

**VILLAGE OF WINDSOR
BOARD RESOLUTION 2015-20**

**REDUCTION IN LETTER OF CREDIT
FOR WOLF HOLLOW WINDSOR, LLC – PHASE 4
(General Public Infrastructure & Utility Infrastructure)**

WHEREAS, Wolf Hollow Windsor, LLC by Neumann Companies, Inc. (“Developer”) has requested a reduction in its letter of credit which serves as surety for completion of general public infrastructure in Phase 4, as set forth in the Development Agreement by and between the Village and Developer dated August 6, 2014, regarding general public improvements; and

WHEREAS, the Developer's request has been reviewed by the Village Engineer and the Village Engineer recommends a reduction to \$76,000.00 as summarized in the Memorandum from the Village Engineer dated December 8, 2015, which Memorandum is incorporated by reference; and

WHEREAS, Developer has also requested a reduction in its letter of credit which serves as surety for completion of water & sewer utility infrastructure in Phase 4, as set forth in the Development Agreement by and between the Village and Wisconsin Sanitary District No. 1 (now Village of Windsor); and

WHEREAS, the Developer's request has been reviewed by the Utility Engineer and the Utility Engineer recommends a reduction from \$252,406.00 to \$21,033.85 and has prepared a preliminary punch list as summarized in the Memorandum from the Utility Engineer dated December 9, 2015, which Memorandum is incorporated by reference; and

WHEREAS, following review, the Village Engineer, Utility Engineer and Village Attorney recommend approval of reductions in the letters of credit as set forth in this Resolution 2015-20; and

WHEREAS, at its regularly scheduled meeting on December 17, 2015, the Village Board reviewed the request for a reduction in the letter of credit as well as the information referenced herein and wishes to reduce the letters of credit as set forth herein.

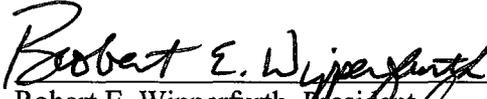
NOW, THEREFORE, BE IT RESOLVED by the Village Board of the Village of Windsor as follows:

- A. The Developer’s letter of credit for general public infrastructure shall be reduced to Seventy-Six Thousand Dollars (\$76,000.00).

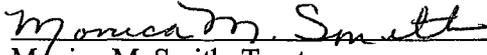
- B. The Developer's letter of credit for water & sewer utility infrastructure shall be reduced to Twenty-One Thousand Thirty Three Dollars and Eighty-Five Cents (\$21,033.85).
- C. The Developer may provide a copy of this Resolution to any third party requesting verification of the Village's approval of the reduction.
- D. Updated letters of credit, in the same form as the previous letters of credit, shall be issued and provided to the Village simultaneous with or prior to the Village's surrender of the existing letters of credit.
- E. It is the Developer's obligation to timely satisfy those conditions adopted by the Village Board, and to provide satisfactory verification of compliance to the Village. Any necessary or requested reviews or submissions to the Village for determinations of compliance with this Resolution shall be made at least ten (10) business days prior to the date upon which verification of compliance is required.

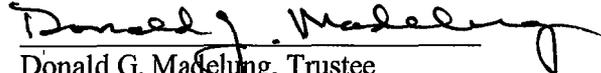
The above and foregoing Resolution was duly adopted at the regular meeting of the Village Board of the Village of Windsor on the 17th day of December, 2015.

VILLAGE OF WINDSOR


Robert E. Wipperfurth, President


Bruce Stravinski, Trustee

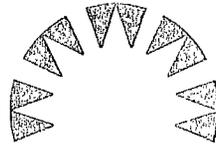

Monica M. Smith, Trustee


Donald G. Madelung, Trustee


Alan Buchner, Trustee

Attest:


Tina Butteris, Deputy Village Clerk



Windsor

Growing Forward

Memorandum

To: Windsor Village Board

CC: Tina Butteris, Finance Officer
Amy Anderson Schweppe, Planning & Development Coordinator

From: Kevin Richardson, Village Engineer

Date: December 8, 2015

Re: Wolf Hollow Letter of Credit Reduction Phase 4

Wolf Hollow LLC by Neumann Companies is requesting a reduction in the letter of credit (LOC), which is the surety for completing the infrastructure on the project. Windsor entered into an agreement with Wolf Hollow LLC for land division improvements. The agreement allows a reduction in the LOC after final waivers of lien have been submitted and the improvements installed meeting Village standards.

