

AGENDA
BOARD OF PARK COMMISSIONERS
Kenosha Municipal Building - Room 204
Monday, September 28, 2015 - 5:00 pm

Chairman:	Scott N. Gordon	Vice Chairman:	Keith W. Rosenberg
Commissioner:	Kurt Wicklund	Commissioner:	Rocco J. LaMacchia, Sr.
Commissioner:	Jack Rose		

Call to Order
Roll Call

Approval of the minutes of the meeting held on September 14, 2015

1. Request from the Happenings Magazine for use of Lincoln Park from 9:00am-2:00pm on Saturday, October 31, 2015 to:
 - a. Hold their "Halloween Disc Spooktacular" event
 - b. Selling of food
 - c. Use of amplified music (*District 12*)
2. Ordinance by Alderperson Bob Johnson; Co-Sponsor Alderperson Curt Wilson – To Repeal and Recreate Section 6.05 (*of the Code of General Ordinances*) Entitled "PERMITS" Relating to Permit Requirements for Use of City Parks. (*Oral referral from Council on 9/21/15*)
3. Ordinance by Alderperson David F. Bogdala - To Repeal and Recreate Section 6.05 (*of the Code of General Ordinances*) Entitled "Permits" Relating to Permit Requirements for use of City Parks. (*Oral referral from Council 6/1/15*) (*Deferred from the meeting on 7/13/15*) (*Referred back from Council on 9/9/15*)
4. Resolution by Alderperson Scott Gordon; Co-Sponsor Alderperson Bob Johnson, Kurt Wicklund, Patrick A. Juliana, Curt Wilson & Jan Michalski – To Proclaim the Second Saturday of Each October the Includable and Accessible Play Day in the City of Kenosha. (*Also referred to Finance*) (*Oral referral from Council on 9/21/15*)

INFORMATIONAL ITEMS:

1. Project Status Report

DIRECTOR AND/OR SUPERINTENDENT COMMENTS
CITIZEN COMMENTS/COMMISSIONER COMMENTS/OTHER BUSINESS PERTAINING TO
PARKS COMMISSION MATTERS AS AUTHORIZED BY LAW

IF YOU ARE DISABLED AND NEED ASSISTANCE, PLEASE CALL 653-4052 BEFORE THIS MEETING

NOTICE IS HEREBY GIVEN THAT A MAJORITY OF THE MEMBERS OF THE COMMON COUNCIL MAY BE PRESENT AT THE MEETING, AND ALTHOUGH THIS MAY CONSTITUTE A QUORUM OF THE COMMON COUNCIL, THE COUNCIL WILL NOT TAKE ANY ACTION AT THIS MEETING.

BOARD OF PARK COMMISSIONERS
Minutes of Meeting held Monday, September 14, 2015

A meeting of the Board of Park Commissioners was held on Monday, September 14, 2015 in Room 204 of the Kenosha Municipal Building. The meeting was called to order at 5:00 pm by Chairman Gordon.

At roll call, the following members were present: Commissioners Wicklund, Rose, and LaMacchia. Commissioner Rosenberg was excused. Staff members in attendance were: Shelly Billingsley, Acting Director of Public Works/City Engineer; Jeff Warnock, Superintendent of Parks; Police Chief John Morrissey; Alderperson Curt Wilson; and Fire Prevention Bureau Division Chief Theonita Cox.

It was moved by Commissioner LaMacchia, seconded by Commissioner Rose to move item #1 down the agenda to after item #4. Motion carried unanimously.

It was moved by Commissioner LaMacchia, seconded by Commissioner Rose, to approve the minutes from the meetings held on August 31, 2015 and September 9, 2015. Motion carried unanimously.

1. Request from David Robinson & Kerri Sherwood to use Southport Park Beach for their Wedding Bonfire on Saturday, October 10, 2015. (*District 12*)
Staff: Jeff Warnock spoke.
Public Hearing: David Robinson spoke. Chief Theonita Cox answered questions.
It was moved by Comm LaMacchia, seconded by Commissioner Rose to approve with 150 ft away from the structure.
Public Hearing: Kerri Sherwood spoke.
It was then moved by Commissioner LaMacchia, seconded by Commissioner Rose to withdraw their motion.
Staff: Chief Theonita Cox spoke.
It was then moved by Commissioner LaMacchia, seconded by Commissioner Rose to approve with the recommendation of the on scene Fire Personnel and the Parks Superintendent.
Motion carried unanimously.
2. Change Order for Project 14-1417 Parkway Tree Removal Phase II (*Contract Deadline Only*). (*All Districts*) (*Also referred to Public Works*)
Staff: Shelly Billingsley spoke.
It was moved by Commissioner LaMacchia, seconded by Commissioner Wicklund, to approve. Motion carried unanimously.
3. Change Order for Project 15-1417 Parkway Tree Removal (*Contract Changes Only*). (*All Districts*) (*Also referred to Public Works*)
Staff: Shelly Billingsley spoke.
It was moved by Commissioner LaMacchia, seconded by Commissioner Rose to approve.
Motion carried unanimously.
4. Award of Professional Service Contract for Project 15-1417 Parkway Tree Removal Phase II to Asplundh Tree Expert Co. (*Schofield, Wisconsin*) in the amount of \$75,000. (*Also referred to Public Works*)
Staff: Shelly Billingsley spoke.
It was moved by Commissioner LaMacchia, seconded by Commissioner Rose to approve.
Motion carried unanimously.

