. III	330	L.F.	\$ 124.00	\$ 40,920.00
12" Flared End Section w/Trash Gate	2	each	\$ 750.00	\$ 1,500.00
15" Flared End Section w/Trash Gate	2	each	\$ 835.00	\$ 1,670.00
18" Flared End Section w/Trash Gate	2	each	\$ 925.00	\$ 1,850.00
30" Flared End Section w/Trash Gate	2	each	\$ 1,300.00	\$ 2,600.00
42" Flared End Section w/Trash Gate	1	each	\$ 1,500.00	\$ 1,500.00
48" Dia. Manhole w/ Casting	6	each	\$ 1,675.00	\$ 10,050.00
72" Dia. Manhole w/ Casting	3	each	\$ 2,150.00	\$ 6,450.00
36"x36" Box Inlet w/ Casting	1	each	\$ 2,150.00	\$ 2,150.00
48"x48" Box Inlet w/ Casting	2	each	\$ 2,625.00	\$ 5,250.00
8"x6" HDPE Tee	6	each	\$ 18.00	\$ 108.00
6"x6" HDPE Cross	18	each	\$ 16.00	\$ 288.00
8"x6" HDPE Reducer	8	each	\$ 12.00	\$ 96.00
8"x8" HDPE Cross	2	each	\$ 20.00	\$ 40.00
6"x45" HDPE Bend	2	each	\$ 10.00	\$ 20.00
8"x45" HDPE Bend	1	each	\$ 14.00	\$ 14.00
6"x6" HDPE Wye	2	each	\$ 16.00	\$ 32.00
6" HDPE Cap	52	each	\$ 10.00	\$ 520.00
Pond #3 Outlet Control Structure	1	each	\$ 4,000.00	\$ 4,000.00
Infiltration Basin Dewatering Pipe/Valve	1	each	\$ 400.00	\$ 400.00
				\$ 190,139.00

PEWAUKEE SPORTS COMPLEX
Potential Costs for Infrastructure Development

<i>Task</i>	<i>Quantity</i>	<i>Unit</i>	<i>Unit Cost</i>	<i>Total</i>	<i>Notes or Potential Donations</i>
Water Service					
6" C900 PVC Water Main	660	L.F.	\$ 36.00	\$ 23,760.00	
6"x11 1/4 ° Bend	2	each	\$ 90.00	\$ 180.00	
6"x22 1/2 ° Bend	3	each	\$ 90.00	\$ 270.00	
Well & Pump & Controls	1	lump sum	\$ 280,000.00	\$ 280,000.00	
3" Backflow Preventer w/ Enclosure	1	each	\$ 5,850.00	\$ 5,850.00	
6" Gate Valve w/ Box	2	each	\$ 1,000.00	\$ 2,000.00	
Irrigation System	1	lump sum	\$ 150,640.00	\$ 150,640.00	
Septic System	1	lump sum	\$ 50,000.00	\$ 40,000.00	
Water/sanitary sewer laterals	1	lump sum	\$ 246,000.00	\$ 246,000.00	
				\$ 748,700.00	
Electrical					
Baseball/Softball Field Lighting	1	lump sum	\$ 600,000.00		\$600,000 potential donation
Parking Lot Lighting	1	lump sum	\$ 73,500.00	\$ 73,500.00	
Electric Service 800A	1	lump sum	\$ 84,000.00	\$ 84,000.00	
Well Electric	1	lump sum	\$ 21,000.00	\$ 21,000.00	
Empty Conduit Stubs	1	lump sum	\$ 26,250.00	\$ 26,250.00	
Electric Utility Fee	1	lump sum	\$ 10,500.00	\$ 10,500.00	
Misc. Electric	1	lump sum	\$ 10,500.00	\$ 10,500.00	
				\$ 225,750.00	
Portable restroom structure	1	lump sum	\$ 2,400.00	\$ 2,400.00	Potential for having volunteers build this structure, saving on labor costs.
			<i>All Utilities</i>	\$ 1,166,989.00	

PEWAUKEE SPORTS COMPLEX
Potential Costs for Infrastructure Development

Task	Quantity	Unit	Unit Cost	Total	Notes or Potential Donations
FIELD CONSTRUCTION DETAILS					
Hollywood Double Stanchion Pitching Rubber	4	each	\$ 125.00	\$ 500.00	
Economy Pitching Rubber	4	each	\$ 20.00		\$80 potential donation
Schutt Pro Home Plate	4	each	\$ 65.00	\$ 260.00	
Schutt Pro Style Base Pad	10	each	\$ 120.00		\$1,200 potential donation
Kwik-Release Double First Base	2	each	\$ 215.00		\$430 potential donation
CH Anchor System	4	each	\$ 205.00	\$ 820.00	
Pitching Mound Construction	4	each	\$ 375.00		\$1,500 potential donation
Outfield Fence Distance Banners	20	each	\$ 85.00		\$1,700 potential donation
Anchor System Plugs	12	each	\$ 4.00	\$ 48.00	
Bleacher System (75 ppl capacity)	8	each	\$ 7,200.00	\$ 57,600.00	
Foul Pole	8	each	\$ 1,700.00	\$ 13,600.00	
LA Steelcraft Backstop (20' rear panel)	2	each	\$ 7,500.00		\$15,000 potential donation
LA Steelcraft Backstop (40' rear panel)	2	each	\$ 9,500.00		\$19,000 potential donation
Aluminum Bench (21')	8	each	\$ 1,500.00		\$1,500 potential donation
10' High Fence	596	L.F.	\$ 30.00		\$17,880 potential donation
6' High Fence	432	L.F.	\$ 24.00		\$10,368 potential donation
				\$ 72,828.00	
PAVING - Gravel Parking Lot/Entry Drive					
Base Course	4445	ton	\$ 15.00	\$ 66,675.00	
Fine Grading	23795	S.Y.	\$ 2.00	\$ 47,590.00	We have 100+ truckloads of millings from the Springdale Estates paving project stored on site that may potentially be used as part of the parking lots and therefore may provide cost savings.
Asphalt Pavement	223	ton	\$ 60.00	\$ 13,380.00	
Concrete Pavement	367	ton	\$ 60.00	\$ 22,020.00	
Temporary Traffic Control	1	lump sum	\$ 10,000.00	\$ 10,000.00	
Shoulder Gravel	66	ton	\$ 15.00	\$ 990.00	
Parking Lot Gravel (5" Surface Course)	4450	ton	\$ 15.00	\$ 66,750.00	
Handicap Parking Signs	12	each	\$ 150.00	\$ 1,800.00	
Stop Signs	3	each	\$ 150.00	\$ 450.00	
Striping	1	lump sum	\$ 5,000.00	\$ 5,000.00	
Asphalt paving of parking lots	1	lump sum	\$ 660,000.00		To be done in a future phase.
				\$ 234,655.00	

PEWAUKEE SPORTS COMPLEX
Potential Costs for Infrastructure Development

Notes or Potential Donations

<i>Task</i>	<i>Quantity</i>	<i>Unit</i>	<i>Unit Cost</i>	<i>Total</i>
LANDSCAPING				
Plants				
Shade trees (3" cal.)	34	each	\$ 500.00	\$ 17,000.00
Evergreen trees (7' ht)	33	each	\$ 525.00	\$ 17,325.00
Ornamental trees (9' ht)	9	each	\$ 350.00	\$ 3,150.00
Perennials (4.5" pot)	37	each	\$ 8.00	\$ 296.00
Ornamental grasses (1 gal)	24	each	\$ 21.00	\$ 504.00
Bed Prep & Mulch				
Condition w/ 8" topsoil, w/4" plant starter mix	447	S.F.	\$ 2.75	\$ 1,229.25
Hardwood Bark Mulch	32	S.Y.	\$ 55.00	\$ 1,760.00
Gravel mulch around entry island	300	S.F.	\$ 3.15	\$ 945.00
Seeding				
WI-DOT #40 Seed Mix	1	lump sum	\$ 3,000.00	\$ 3,000.00
Lawn seed w/ 2" topsoil	62543	S.Y.	\$ 2.30	\$ 143,848.90
				\$ 189,058.15
		TOTAL		\$ 3,059,380.65
INFRASTRUCTURE DEVELOPMENT TOTAL				\$ 3,059,380.65

This represents Engineer's judgement based upon information received at date hereof. No representation is made that proposals, bids, or costs received from contractors will compare favorably of proximately with this opinion. This is a preliminary estimate without benefit of knowledge usually ascertained during design and construction plan development.