Infrastructure has been installed along Wolf Hollow Road past Autumn Fields Road. The reduced LOC represents the cost of the installation of the surface course along Wolf Hollow Road and the retainage is for the warranty period repairs.

Surety amounts and warranty periods in Chapter 236.13 (2) of the Wisconsin Statutes were changed by 2013 Wisconsin Act 280. The following is an excerpt which specifies the allowable surety amount to be required by the Village. "Upon substantial completion of the public improvements, the amount of the security the subdivider is required to provide may be no more than an amount equal to the total cost to complete any uncompleted public improvements plus 10 percent of the total cost of the completed public improvements." The infrastructure construction cost to date has been \$407,511, the estimated cost for the surface course of Wolf Hollow Road is \$35,000.

I am recommending that the letter of credit be reduced to \$76,000 for the Wolf Hollow Phase 4 development.

December 9, 2015

Randy Kolinske
Vierbicher
999 Fourier Drive, Suite 201
Madison, WI 53717

Subject: Windsor Utility District
Wolf Hollow Phase 4 - Preliminary Punchlist

Dear Mr. Kolinske:

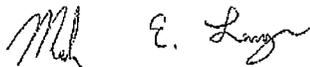
A walk-through of the project site was performed December 9th, 2015. The following is the list of deficient items that were observed and work that needs to be performed:

1. Install the correct hydrant flag on the relocated hydrant near STA 19+50.
2. Install additional tracer wire to allow for removal of the tracer wire access box lid at Lot 359. The Windsor specifications require an additional 18 inches of wire inside the box.
3. Clean the debris from the valve box in the cul-de-sac at STA 40+22 Autumn Fields Road.
4. In general the terrace restoration is incomplete. As a result we did not perform field observations of all tracer wire boxes or water service boxes along the project. Water service boxes and tracer wire boxes need to be straight and adjusted to finished grade. The tracer wire boxes should have the appropriate amount of wire in the box and be connected to the lid. Marker posts should be installed at the end of all water services and sewer laterals. A final walk through will take place after the restoration is complete.
5. Provide waivers of lien for the project.
6. Provide as-built drawings for the project.

This list may not be all-inclusive, and failure to include an item does not alter the responsibility of the Contractor to complete all the Work in accordance with the Contract Documents and Windsor Utility District specifications. If you have any further questions please feel free to contact me.

Sincerely,

BAXTER & WOODMAN, INC.
CONSULTING ENGINEERS



Mark E. Langer, P.E.
Project Engineer

Cc: Jeff Bartosiak, Windsor Utility District
Tina Butteris, Village of Windsor
Kevin Richardson, Village of Windsor
Bob Endres, Parisi Construction, Co.



December 3, 2015

Jeffrey Bartosiak, District Engineer
Windsor Sanitary District
6716 Park Street
Windsor, WI 53598

Re: Wolf Hollow
Phases 4 Surety

Dear Mr. Bartosiak:

On August 12th, 2015, Wolf Hollow Windsor, LLC, Inc. posted Midland States Bank's irrevocable letter of credit #101001877953598 in the amount of \$252,406.00 to underwrite the company's obligations under the Amendment #5 to Development Agreement contract for Wolf Hollow Phase 4.

The improvements are now substantially complete as defined by *Wis. 236.13(2)*. As such, we request a reduction of our letter of credit to 10% of the completed infrastructure and 100% of the incomplete infrastructure for a suggested aggregate amount of \$21,033.35 (calculations attached).

Please advise us of the date and time this surety reduction request will be heard before District board as we wish to be represented at this meeting.

Please do not hesitate to contact me with questions.

Sincerely,
Wolf Hollow Windsor, LLC
By: Neumann Companies, Inc.

Don Esposito
Market President

CC: David Glusick – Vierbicher Associates
Matt Neumann – Neumann Companies

Surety Determination - Windsor Sanitary District #1
 Wolf Hollow Windsor, LLC
 Wolf Hollow Phase 4
 Town of Windsor, WI
 11/24/2015

vierbicher
 planners engineers advisors



Bid Item Ref. No.	Description	Unit of Measure	Estimated Quantity	Constructed Quantity	Unit Price	Estimated Cost	Constructed Cost (10% Surety through Warranty Period)	Remaining Cost (110% Surety)
Sanitary Sewer								
	Sanitary Sewer - 8" PVC	LF	331	331	\$ 35.00	\$ 11,585.00	\$ 11,585.00	\$ -
	Sanitary Sewer - 12" PVC	LF	179	179	\$ -	\$ -	\$ -	\$ -
	Existing Sanitary Sewer Manhole Connection	EA	1	1	\$ 1,800.00	\$ 1,800.00	\$ 1,800.00	\$ -
	Adjust Existing Sanitary Manhole	EA	5	5	\$ 225.00	\$ 1,125.00	\$ 1,125.00	\$ -
	Sanitary Sewer Service Lateral - 4"	LF	878	878	\$ 28.00	\$ 24,584.00	\$ 24,584.00	\$ -
	Sanitary Sewer Riser - 4"	EA	4	4	\$ 300.00	\$ 1,200.00	\$ 1,200.00	\$ -
	Sanitary Sewer Access Structure - 48"	EA	4	4	\$ 3,500.00	\$ 14,000.00	\$ 14,000.00	\$ -
	Internal Chimney Seal	EA	10	10	\$ 450.00	\$ 4,500.00	\$ 4,500.00	\$ -
	Sanitary Sewer Trench Compaction	LF	1209	1209	\$ 4.00	\$ 4,836.00	\$ 4,836.00	\$ -
	Televise Sanitary Sewer	LF	331	331	\$ 2.00	\$ 662.00	\$ 662.00	\$ -
Subtotal Sanitary Sewer						\$ 64,292.00	\$ 64,292.00	\$ -
Water Main								
	Water Main - 12" D.I.	LF	107	107	\$ 50.00	\$ 5,350.00	\$ 5,350.00	\$ -
	Water Main - 10" D.I.	LF	477	477	\$ 50.00	\$ 23,850.00	\$ 23,850.00	\$ -
	Water Main - 8" D.I.	LF	691	691	\$ 50.00	\$ 34,550.00	\$ 34,550.00	\$ -
	Water Main - 6" D.I.	LF	93	93	\$ 55.00	\$ 5,115.00	\$ 5,115.00	\$ -
	Connect to Existing Water Main	EA	1	1	\$ 1,400.00	\$ 1,400.00	\$ 1,400.00	\$ -
	Polystyrene Foam Insulation	EA	14	14	\$ 125.00	\$ 1,750.00	\$ 1,750.00	\$ -
	Gate Valves - 12"	EA	1	1	\$ 4,500.00	\$ 4,500.00	\$ 4,500.00	\$ -
	Gate Valves - 10"	EA	2	2	\$ 3,600.00	\$ 7,200.00	\$ 7,200.00	\$ -
	Gate Valves - 8"	EA	2	2	\$ 2,500.00	\$ 5,000.00	\$ 5,000.00	\$ -
	Gate Valves - 6"	EA	4	4	\$ 1,600.00	\$ 6,400.00	\$ 6,400.00	\$ -
	Hydrant - New	EA	5	5	\$ 3,600.00	\$ 18,000.00	\$ 18,000.00	\$ -
	Copper Water Service Lateral - 1"	LF	887	887	\$ 32.50	\$ 28,827.50	\$ 28,827.50	\$ -
	Watermain Trench Compaction	LF	1368	1368	\$ 3.00	\$ 4,104.00	\$ 4,104.00	\$ -
Subtotal Water Main						\$ 146,046.50	\$ 146,046.50	\$ -
Construction Subtotal						\$ 210,338.50	\$ 210,338.50	\$ -
Contingency (10%)						\$ 21,033.85	\$ 21,033.85	\$ -
Surety Total						\$ 231,372.35		\$ 21,033.85