Engineers Opinion of Construction Costs
Pewaukee Sports Complex

	Quantity	Unit	Unit Cost	Current Total
DEMOLITION				
GENERAL				
Relocate 2 Existing Electric Poles on Lindsay Road	1	Lump Sum	\$15,000.00	\$15,000.00
Close Existing Well	1	Lump Sum	\$1,000.00	\$1,000.00
Demolition Sub-total				\$16,000.00

CONSTRUCTION

EARTHWORK & EROSION CONTROL

Mass Excavation	39,360	C.Y.	\$3.00	\$118,080.00
Import Fill	60,800	C.Y.	\$10.00	\$608,000.00
Clearing & Grubbing	1	Lump Sum	\$5,000.00	\$5,000.00
Topsoil Stripping & Stockpiling	86,818	C.Y.	\$1.75	\$151,931.50
Topsoil Replacement	86,290	C.Y.	\$2.25	\$194,152.50
Seed, Fertilize and Mulch	40.1	A.C.	\$1,200.00	\$48,120.00
Erosion Control Fencing	4,370	L.F.	\$1.50	\$6,555.00
Construction Fencing	5,655	L.F.	\$1.75	\$9,896.25
Stone Tracking Mat	1	EACH	\$1,500.00	\$1,500.00
Inlet Protection	11	EACH	\$100.00	\$1,100.00
Erosion Matting (NAG S75BN or Equivalent)	12,660	S.Y.	\$1.75	\$22,155.00
Erosion Matting (NAG P300 or Equivalent)	390	S.Y.	\$11.00	\$4,290.00
Haybales	75	EACH	\$9.25	\$693.75
Riprap	53	C.Y.	\$50.00	\$2,650.00
Baseball Diamond Infield Dirt Mix	1,300	C.Y.	\$36.00	\$46,800.00
Baseball Diamond Warning Track Dirt Mix	544	C.Y.	\$30.00	\$16,320.00
Pea Gravel for Infield Underdrain System	3,460	TON	\$20.00	\$69,200.00
Geotextile Fabric for Infield Underdrain System	10,715	S.Y.	\$1.50	\$16,072.50
Earthwork & Erosion Control Sub-total				\$1,322,516.50

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Engineers Opinion of Construction Costs
Pewaukee Sports Complex

	Quantity	Unit	Unit Cost	Current Total
UTILITIES				
Storm Sewer				
6" Perforated HDPE	2,817	L.F.	\$3.00	\$8,451.00
8" Perforated HDPE	200	L.F.	\$6.00	\$1,200.00
8" Solid wall HDPE	296	L.F.	\$5.50	\$1,628.00
12" RCP CL. V	340	L.F.	\$45.00	\$15,300.00
15" RCP CL. IV	487	L.F.	\$46.00	\$22,402.00
18" RCP CL. III	320	L.F.	\$51.00	\$16,320.00
24" RCP CL. III	80	L.F.	\$67.00	\$5,360.00
30" RCP CL. III	160	L.F.	\$78.00	\$12,480.00
36" RCP CL. III	255	L.F.	\$108.00	\$27,540.00
42" RCP CL. III	330	L.F.	\$124.00	\$40,920.00
12" Flared End Section w/ Trash Gate	2	EACH	\$750.00	\$1,500.00
15" Flared End Section w/ Trash Gate	2	EACH	\$835.00	\$1,670.00
18" Flared End Section w/ Trash Gate	2	EACH	\$925.00	\$1,850.00
30" Flared End Section w/ Trash Gate	2	EACH	\$1,300.00	\$2,600.00
42" Flared End Section w/ Trash Gate	1	EACH	\$1,500.00	\$1,500.00
48" Dia. Manhole w/ Casting	6	EACH	\$1,675.00	\$10,050.00
72" Dia. Manhole w/ Casting	3	EACH	\$2,150.00	\$6,450.00
36"x36" Box Inlet w/ Casting	1	EACH	\$2,150.00	\$2,150.00
48"x48" Box Inlet w/ Casting	2	EACH	\$2,625.00	\$5,250.00
8"x6" HDPE Tee	6	EACH	\$18.00	\$108.00
6"x6" HDPE Cross	18	EACH	\$16.00	\$288.00
8"x6" HDPE Reducer	8	EACH	\$12.00	\$96.00
8"x8" HDPE Cross	2	EACH	\$20.00	\$40.00
6"x45" HDPE Bend	2	EACH	\$10.00	\$20.00
8"x45" HDPE Bend	1	EACH	\$14.00	\$14.00
6"x6" HDPE Wye	2	EACH	\$16.00	\$32.00
6" HDPE Cap	52	EACH	\$10.00	\$520.00
Pond #3 Outlet Control Structure	1	EACH	\$4,000.00	\$4,000.00
Infiltration Basin Dewatering Pipe/Valve	1	EACH	\$400.00	\$400.00
Sub-total				\$190,139.00
Water Service				
6" C900 PVC Water Main	660	L.F.	\$36.00	\$23,760.00
6"x11 1/4" Bend	2	EACH	\$90.00	\$180.00
6"x22 1/2" Bend	3	EACH	\$90.00	\$270.00
Well & Pump & Controls	1	Lump Sum	\$280,000.00	\$280,000.00
3" Backflow Preventor w/ Enclosure	1	EACH	\$5,850.00	\$5,850.00
6" Gate Valve w/ Box	2	EACH	\$1,000.00	\$2,000.00
Irrigation System	1	Lump Sum	\$150,640.00	\$150,640.00
Sub-total				\$462,700.00
Electrical				
Baseball/Softball Field Lighting	1	Lump Sum	\$600,000.00	\$600,000.00
Parking Lot Lighting	1	Lump Sum	\$73,500.00	\$73,500.00
Electric Service 800A	1	Lump Sum	\$84,000.00	\$84,000.00
Well Electric	1	Lump Sum	\$21,000.00	\$21,000.00
Empty Conduit Stubs	1	Lump Sum	\$26,250.00	\$26,250.00
Electric Utility Fee	1	Lump Sum	\$10,500.00	\$10,500.00
Misc Electric	1	Lump Sum	\$10,500.00	\$10,500.00
Sub-total				\$825,750.00

This represents Engineer's judgement based upon information received at date hereof. No representation is made that proposals, bids, or costs received from contractors will compare favorably of proximately with this opinion. This is a preliminary estimate without benefit of knowledge usually ascertained during design and construction plan development.

Engineers Opinion of Construction Costs
Pewaukee Sports Complex

	Quantity	Unit	Unit Cost	Current Total
FIELD CONSTRUCTION DETAILS				
Hollywood Double Stanchion Pitching Rubber	4	EACH	\$125.00	\$500.00
Economy Pitching Rubber	4	EACH	\$20.00	\$80.00
Schutt Pro Home Plate	4	EACH	\$65.00	\$260.00
Schutt Pro Style Base Pad	10	EACH	\$120.00	\$1,200.00
Kwik-Release Double First Base	2	EACH	\$215.00	\$430.00
CH Anchor System	4	EACH	\$205.00	\$820.00
Pitching Mound Construction	4	EACH	\$375.00	\$1,500.00
Outfield Fence Distance Banners	20	EACH	\$85.00	\$1,700.00
Anchor System Plugs	12	EACH	\$4.00	\$48.00
Bleacher System (75 ppl capacity)	8	EACH	\$7,200.00	\$57,600.00
Foul Pole	8	EACH	\$1,700.00	\$13,600.00
LA Steekraft Backstop (20' rear panel)	2	EACH	\$7,500.00	\$15,000.00
LA Steekraft Backstop (40' rear panel)	2	EACH	\$9,500.00	\$19,000.00
Aluminum Bench (21')	8	EACH	\$1,500.00	\$12,000.00
10' High Fence	596	L.F.	\$30.00	\$17,880.00
6' High Fence	432	L.F.	\$24.00	\$10,368.00
4' High Fence	4087	L.F.	\$20.00	\$81,740.00
Football Goal Posts & Pads	2	EACH	\$9,000.00	\$18,000.00
Football Field Marking System	1	EACH	\$1,100.00	\$1,100.00
Sub-total				\$252,826.00
PAVING				
Base Course	4,445	TON	\$15.00	\$66,675.00
Fine Grading	23,795	S.Y.	\$2.00	\$47,590.00
Asphalt Pavement	223	TON	\$60.00	\$13,380.00
Concrete Pavement	367	TON	\$60.00	\$22,020.00
Temporary Traffic Control	1	LUMP SUM	\$10,000.00	\$10,000.00
Shoulder Gravel	66	TON	\$15.00	\$990.00
Parking Lot Gravel (5" Surface Course)	4,450	TON	\$15.00	\$66,750.00
Handicap Parking Signs	12	EACH	\$150.00	\$1,800.00
Stop Signs	3	EACH	\$150.00	\$450.00
Striping	1	LUMP SUM	\$5,000.00	\$5,000.00
Sub-total				\$234,655.00

This represents Engineer's judgement based upon information received at date hereof. No representation is made that proposals, bids, or costs received from contractors will compare favorably of proximately with this opinion. This is a preliminary estimate without benefit of knowledge usually ascertained during design and construction plan development.

Engineers Opinion of Construction Costs
Pewaukee Sports Complex

	Quantity	Unit	Unit Cost	Current Total
LANDSCAPING				
Plants				
Shade Trees (3" cal.)	207	EACH	\$500.00	\$103,500.00
Evergreen Trees (6' ht.)	6	EACH	\$446.00	\$2,676.00
Evergreen Trees (7' ht.)	10	EACH	\$525.00	\$5,250.00
Evergreen Trees (8' ht.)	6	EACH	\$557.00	\$3,342.00
Evergreen Trees (9' ht.)	6	EACH	\$620.00	\$3,720.00
Ornamental Trees (2.5" cal.)	9	EACH	\$347.00	\$3,123.00
Ornamental Trees (9' ht.)	6	EACH	\$350.00	\$2,100.00
Perennials (4.5" pot)	37	EACH	\$8.00	\$296.00
Ornamental Grasses (1 gal.)	24	EACH	\$21.00	\$504.00
Bed Prep & Mulch				
Condition w/ 8" topsoil, w/4" plant starter mix, bone meal & fertilizer	447	S.F.	\$2.75	\$1,229.25
Hardwood Bark Mulch	32	S.Y.	\$55.00	\$1,732.50
Gravel mulch around entry island (spardust 4")	300	S.F.	\$3.15	\$945.00
Seeding				
WI-DOT #40 Seed Mix	1	LUMP SUM	\$3,000.00	\$3,000.00
Lawn Seed w/ 2" Topsoil	62,543	S.Y.	\$2.30	\$143,848.90
Sub-total				\$275,266.65
Demolition & Construction Sub-total				\$3,579,853.15
15% contingency				\$536,977.97
DEMOLITION & CONSTRUCTION TOTAL				\$4,116,831.12

SITE TOTAL **\$4,116,831.12**

ITEMS NOT INCLUDED WITHIN THIS ESTIMATE

- Removal of Existing Wood Frame Structure & Foundation
- Abandonment of existing septic system
- Concession Stand Building(s)
- Open Air Park Shelters and Kiosks
- Playground(s)
- Maintenace Building
- Restrooms
- Site Amenities (benches, receptacles and monument signage)
- Fence Guards
- Scoreboards w/ wireless controls
- Substitute Asphalt Pavement for Gravel Pavement in Parking Lots
- Substitute Permeable Pavers for Gravel Pavement in Parking Lots
- Asphalt Paving of the Trails
- Concrete Paving around Concession Stand and Maintenance Building

MEMORANDUM

DATE: September 4, 2012
TO: Joint Park/Recreation Board and Common Council
FROM: H. E. Clinkenbeard, City Planner

SUBJECT: Proposal for the phased development of the City Sports/Athletic Field Complex on Lindsay Road

INTRODUCTION: On June 4, 2012 Ms. Kelley Woldanski, City Park/Rec. Director discussed with the Common Council the development of the City's proposed "sports field" on City property located in the NW quadrant of the intersection of Redford Boulevard and Lindsay Road. At that meeting it was suggested that rather than again paying another 'outside consultant', perhaps the City staff could come up with current and more precise cost estimates and that Ms. Woldanski and I should meet to discuss the possible phasing of development, specifically zeroing in on more precise cost estimates of each phase.

Following that June meeting Ms. Woldanski and I talked briefly and it was suggested that the matter be placed on the June Joint Park/Rec. Board meeting agenda for their initial input to determine the phasing. The Joint Board responded with a division of the original cost estimates into phases. On July 17th Ms. Woldanski and I met to review and discuss the master plan for the development of the "sports field" as previously approved by the Joint Park/Rec. Board in 2007 and 2009.

PROPOSED PHASING: Ms. Woldanski and I determined that as a **First Phase** the City needs to develop the west approximately one-third (1/3) of the site plan that includes the entire area devoted to planned large field sports (soccer/flag football/lacross/field hockey/rugby/Frisbee golf). Specifically included in the first phase would be the development of a large grassed "field" area; the building of the planned paved park access drive connected to Lindsay Road; building approximately 35 percent of the planned paved parking area (to serve the field sport activity); building a storm water management pond and storm water drainage system; building a three-sided screening shelter for 'port-a-potties'; building a 10 foot wide non-paved maintenance access trail which can double as a run/walk trail on the western portion of the "complex"; and, drilling a high capacity shallow aquifer well for recreation activity area watering that will not directly affect the public water supplies. We also recommend completion of about 30 percent of the proposed site landscaping. (See plan). Ms. Woldanski believes she can get a Boy Scout troop or local U.S. Army Corps of Engineers to take on the building of the 'port-a-potty' enclosure as a community assistance project (City furnishes materials). The same may be true of the two restroom/concession buildings described in Phase 3. *Please keep in mind* that it may be 2020 or 2025 before public sanitary sewerage facilities are extended to this site. Public water supply facilities may be made available earlier but a shallow well is still needed for periodic grass watering. Initially developing the soccer field area allows the Park/Rec. Department to reduce soccer and other large open field sport play at the existing smaller parks that are currently over-used

during certain seasons of the year. Plus, a majority of soccer activity can then be centralized at the new Complex for better management of activity and maintenance.

The **Second Phase** as envisioned by Ms. Woldanski and me would encompass building the planned 'quad' ball fields, the remainder of the parking lots (perhaps with 'Turf-Block' to reduce paved surface on the site, but at added cost), the remainder of the internal maintenance/walking trail, a second storm water management pond and a majority of the remaining landscaping. (See plan). If public sanitary sewerage and water supply facilities are available to the site when Phase 2 is accomplished it would be prudent to connect the Complex. If the City Park Maintenance staff builds the ball fields, as has been done on other City parks, they could be built over a year period (with engineering staff design assistance) as time and schedules allow. The 'quad' would include two regulation baseball and two regulation softball fields. *If funds are scarce, this second phase could be divided by building the 'quad' in two phases.*

Phase Three would include the building of the two restroom/concession buildings which should include a first-aid station. The proposed building in the middle of the 'quad' would include an open second storey for game media coverage. If not already built as a part of Phase 2, public utilities will be required for the restroom/concession facilities. (See plan).

Phase Four would include building playground facilities (ala neighborhood parks), five small picnic shelters, any additional needed landscaping and, depending upon lapse of time, repaving of the paved parking areas and entry drive that were constructed in Phase One. (See plan). All buildings and above-ground facilities would be built to ADA requirements/standards.

ESTIMATED COST (2013/2014): It is expected that the phasing of development will occur over a 15 year period, consequently the costs derived are for the current time and will, no doubt, increase over time. The costs were derived from several sources including City staff, purveyors of building and paving materials and persons with extensive experience in construction and construction labor costs. Following is a listing of the physical and fiscal extent of each element of each phase:

Phase 1 –

1 - Construction of 500 foot long asphalt paved Entry Drive as shown on the site plan, including a 100 foot long 55 foot wide divided (boulevard) entry off of Lindsay Road and a 400 foot long, 24 foot wide 'drive' extension to the western parking areas. A three (3) foot wide gravel shoulder would be added to each side of the drive along with a shallow storm water swale on each side 'feeding' storm water to a 'pooling area' surface 'beehive' catch basin connected to a storm sewer which drains easterly to a detention/retention pond which out-falls to Spring Creek. Also included are three (3) single-head street lights.

Estimated cost of Entry Drive –

- a. \$42,100 for Entry Drive.
- b. \$4,300 for Graveled Drainage Swales.
- c. \$3,000 for Lights.

Total Entry Drive estimated costs = \$49,400.

2 - Construction of a 250 foot long 11 foot wide bypass lane on the south side of Lindsay Road and 11 foot wide acceleration/deceleration lanes on the north side of Lindsay Road.

Estimated Cost of Entry/Exit Lanes = \$34,800.

3 - Construction of the southern 45 percent of the north-south parking lots as shown on the site plan, including 7,480 sq. yards of paved surface (roughly 140 parking spaces), 1,000 sq. yards of stone swale and five (5) double-head street lights. In addition and in lieu of outside curbs, 140 six foot long concrete 'bumpers'.

Estimated Cost of Phase 1 Parking Lots –

a. \$171,550 for Paved Area.

b. \$9,100 for Concrete 'Bumpers'.

c. \$6,000 for Street Lights.

Total Phase 1 Parking Area estimated cost = \$186,650.

4. Construction of 4,300 linear feet of 10 foot wide – eight (8) inch thick stone maintenance access/walking path. *(Double the cost for asphalt surface)*

Estimated Cost of Stone Maintenance Access/ Walking Path = \$46,540.

5. Construction of 14.5 acre field sports play area, including topsoil stripping, 22,000 cu. yards of fill, general grading and seeding.

Estimated Cost of Sports Field –

a. \$45,000 for Topsoil Stripping and Stockpiling.

b. \$189,000* for Additional Soil.

c. \$27,000 General Grading.

d. \$22,500 Seeding.

Total estimated cost of Phase 1 Multi-Purpose Sports Field = \$283,500

**There is a good possibility that this cost can be saved or reduced by obtaining 'free' dirt from local large construction projects.*

6. Construction of a 1.6 acre detention/retention pond with an average depth of 2.5 feet.

Estimated Cost of Detention/Retention Pond –

\$260,000 for Pond materials and construction. *Note: There is a good chance that because of the limestone on the property, we could have all or a majority of the pond built, including clay liner, for the trade of the excavated limestone.*

7. Construction of an eight foot high, 24 foot long three sided wooden structure placed on a compacted eight inch gravel base for the enclosure of five port-a-potties, including an ADA facility.

Estimated Cost of Port-a Potty Enclosure --

a. **No cost for labor.** U.S. Army Corps of Engineers or local Boy Scout troop would furnish labor.

b. \$1,260 for materials and incidental costs.

Total estimated cost of port-a-potty Enclosure = \$1,260.

8. Drilling a high capacity shallow (250 ft.) well, including the building of a wooden wellhead enclosure for mechanical/electrical equipment set on a concrete slab and constructing 1,500 feet of 1.5 inch water distribution line.

Estimated Cost of Shallow Well –

- a. \$14,500 for Drilling and Sealing Well.
- b. \$2,700 for Pump and Pump Connections.
- c. \$5,500 for Well Head and Tank Enclosure.
- d. \$105,000 for Water Distribution Lines.

Total estimated cost of Well and Distribution System = \$127,700

9. Miscellaneous costs, including 1,550 feet of a six foot high chain-link fence, 650 feet of electric service, four 3-tier bleacher units and Phase 1 landscaping.

Estimated cost of miscellaneous elements –

- a. \$34,100 for Chain Link Fence.
- b. \$10,000 for Electric Service.
- c. \$30,000 for Landscaping.
- d. \$8,000 for Bleachers.

Total estimated cost of Miscellaneous Construction = \$82,100.

Total Estimated Cost* of Phase 1 Construction = \$1,071,950.

**The City Engineer suggests that we add 35% to these costs to pay for his departments supplemental costs and other contingencies.*

Phase 2 –

1. Construction of two baseball and two softball fields with **construction of infield facilities to be accomplished by City Park and Public Works staff**, with staff engineering assistance.

Estimated Cost of four 'ball diamonds' –

- a. \$45,000 for Infield Construction materials.
- b. \$241,500 for Outfield Construction and General Site Grading, ala Phase 1 sports field.
- c. \$340,000 for cost of Ball Diamond Fencing.
- d. \$64,000 for eight 5-tier Bleachers.
- e. \$10,000 for staff overtime labor.

Total cost of baseball and softball fields (quad) = \$700,500.

2. Construction of 5,350 linear feet of 10 foot wide, eight (8) inch thick stone maintenance access/walking path (5,950 sq. yards). *(Double cost for asphalt surface)*

Estimated Cost of Stone Maintenance Access/Walking Path = \$57,900.

3. Construction of the remaining 55 percent of the north-south parking area as well as the eastern parking lot, including 14,400 sq. yards of paved surface (roughly 250 parking spaces), 2,000 sq. yards of stone swale and eight (8) double-head lights. In addition, and in lieu of concrete curbs, 250 six foot long concrete 'bumpers'.

Estimated Cost of Phase 2 Parking Lots –

- a. \$302,910 for Phase 2 Parking Area.
- b. \$130,000 for Stone Swales.
- c. \$16,250 for Concrete ‘Bumpers’.
- d. \$8,000 for Lights.

Total estimated cost of Phase 2 Parking Area = \$457,160

4. Construction of 1.5 acre detention/retention pond with an average depth of two (2) feet and 1,000 feet of 15 inch storm sewer with seven (7) ‘beehive’ catch basins.

Estimated Cost of Detention/Retention Pond –

- a. \$250,000 for Pond. (*See note on Phase 1 pond*)
- b. \$80,000 for Storm Sewer System.

Total estimated cost of Pond and Storm Sewers = \$330,000.

5. Construction of 1,200 linear feet of six (6) inch sanitary sewer lateral (plus connection charges) and 1,200 linear feet of two (2) inch water lateral (plus connection charges).

Estimated Cost of Public Sanitary Sewer and Water laterals* –

- a. \$174,000 for Sanitary Sewer Laterals.
- b. \$72,000 for Water Laterals.

Total estimated cost of Sewer and Water Laterals = \$246,000 + City hook-up fees.

** Assumes public sanitary sewer mains and water mains are located in Lindsay Road adjacent to the park.*

6. Miscellaneous costs, including 800 feet of electric service and completion of landscaping --

Estimated Cost of Miscellaneous Construction –

- a. \$12,000 for Electric Service.
- b. \$50,000 for completion of Landscaping.

Total estimated cost of Miscellaneous Construction = \$62,000.

Total Estimated Cost* of Phase 2 construction = \$1,853,560.

**The City Engineer suggests that 35% be added for his departments supplementary costs and other contingencies.*

Phase 3 –

- 1. Construction of two, (2) restroom/concession buildings, as follows:
 - a. The building in the center of the ‘quad’ will be a two storey 30ft. by 30ft. building built of masonry and wood. The top three-fifths of the second storey walls will be designed to be opened during competitive games for media coverage and public announcements and shuttered at all other times. The 6/12 pitched hip roof will have a four (4) foot overhang. The lower level of the building will be appropriately divided

between concession stand, men and women restrooms, small first aid station, equipment storage, stairway and small janitor's room. (Includes connecting utilities and sound).

b. The building near the field sports area will be a single storey 30ft. by 30 ft. building built of masonry and wood. The 6/12 pitched hip roof will have a four (4) foot overhang. The square footage will be divided similar to the 'quad' area building, without the stairway. (Includes connecting utilities). Both buildings could be built by a volunteer organization like the U.S. Army Corps of Engineers.

a. Estimated cost of the Two Storey 'quad' Building -- \$162,000 for materials and construction and \$12,000 for internal furniture and equipment = **\$174,000.**

b. Estimated cost of the Single Storey Building -- \$108,000 for materials and construction and \$10,500 for internal furniture and equipment = **\$118,500.**

Total Estimated Cost* of Phase 3 construction = \$292,500.

**This cost could probably be reduced by 45 percent if the U.S. Army Corps of Engineers could be persuaded to take these buildings on as a 'community project'.*

Phase 4 --

Construction of 'neighborhood' playground equipment/area, five (5) small wooden picnic shelters, and those items that were not completed in the first three phases.

a. Estimated cost of Playground Equipment -- \$175,000.

b. Estimated cost of Picnic Shelters materials -- \$75,000 (with 'free' labor).

Total Estimated Cost* of Phase 4 construction = \$250,000.

**Same note as Phases 1 and 2.*

TOTAL 2012 ESTIMATED COST OF CITY SPORTS/ATHLETIC FIELD COMPLEX ON LINDSAY ROAD = \$3,468,010. (Add 35% to cover the City Engineers suggested contingency costs).

Clearly, in such a large development that will be accomplished over a long period of time, there are many 'ifs'. Consequently, no one should assume that these estimates will be met exactly. The compiling herein of what I consider fairly solid estimates of the various costs in September 2012 is really a medium range, if not long range, plan for the total park development. The primary reason for preparing the plan is to establish how, in this case, the City wants to develop a significant part of the character of the City -- its park and recreation system/program.

The Joint Park and Recreation Board and Common Council need to make a strong commitment to developing the 'Complex'. It is always hoped that future Boards and Councils will embrace what is started. But if future Boards or Councils want to take the development in a different direction, they will at least be able to measure their proposals with these. The City Park/Recreation Director believes that the minimum of what should be accomplished is what's included in Phase 1. As already stated, that would move most if not all soccer play and other large field sports/activities from the neighborhood parks thereby opening those parks to more

neighborhood activities and centralizing soccer and other large field sports activity to a larger more easily managed venue. The sooner that move can be accomplished, the better.

Building all or a major part of Phase 2 would expand the capability to provide a broader and more easily managed baseball and softball program in the two Pewaukee as the two communities continue to develop. The dollar cost to complete the development of the 'Complex' is a large expenditure and, therefore, the need to accomplish the development over a period of years. The estimated cost set forth above is, however, a lot less than the \$16.0 million originally estimated. There are still opportunities to further reduce the costs stated above by working with private and perhaps public businesses and organizations.

Good luck.

Respectfully submitted,
H.E. Clinkenbeard, City Planner

Proposed Lindsay Road Park Turning Lane Estimate
City of Pewaukee
27-Aug-12

Assumptions:

1. R.A. Smith National dated 5-8-09 plan was used for sizing.
2. Decel Lane: 12' wide by 100' long with a 150' taper
3. Accel Lane: 100' taper
4. Driveway: 12' wide by 150' long
5. Cost estimate assumes hanging the turn lane off the edge of the existing pavement without any additional repairs to the roadway.
6. No bypass lane was proposed and therefore was not included in this estimate.
7. Assumes Driveway is constructed at the same time. If not, restoration, ditching, & gravel costs will likely increase.

Item	Description	Unit	\$/Unit	Quantity	Total
1	Full Depth Removal	SY	\$16.00	500	\$8,000.00
2	10" Granular Backfill	TON	\$12.00	280	\$3,360.00
3	3" Asphaltic Concrete Binder Course	TON	\$70.00	83	\$5,810.00
4	2" Asphaltic Concrete Surface Course	TON	\$80.00	56	\$4,480.00
5	Granular Shoulder	TON	\$12.00	40	\$480.00
6	Culvert Pipe	LF	\$70.00	115	\$8,050.00
7	Ditching	LF	\$20.00	450	\$9,000.00
8	Restoration	SY	\$5.00	600	\$3,000.00
Subtotal					\$42,180.00
30% Engineering, Contingencies, & Administration					\$12,654.00
Total					\$54,834.00

ESTIMATED IMPACT OF SPORTS COMPLEX ON DEBT SERVICE

Net Rate for Total Debt Service

Year	Ehlers LT Plan 1/22/13	Ehlers LT Plan Revised 8/13	Change in Net Rate
2013	0.57	0.57	0
2014	0.52	0.54	0.02
2015	0.50	0.59	0.09
2016	0.57	0.67	0.10
2017	0.56	0.66	0.10
2018	0.56	0.67	0.11
2019	0.57	0.68	0.11
2020	0.55	0.68	0.13
2021	0.52	0.64	0.12
2022	0.50	0.61	0.11
2023	0.49	0.59	0.10
2024	0.49	0.58	0.09
2025	0.43	0.52	0.09
2026	0.34	0.42	0.08
2027	0.18	0.25	0.07
2028	0.18	0.25	0.07
2029	0.08	0.13	0.05
2030	0.07	0.12	0.05
2031	0	0.05	0.05
2032	0	0.04	0.04
2033	0	0.04	0.04
2034	0	0.04	0.04
2035	0	0	0
2036	0	0	0

<u>Funding Proposed</u>	Ehlers LT Plan 1/22/13	Ehlers LT Plan Revised 8/13	*Change in Funding
Streets	1,314,197	893,738	(420,459)
Stormwater	1,561,700	2,370,000	808,300
Water/Sewer	3,459,401	2,100,000	(1,359,401)
Sports Complex	-	3,200,000	3,200,000
TOTAL Projects	6,335,298	8,563,738	2,228,440
Finance Expenses	104,702	150,000	45,298
Net Bond/Note Size	6,440,000	8,713,738	2,273,738

* Changes in Funding are based on DPW Director Projections for Projects excluding Sports Complex

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R. VALJON ANDERSON

July 30, 2013

To: City of Pewaukee Common Council, c/o Tammy LaBorde, Administrator

From: Stan Riffle, City Attorney

Re: Questions regarding spending cap referendum requirements and the Sports Complex

As a result of discussions during the July 15, 2013, Common Council meeting on moving forward with the Sports Complex, several questions have arisen. In your memo dated "revised 7/24/13", we have been asked to provide legal answers to those questions. Before getting into the specific questions, an overview of how the provisions of the ordinance work is in order, because many of the questions stem from a misreading of the Code provisions.

The Code is written to require the Common Council to receive direction or pre-approval from electors prior to making public expenditures in in three situations:

- 1) "capital spending project" (§1.01(1)(d)2.);
- 2) new or existing building construction (§1.01(1)(d)3.); and
- 3) road work (§1.01(1)(d)4.).

With regard to each type of project, the Council is required to take specific steps before approving a project when the "total project cost" reaches a particular level. Thus, the Common Council must first identify the type of project involved, and then calculate the total project cost to determine whether it must hold a public hearing or conduct a referendum or both. It appears to me that the questions arise because everyone is reading "total project cost" as something more than a definition, which it is not. The answers to the specific questions (relating to the Sports Complex) are as follows:

Does the cost of the total project include storm water costs, infrastructure improvements, or are they excluded from the cost of the project (see 11.01[sic] (1)(3)(b))¹ when considering a referendum question? Utilities and infrastructure are proposed at \$1,239,817 for the project.

The Sports Complex, Phase I, appears to be a "capital spending project" (although no definition is provided in the Code) because it is clearly neither a new nor existing building or a road. Thus, the costs of the storm water and infrastructure improvements are considered in "total project cost". Under sub (1)(d) 2., a public hearing is required when the total project cost

¹ The proper section number is §1.01(1)(d)3)a. & b., not 11.01(1)(3).

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Pewaukee Common Council – Sports Complex – spending referendum
July 30, 2013
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will exceed \$2 million. As provided in sub. (3)(a) only a contract for a building with a total project cost of more than \$5 million dollars requires a referendum. Neither the Code nor the 7/24/13 memo defines what is considered infrastructure² for this project, but typically roads, sewer and utilities are some of the items that would be considered as infrastructure. In any event, Phase I will require the public information and comment meeting with the Common Council, but will not require a referendum.

Does the cost of the total project include the land that was acquired in 2006 for \$2.6 million, which took place over seven (7) years ago? Is there a specific time frame in which land is acquired becomes part of the total project cost?

While land purchased for a public construction project is to be included in a “total project cost” pursuant to §1.01(1)(d)1., this parcel was purchased in 2006 before sub (1)(d)1., existed and therefore would not have to be included in the “total project cost” of the Sports Complex.

The Code does not specify any time frame in which land acquired for a project becomes a part of the total project cost. Beginning in 2007, with the adoption of the current language, any project in which the land will need to be acquired must include acquisition costs in determining whether a referendum will be required. The difficulty is in the definition of “project.” For example, if the City was going to build a new fire station on land that it already owns, the cost of the original purchase would not have to be included in the “total project cost”, but if the City would need to acquire the land to build the station, and the common council wanted to commit funds for the land acquisition and the new building at the same time, then the cost should be included in order to determine whether a referendum is required. The “project” would be land acquisition and building the fire station. Alternatively, if a common council authorized expenditure of, say, One Million Dollars for the purchase of land for *potential future* building of a fire station, but did not commit expenditure of funds for the fire station itself, the probable effect would be that the “project” was the purchase of the land only, and would not require a referendum. This is the case because there would be no assurance that a future common council would ever commit funds for a fire station. This analysis applies for each category of “project” listed in §1.01(1) (d).

Is the project cumulative for expenses – when Phase II comes up it is treated separately or is it added to Phase I and then cumulatively a determination is made regarding a referendum? Or is there a time period that does not make this cumulative?

Using the above rationale, the “total project” costs apply to each Phase separately. Here, Phase I consists of earthwork/erosion control; utilities & infrastructure; and basic parking lot and Phase I landscaping (per presentation on City website). As noted above this is a capital

² Infrastructure: 1. the underlying foundation or basic framework (as of a system or organization) 2. The permanent installations required for military purposes. WEBSTER’S NINTH NEW COLLEGIATE DICTIONARY (1983), 621.

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spending project. Because the total project costs are estimated to exceed Two Million Dollars, the project cannot go forward until a public hearing is held.

By breaking the park development into phases, each phase would most likely be a “project”. The Code clearly refers to each type of project/triggering action in the singular, not plural: “...any capital spending project...” (no “s” in original); “...a contract for construction of any *individual* new or existing building...”; and “...a contract for the construction of any road work...”. Thus, each phase of the park would involve separate contracting for the work associated with each phase.

For example, if Phase II is going to be an indoor water park/swimming pool which requires stormwater facilities, fire hydrants, a pedestrian pathway and other utilities to service the park, together with tables, chairs, weight machines and sauna, then the City would proceed under the provisions associated with a new building. If the Phase II construction of this new building would exceed \$5 million alone, (excluding the cost of the stormwater, fire hydrants, pathways or other utilities per §1.01(1)(d)3.b., but including the building itself, the tables and chairs, weight machines and the sauna equipment (“furnishings”) the project could only go forward if approved by referendum.

If a fire station were built on the sports complex land, would it be considered separately or as part of the project?

It would be a separate project - see the answers above associated with a new building.

Can the funds that remain in the Park Dedication Fund be utilized for the Sports Complex development? Current balance as of 12/31/12 - \$147,724. The last information that the City had was that it can be used to pay off debt or to purchase/build park buildings and improvements.

Yes. See our analysis done in 2006 regarding the applicable Code provisions (attached).

Does the Common Council confirm that a portion of the construction project (previously estimated as 18% by Ald. Kiser in 2006) will be utilized from the Tourism fund for the construction of the complex?

It is unclear what this question is asking. Is the question whether the City may use these funds or what procedure or steps it must take to utilize tourism taxes?

As for using the hotel tax, we have previously addressed this question in our March 12, 2012, memo to Ms. LaBorde regarding use for the Sports Commons (attached). In short, the City may use 30% of the tourism tax it collects on anything it wants. The remaining 70% must be used by statute for “tourism promotion and development”. We previously opined what was necessary to use some or all of the 70% towards the Sports Commons, and it required the

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ability to show that the development will attract tourism. Please note that the standard to use the 70% is very high. A copy of that memo is attached.

I know of no statutorily required procedure that must be undertaken to utilize the hotel tax dollars.

Should you have questions about the above information or about the project in general please let me know.

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PARK DEDICATION FUND MEMO

May 30, 2006

To: HSR

From: JAA

RE: City of Pewaukee - Question about using Park Dedication fees

You had forwarded me an email from the City Administrator who asked if you had made a determination as to whether the City could use Park dedication fees “for asbestos abatement and other items”. I was given no other information.

The City’s Code provides for park dedication fees in §18.0709. If a proposed subdivision encompasses in whole or part a proposed school site, playground, park or other public open-space land as found on a comprehensive plan or map, the proposed public lands must be reserved by the developer in the plat. If the proposed public land is for park or parkland, the subdivider also has to pay the parkland and improvement fee set forth in §18.0709(b). §18.0709(a).

If the proposed subdivision does not encompass all or part of public lands, then the developer must pay the park and parkland acquisition and development fee “...to serve future inhabitants of proposed land division...” §18.0709(b)

According to subsection (b) the funds are to be used “...for the purposes set forth herein within a designated neighborhood or other designated area...and said special funds shall be used exclusively for acquisition and/or development within each specially designated area of the Town.”

Because the funds are available for development of parklands, I would assume asbestos abatement would qualify for use of the funds, if abatement is necessary to prepare/develop the land to be used as a park. I don’t

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know what the “other items” the City would like to use the funds for that Tammy refers to in her e-mail, so I can’t comment on those. The only question I have is whether money acquired related to one subdivision can be used in another part of town. My question arises because the language in the section varies from keeping the money tied to the specific development to more general language “other designated area”. It’s probable that “other designated area” and “specially designated area” language used in the ordinance is referring to the proposed public lands. My conclusion is that because of the additional more inclusive language, it would probably be all right to spend money collected from one subdivision or area in another as long as it was for park and parkland acquisition and development. That opinion is supported by *Jordan v. Menomonee Falls*, 28 Wis.2d 608, 137 N.W. 2d 442 (1965).

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TOURISM PROMOTION AND DEVELOPMENT MEMO

March 12, 2012

To: Tammy LaBorde, Administrator

From: Stan Riffle, Attorney

Re: Use of Hotel Tax proceeds to construct improvements at the Sports Commons

Alderman Bierce has asked for an opinion on what the hotel tax collections can be used for, specifically what percentage of the cost of the Sports Commons can be paid by the hotel tax; and if some portion is eligible for this use, whether the City must reserve a portion of the Sports Commons facilities for tourism related events, and whether such reservations would be anytime or during weekends. *Bierce e-mail to Tammy LaBorde dated 2/9/12.*

As we know, up to 30% of hotel taxes collected can be used for anything the City would like. §66.0615(1m)(d)1., Stats. Thus, that amount can be used for development of facilities or paying any debt for purchasing the Commons. At least 70% of the hotel tax must be used for "tourism promotion and development". §66.0615(1m)(d), Stats. "Tourism" means travel for recreational, business or educational purposes. §66.0615(1e), Stats. "Tourism promotion and development" is defined, in pertinent part, as follows:

...any of the following that are significantly used by transient³ tourists and reasonably likely to generate paid overnight stays:

³ Transient is defined at §77.52(2)(a)1., Stats., §66.0615(g), Stats. Transient is defined to mean any person residing for a continuous period of less than a month in a hotel, motel or other furnished accommodations available to the public. §77.52(2)(a)1., Stats.

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1. Marketing projects, including advertising media buys, creation and distribution of printed or electronic promotional tourist materials, or efforts to recruit conventions, sporting events, or motorcoach groups;
2. Transient tourist informational services; and
3. Tangible municipal development, including a convention center.
§66.0615(1)(fm), Stats.

Development of the Sports Commons is certainly a tangible municipal development. The question the Common Council needs to answer in deciding whether hotel taxes can be used to develop/purchase the Commons is whether the facilities developed there will be significantly used by transient (those who will stay overnight) visitors and reasonably generate overnight stays.

That answer will depend on what is planned to be constructed and developed. A brief review of the 2007 Master Plan shows 4 ball diamonds, 6 soccer fields, 5 under-8 soccer fields and 1 football field. The City needs to be able to answer the question of whether the complex, as planned, is large enough to attract tournaments and competition that will be multi-day, multi-team events attracting participants that will stay overnight. I have no additional information as to plans with the Waukesha & Pewaukee Convention bureau relating to tournaments and events that will be brought in (as mentioned in the 2007 newspaper article sent with Ald. Bierce's memo). I assume the Parks and Recreation Department will have more in depth information regarding the tournaments and users that have expressed interest or that they have contacted regarding use of the facilities and their needs.

In order to confirm and justify the use of hotel taxes, I would highly recommend that the City conduct a study to obtain information about potential uses, number of events and the need for hotel rooms for participants. I know that the hotels in the City are not only active in promoting the City, but also in watching how hotel tax money is spent. While the City only needs to reasonably believe the use of the money will bring in transient tourists, there must be a *significant* number of tourists attracted by virtue of sports complex events. In order to determine what is significant, the City may wish to determine the number of hotel rooms that exist in the City, which you have started by asking the hotels directly.

I know the City is looking for more concrete examples of what the fund can be spent on such as \$x dollars on creating baseball diamonds. Unfortunately, there are no solid guidelines as that is not how the statute was designed. There is only one case which discusses this statute, but it interpreted a prior version of the statute which did not contain the overnight stay requirement. In that case, one day festivals and police overtime for such things were appropriately covered by the hotel tax. The City cannot rely solely on that case for guidance because of the requirement in the statute now requires the use of the money to generate overnight stays.

You should also be aware that a bill has been introduced that will make some changes to the hotel tax. Senate Bill 438, introduced on 2/7/12, copy enclosed. Of the proposed changes that will be of consequence to the question at issue here, is that, any amount of revenue not retained by the municipality (70%) must be

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forwarded to the tourism entity or commission, although the person collecting the tax (the hotel, motel, bed & breakfast etc.) may retain 3%. The new bill also proposes that the governing body must certify the amounts collected and spent to the Department of Revenue.

Program Proposal: Waukesha County *Art in the Park Jam*

This one-day event will take place on the grounds of the Pewaukee Sports Complex early fall. It will consist of local and regional artists and crafters and their wares, art workshops, art competitions, a live painting demonstration, local music/performance artists, children's activities, vendors, concessions and more.

The *Art in the Park Jam* offers professional and amateur artists the opportunity to show and sell their art to the public in order to promote and sustain local art appreciation and development.

Artists will be required to send a representation of recent work to the jury board with a non-refundable jury fee of \$15. Once accepted the cost per vendor booth will be \$120.00.

Artist groups such as the Pewaukee Area Arts Council, the Waukesha Arts Council, the Delafield Arts Center, Carroll University and various other organizations in the immediate or expanded area will be invited to attend. The Wisconsin Arts Board also offers an "Artist and Community Collaborations Grant" that may be applied for to initiate the event.

Additional exhibits and entertainment:

Workshops (Painting, drawing, pastels, etc.)

"Crafters Alley", a separate area where crafters can sell items, put on workshops, etc.

Demonstrations (Glass blowing, spin-art, speed painting, spray painting)

Hands on art (children and adults get to work with various mediums and take art home with them)

Children's Art Live Auction (Children's art donated and it is auctioned off to raise money for PAAC)

Group art, such as a mural or large weaving loom project

Chalk mural competition

Possible outside entertainment like 'Duct Tape® Rolls Across America Tour'. (This is a traveling exhibit of various interesting and useful things made with Duct Tape.)

Examples of other communities/organizations doing this type of event:

Plymouth, MI (Population approximately 9,132)

The Plymouth Art in the Park event's first year was in 1980. They started with 30 artists. The event now hosts over 400 artists and has a regular attendance of 300,000 people. Artists come from all over the Midwest, confirming the need for hotel accommodations.

Kennedale, TX (Population approximately 6,763)

The Kennedale Art in the Park event is held yearly to help raise money for the Kennedale Arts & Culture Board which in turn gives scholarships to local student artists. In addition to similar activities above (children's art area, demonstrations, entertainment, etc.) Kennedale also does a silent auction to raise money for their scholarships.

Program Proposal: Lake Country *Take Flight* Kite and air Festival

This event will take place early to mid-summer at the Pewaukee Sports Complex. The festival will include entertainment, interactive activities, music, demonstrations and food.

Schedule:

- 10:00am Registration; all amateur fliers can register here to be eligible for prizes.
(Funniest kite, biggest kite, smallest kite, longest tail, most colorful and best in show)
- 10:30am Activities area opens. *(Kite making workshop, craft stations, vendors, food vendors).*
- 11:00am First Demo – Chicago Fire Kite Team *(Precision kite pilots)*
- 11:30am Second Demo – Remote Control Aviation Flying Club *(The Flying Electrons)*
- 12:00pm Grand Launch – All amateur fliers may launch kites.
- 1:00pm Kite Judging
- 1:30pm Third Demo – Kite Ballet *(Wisconsin Kites)*
- 2:00pm Kite Awards
- 3:00pm Festival Closes

Additional Entertainment:

“A History of Kites” – Presentation by the Wisconsin Kites
RC Aviation Lessons – The Flying Electrons
Kite Flying Lessons – Wisconsin Kites
Face Painting – Pewaukee Park & Recreation Department
Music/DJ – Sweet Sounds of Music

Examples of other communities doing this type of event:

Two Rivers, WI (Population approximately 12,000)

Began ‘Kites over Lake Michigan’ in 2004, first year had 5000 attendance over two days. Since then, the festival has grown each year and has attracted over 10,000 in attendance. Hotel owners have stated that their hotels have been booked for the last 7 years in a row.

Wheaton, IL (Population approximately 55,000)

The Wheaton Parks Department began the “Go Fly a Kite” event in 2008. The event includes activities such as those listed above and their community goal for the event is to beat the Guinness World Record of 967 kites flying in the air at one time. Each of the last four years they have increase the number of kites and in 2012 set a personal best of 843 kites.

Potential Grants for Pewaukee Sports Complex

Name of Grant	Eligibility	Grant submission deadline	Grant Awarded	Potential Amount
Baseball Tomorrow Fund	Increase number of youth participants Address programs for 10-16 yr olds or minorities or women Improve the quality of existing programs	1/1, 4/1, 7/1 or 10/1	Quarterly	Average \$51,000
Ready Set Go! Competition Grant	Bring events into the state but are all sport related Cannot be used for construction however can be used to secure large sport events Must be done through CVB	1/1, 5/1 or 9/1		Matching \$20,000
Knowles-Nelson Stewardship (DNR)	Only eligible for passive recreation areas	1-May	Yearly	Matching
Recreation Trails Act (DNR)	Only eligible for passive recreation areas	1-May	Yearly	Matching
Community Development Block Grants	These are awarded to municipalities Monies typically used for ADA upgrades			Undetermined
Employee Volunteer Grants	Many companies recognize their employees for volunteering in the community by donating money to the employee volunteer organization		Annual	Varies
Shade Structure Grant Program	Amercian Academy for Dermatology offers grants for creating sun-safe outdoor areas.	Open Oct 1 - Feb 1	Annual	Up to \$8,000
Athletics and Wellness Support Grants	Sponsored by Finish Line; grants focus on assisting children on athletics or wellness	1/1, 4/1, 7/1 or 10/1	Quarterly	Matching, varies
Playful City USA	Commitment to healthy development for all children (KaBOOM grants) (Like Tree City USA, Playful City USA)		Annual	Up to \$20,000
US Soccer Foundation	Soccer programs and field building initiatives	9/1 (for following year)	Annual	Up to \$50,000

ORDINANCE 96-19

STATE OF WISCONSIN

TOWN OF PEWAUKEE

WAUKESHA COUNTY

AN ORDINANCE REGARDING THE ESTABLISHMENT
OF A JOINT PARK AND RECREATION DEPARTMENT AND BOARD
FOR THE TOWN OF PEWAUKEE AND VILLAGE OF PEWAUKEE
WAUKESHA COUNTY, WISCONSIN

WHEREAS, The Town of Pewaukee and Village of Pewaukee, pursuant to the provisions of 66.30 of the Wisconsin Statutes, have entered into an Agreement to establish a Joint Park and Recreation Department and Board; and,

WHEREAS, the governing bodies of the Town of Pewaukee and Village of Pewaukee desire to make the terms of the Agreement a part of their respective codes.

NOW, THEREFORE, the Town Board of the Town of Pewaukee, Waukesha County, Wisconsin, does ordain as follows:

SECTION 1: Section 1 of the Municipal Code of the Town of Pewaukee is hereby amended to add subsection 1.07, Joint Park and Recreation Department and Board, which subsection shall be created to read as follows:

1.07 - JOINT PARK AND RECREATION DEPARTMENT AND BOARD

The Pewaukee Town Board and Pewaukee Village Board hereby establish a Joint Park and Recreation Department as a department of the two municipalities which shall be known as the Pewaukee Park and Recreation Department. The Department shall be responsible for provision of recreation opportunities, activities and programs in the Town and Village parks, the maintenance of the Town and Village parks and such other duties as assigned by a Joint Recreation Board, which Joint Board shall be advisory to the Town and Village Boards.

SECTION 2: Section 1.07a) of the Municipal Code of the Town of Pewaukee is hereby created to read as follows:

1.07(a) 1 - ADOPTION OF ORDINANCE

The Town adopts this ordinance for purposes of creating a Joint Park and Recreation Department. Said Joint Park and Recreation Department shall be created and established effective January 1, 1997.

1.07(a) 2 - CREATION OF JOINT PARK AND RECREATION BOARD

To oversee the operation of the Joint Park and Recreation Department, a Joint Park and Recreation Board shall hereby be created having the duties and responsibilities as set forth herein.

1.07(a) 3 - COMPOSITION OF BOARD

The Joint Park and Recreation Board, hereinafter referred to as the "Joint Board", shall be composed of seven (7) voting members and two non-voting, ex-officio members. The Village of Pewaukee President shall appoint one (1) Trustee from the Village Board and two (2) citizens. The Town Chairperson shall appoint one (1) Supervisor from the Town Board and three (3) citizens. All seven such appointees shall be voting members. In addition, the Administrators of both the Village and Town may attend meetings and take part in discussion as ex-officio members of the Joint Board.

1.07(a) 4 - TERMS OF JOINT BOARD MEMBERS .

- a. Terms of the initial voting members shall commence on January 1, 1997 and end as follows:
 - a. Two Town Members - December 31, 1998
 - b. One Village Member - December 31, 1998
 - c. Two Town Members - December 31, 1999
 - d. Two Village Members - December 31, 1999
- b. Subsequent terms. Following the initial appointments, the terms of all Joint Board members shall be for three (3) years commencing on January 1.
- c. Unfilled vacancies. When a voting member resigns, is removed from his/her membership on the Joint Board, or loses his/her elected positions on the Town or Village Board before the end of the terms, the affected Village President or Town Chairperson shall appoint an appropriate person to fill such vacancy for the remainder of the term, as set forth above.

1.07(a) 5 - GENERAL OPERATION OF THE JOINT BOARD.

- a. Election of Officers. At its first meeting after its creation and thereafter at its first meeting after January 1 each year, the Joint Board shall choose from its members a chairperson to preside at its meetings, a vice chairperson to act in the absence of the chairperson, and a secretary.
- b. Meetings. The Joint Board shall hold meetings at the Town or Village Hall/Offices, or at a designated public building, and such meetings shall be held at a regular time at least once in each consecutive two calendar month period beginning January 1. In addition, the Joint Board Chairperson, Town

Board Chairperson or Village President may call special meetings of the Joint Board when it is determined necessary to do so in order to conduct and/or expedite the operations of the Joint Park and Recreation Department. An official meeting of the Joint Board shall require that four (4) voting members be present with one such member being either the Chairperson or the Vice-Chairperson, and at least one member from each the Town and Village. All meetings of the Joint Board shall be properly noticed as prescribed in Section 19.84 of Wisconsin Statutes, and, except as provided in Section 19.85 of Wisconsin Statutes, all meetings of the Joint Board shall be open to the general public. The Joint Board shall keep a written record of its proceedings, which shall be transmitted to both the Town and Village Clerks and Boards.

1.07(a) 6 - DUTIES AND RESPONSIBILITIES OF THE JOINT BOARD

- a. Budget. The Joint Board shall prepare, with the assistance of the Park/Recreation Director, an annual budget for presentation and recommendation to the Town Board and Village Board. The Town and Village Boards shall, between September 15 and November 1 each year, review the budget recommended by the Joint Board. The Park/Recreation Director or Joint Board may, from time to time, request the assistance of Town and Village auditors, financial advisors and Administrators in the preparation of the annual budget.
- b. Hiring. The Joint Board shall be responsible for conducting applicant reviews and interviews respecting the hiring of the Park/Recreation Director and Recreation Supervisor(s) and/or his/her successors, as well as other professional staff as recommended by the Park/Recreation Director, and shall make recommendations regarding same to the Town Board and Village Board. The hiring of the Park/Recreation Director or Recreation Supervisors shall require the approval of the Town and Village Boards. It is understood that the 1996 Town Park/Recreation Director shall be appointed as the initial Joint Park/Recreation Director.
- c. Department Policy. The Joint Board shall assist the Recreation Director in establishing and implementing operational policies within the Joint Park and Recreation Department, hereinafter referred to as the "Department", including review of personnel complaints, disciplinary actions, and departmental expenditures.
- d. Hearing Complaints. The Joint Board shall be responsible for hearing and determining appeals of aggrieved persons respecting assessment of costs of services and general citizen complaints.
- e. Assistance in Hiring Park and Recreation Department Personnel. The Joint Board shall review the Park/Recreation Director's nominations for appointment to fill vacant full time or part time positions within the

Department from a list of candidates for employment and shall make recommendations regarding same.

- f. Review Policies. The Joint Board shall review and approve matters of Department policy or shall initiate the creation, amendment or rescinding of any such policy as a recommendation to the Town or Village Boards.
- g. The Joint Board shall review and make recommendations to the Town or Village Boards on such park related matters as park land acquisition or building projects.

SECTION 3. Section 1.07 (b) of the Municipal Code of the Town of Pewaukee is hereby created to read as follows:

1.07(b) - DUTIES AND RESPONSIBILITIES OF THE PARK/RECREATION DIRECTOR

1. The Park/Recreation Director, hereinafter referred to as the "Director", shall be responsible for the daily operation and management of the Department, subject to policies established and agreed upon by the Joint Board and both the Town and Village Boards.
2. The Director shall annually, after August 15 and prior to September 15, recommend a proposed budget to the Joint Board for the subsequent calendar year.
3. The Director shall recommend, for Joint Board and Town and Village Board approvals, the appointment of persons who have applied for the position of Recreation Supervisor to assist the Director in the operation and management of the Department.
4. The Director shall recommend to the Joint Board for their approval the number of recreation leaders and other personnel needed and the compensation for such personnel.
5. The Director shall have the direct responsibility to hire all employees below the classification of Recreation Supervisor based on an approved employee hiring/dismissal policy which meets or exceeds federal and state regulations. Such persons hired for such positions shall be selected from an approved list of potential candidates, as set forth herein. Promotion to a higher personnel classification must be approved by the Joint Board and the Town and Village Boards. Dismissal of persons for cause shall be by the Joint Board upon the recommendation of the Director. Dismissal of persons holding the position of Recreation Supervisor and above shall also be subject to the approval of the Town and Village Boards.

6. The Director shall be responsible for maintaining a current list of potential candidates for vacancies within the Department. Such list shall be periodically reviewed and approved by the Joint Board.
7. The Director shall also be responsible for supervising the general maintenance of parks, park buildings and facilities, including any Town or Village personnel assigned to the Department by the Town and Village to provide such maintenance.
8. The Director may, from time to time, be assigned other park and recreation related duties by the Joint Board within time and budget constraints.

SECTION 4. Section 1.07(c) of the Municipal Code of the Town of Pewaukee is hereby created to read as follows:

1.07(c) - GENERAL POLICIES

1. **Real Property.** The Town and Village shall continue to individually own all respective real property, buildings and fixtures located within their corporate jurisdictions. Upon joint agreement by the Town and Village Boards that a need exists for acquisition of additional lands or construction of additional buildings or building additions to facilitate Department operations, the unit of government in which the new lands or facilities are to be located shall be solely responsible for all such acquisition and/or construction costs.
2. **Use of Park/Recreation Land, Vehicles, Buildings and Facilities.** The Director and all Department personnel shall have the right of official use of all land, vehicles, buildings and facilities owned or leased by either or both the Town and the Village for park or recreation purposes, and there shall be no rental or lease payments by either the Town or Village for such use.
3. **Vehicles.** The Town and Village shall continue to individually own all vehicles presently titled in their respective names. In the event the need arises to acquire special vehicles necessary for the park/recreational requirements of both the Town and the Village, following approval of a joint resolution of the Town and Village Boards, the vehicle shall be acquired and its cost shall be apportioned as set forth in the approved resolution, taking into consideration such factors as service area, population, and assessed value. In the event the need arises for acquisition of a vehicle which shall be primarily the requirement of one unit of government, its cost shall be solely the responsibility of that unit of government.
4. **Equipment.** The Town and Village shall continue to individually own all equipment presently titled in their respective names. In the event the need arises to acquire equipment which shall be necessary for the park/recreation needs of both the Town and the Village, following approval of a joint

resolution by the Town and Village Boards, the equipment shall be acquired and its cost apportioned as set forth herein. In the event the need arises for acquisition of equipment which shall be primarily the requirement of one unit of government, the cost shall be solely the responsibility of that unit of government.

5. Ownership of Personal Property. The personal property and vehicles acquired jointly by the Town and the Village shall be owned by the Town and Village as tenants in common. The Director shall keep records showing the dates and costs and percentage of contribution of the Town and Village with regard to each joint purchase of personal property and vehicles and shall transmit copies of such documents to the Clerks of the Town and Village.
6. Operational Expenses/Revenues. The budget and costs for operating the recreational programs and activities of the Department, including cost of the Director, Recreation Supervisors and park maintenance and recreational program personnel, shall be apportioned to and paid by the Town and Village as follows: 50 percent of the total budget/costs distributed to the Town and Village based on respective percentages of the combined annual equalized value, and 50 percent of the total budget/costs distributed to the Town and Village based on respective percentages of the combined annual official state population estimates. Annually, beginning on October 15, 1996 and each October 15 thereafter, the percentage of operational expenses shall be adjusted as a part of the budget formulation for the subsequent calendar year pursuant to this 50/50 formula. (In October 1996 the resulting apportionment of recreation related budget costs and revenues is 69.0 percent Town, 31.0 percent Village.) Likewise, any revenues from recreation activities and programs shall be divided pursuant to the same formula and distributed to the respective Town and Village Treasurer. Rental of parks, park facilities and equipment and charges to or donations from athletic/recreation clubs is not included in "recreation activities and programs" and, therefore, shall not be included in calculation or division of revenue.
7. Budget. The Department's budget shall be subject to approval of both the Town and Village Boards based on a recommendation of the Joint Board as set forth herein. It is noted that the Town's tax levy is subject to a confirming vote at a special Town meeting in April following the adoption of a budget. The amount assessed each unit of government under this ordinance shall be transferred to the appropriate Department accounts by the settlement dates established in Section 74.23 and 74.25 of the Wisconsin Statutes.
8. Claims.
 - a. Budgeted Expenditures. All claims for payment for Department expenses which are contained within the budget shall be transmitted by the Director to the Clerk of the unit of government responsible for payment. Each Clerk shall transmit a list of approved claims to his/her counterpart Clerk and to

the Department Clerk on a monthly basis. The accounts shall be audited on an annual basis by an independent auditor.

- b. Non-Budgeted Expenditures. All claims for payment for Department expenses which are not contained within the budget shall be presented to the Town and Village Clerks. Payment of claims for such non-budgeted items shall require approval of both Town and Village Boards after review and recommendation of the Joint Board, with each unit of government paying the percentage established as set forth herein.
- c. Payroll. All Department personnel will be paid through the Town payroll system, incorporating all Town benefit programs and policies which apply. The Town Clerk/Treasurer will, each month, transmit an invoice to the Village Clerk covering the Village's unpaid share of all personnel related costs as paid by the Town along with such invoice. The Town Clerk/Treasurer will submit a roster of those persons paid and the amounts paid each Department employee. In the event that the Village Board chooses to prepay their share of personnel costs, the Town Clerk/Treasurer will transmit monthly statement to the Village Clerk setting forth the amount paid out for personnel costs during the preceding month along with a roster of such costs. Any amount of prepayment by the Village in excess of actual expenditures at the end of the calendar year shall be carried over to the next calendar year unless such overpayment is requested by the Village Board to be reimbursed.

9. Maintenance Criteria.

- a. Maintenance of parks includes: cutting of grass; dragging and shaping softball and baseball diamonds; adding ball diamond mix and beach sand; placing backstops and other picnic/recreation furniture/equipment; marking play fields; placing of beach equipment; preparation and maintenance of lake ice rink; cutting brush and trimming trees; solid waste collection and disposal; cleaning of recreation buildings, including bathrooms; reseeding and sodding of damaged park areas; spraying weeds and trees, and fertilizing; minor repair of buildings and equipment; maintenance of park equipment; and, maintenance of park maintenance equipment. Winter maintenance of park buildings and grounds shall be accomplished by the respective Town and Village Public Works departments.
- b. Maintenance of parks does not include: cutting of grass in cemeteries, or utility sites and lawns of public buildings; major repair or building construction/reconstruction; and, lake weed cutting/removal.
- c. When it cannot be determined by the Director whether duties fall within the definitions set forth in either a or b, the Joint Board will make such determination.

10. Dispute Resolution.

- a. If disputes arise between the Town and the Village relating to this ordinance, the Town and Village Boards shall meet and attempt to resolve the differences. If the Boards cannot agree, each Board shall appoint two

Board Members to an ad hoc Conference Committee. The Conference Committee shall meet and agree by majority vote on any disputed items. The decision of the Conference Committee shall be binding upon both the Town and Village Board.

- b. In the event that the Conference Committee is unable to resolve a disputed matter within 60 days after the matter is referred to the Conference Committee, either board may request arbitration pursuant to the provisions of Section 788 of the Wisconsin Statutes. The Town and the Village Boards shall select a single arbitrator and the decision of the arbitrator shall be final and binding upon the Boards. The cost of the arbitration shall be borne equally by the Town and the Village.

SECTION 5. Section 1.07(d) of the Municipal Code of the Town of Pewaukee is hereby created to read as follows:

1.07(d) DISSOLUTION

Either the Town Board or the Village Board may dissolve the Joint Park and Recreation Department and Board at any time by giving six (6) months prior written notice to the other Board addressed in care of the Clerk of that unit of government and to the Joint Board. From and after the date of dissolution, each unit of government shall own those assets and liabilities which are solely titled in each unit of government. Parks, park buildings, park equipment and fixtures shall not be subject to division and shall belong to the municipality in which the park is located. The value of jointly owned property, vehicles and equipment shall be divided in an amount equal to the average of the pro rata share of contributions from the date of the written Agreement between the Town and Village to the date of dissolution. In the event of a dispute in valuation of assets or liabilities, each Board shall hire an appraiser at its own cost, the two appraisers shall choose a third appraiser and the three appraisers shall value the assets and liabilities, calculate an average among the three and allocate the assets according to the ownership percentage aforementioned, and allocate the liabilities to each municipality according to the same percentage.

Upon dissolution, either of the units of government may provide the other unit of government the opportunity to purchase its interest in the assets of the Joint Department at the value fixed by agreement or by appraisal as described above. In such case, the other unit of government shall have a period of sixty (60) days from the date of such provision within which to decide whether or not it desires to purchase such assets. If one unit of government desires to purchase the interest of the other, it shall have a period of time, not exceeding one (1) year from the date of its election, within which to pay the total due the government unit selling its assets. If both units of government choose not to purchase the assets of the other unit of government, each shall keep its percent of the assets as established above. The written notice of election by the selling unit of government shall be deemed

adequate and sufficient security for the other party as a binding commitment during this period of time.

SECTION 6. SEVERABILITY.

The several sections of this Agreement are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the Agreement which shall remain in full force and effect.

SECTION 7. EFFECTIVE DATE

This Ordinance shall take effect immediately upon passage and posting or publication as provided by law.

This Ordinance passed and adopted this _____ day of _____, _____.

TOWN BOARD, TOWN OF PEWAUKEE
WAUKESHA COUNTY, WISCONSIN

Brent J. Redford, Chairman

Carolyn Byers, Supervisor

Thomas Nettesheim, Supervisor

Michael Pazdernik, Supervisor

Douglas Ramstack, Supervisor

Attest:

Sandra J. Salbashian, Clerk/Treasurer