INFORMATIONAL ITEMS:

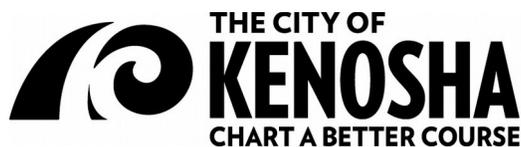
1. Project Status Report – Shelly Billingsley spoke.

SUPERINTENDENT COMMENTS: Jeff Warnock spoke about the Disc Golf at Lincoln Park and how it's getting utilized quite a bit. The Parks Division is finishing up with the map score cards and putting posts on each tee so they can get them labeled and completed. He also mentioned that the pickle ball courts are being developed.

CITIZEN COMMENTS: Brendan Mannery commented that he spoke with Alderperson Rosenberg about getting lights at Anderson Skate Park and how it will benefit in a lot of ways. He mentioned maybe starting a fundraiser to help. Brendan said there should be 5-7 lights, that they have to be street lights and how he did research and found a company named Creer. He also went on social media and said he could get pro skaters to help. Jonathan Thompson commented that 5-7 lights would be helpful and how there is not just us skateboarders at the park at night, there are a lot more families going there. Brenda Luterbach spoke about the lights at Anderson skate park and how she supports her son. Tammy Conforti spoke about the Dream Playground Project and the successful public private partnership. She thanked everyone who helped and supported. There was over 3,000 people in 10 days who helped with the build and she is looking forward to October 10th.

COMMISSIONER COMMENTS: Commissioner LaMacchia wished Happy Birthday to Jeff Warnock. He also gave credit to the 2 young men & mother for speaking to them about something they are passionate about. Commissioner LaMacchia asked to see what we can do for the lighting, maybe get something in the CIP with Budget coming up. Commissioner Wicklund told the 2 young men to start fundraising to put pressure on them. He also mentioned that he spoke with the Post Commander at the American Legion and their March starts this Saturday. Commissioner Rose gave a hats off to the request to make Anderson Park better. He also spoke about lighting at other Parks as well. Chairman Gordon gave some advice to the 2 young men. He then continued on & spoke about the Dream Playground.

ADJOURNMENT - There being no further business to come before the Board of Park Commissioners, it was moved, seconded and unanimously carried to adjourn at 5:40 pm.



Sept. 28, 2015

TO: Chairman Scott Gordon, Board of Park Commissioners

FROM: Mayor Bosman

RE: Halloween Disc Spooktacular

Happenings Magazine is requesting from the Board of Park Commissioners the use of Lincoln Park for the Halloween Disc Spooktacular from 9 a.m. to 2 p.m. Saturday, Oct. 31. Setup begins at 6 a.m. and take down will be complete by 5 p.m. Oct. 31. Also included are requests for permission for public amplification and food vending as part of the event.

Recommendation: Board of Park Commissioners approval for the use of Lincoln Park on Oct. 31 for the Halloween Disc Spooktacular event; and permission for public amplification and food vending as part of the event.

SPECIAL EVENT APPLICATION
CITY OF KENOSHA - PARK DIVISION

Please note that this application does not guarantee approval of your event or equipment requested. The event will need the approval of the Board of Park Commissioners and/or the Superintendent of Parks .

EVENT ORGANIZATION INFORMATION

Name of Responsible Organization Happenings Magazine

Contact Person who is responsible for event: Frank Carmichael

Address: 1420 63rd Street

City/State/Zip Kenosha, WI 53143

Daytime # 262-564-8800 Evening # _____ Cell# 262-620-1428

Fax # _____ E-mail: frank@happeningsmag.com

Is the Host Organization a 501(c)-3? Yes, provide ES# _____

EVENT INFORMATION

Name of the Event: Halloween Disc Spooktacular

Date Requested: October 31st 2015 Rain Date _____

Location Requested: Lincoln Park Estimated Attendance _____

Charitable Event: No _____ Yes, Proceeds donated to _____

Brief Description of the Event: Disc golf tournament on Halloween to kick off the opening of the new disc golf course in Lincoln Park. There will be different levels of skill for the tournaments, live music, food, and costume contests. Entire event will be Halloween themed. Open to community, families encouraged.

Set up date and time: October 31st 2015 6:00am-9:00am

Time of Event: 9:00am-2:00pm

Take down date and time: October 31st 2:00pm-5:00pm

FOR OFFICE USE ONLY:

Application Packet Received _____ Admin. Or Commission Approval _____

Copies sent to: Alderperson _____ Dirk _____ Police _____

Fire: _____ PW Admin _____ PW-Streets: _____ Kris _____

**TEMPORARY STRUCTURE
CITY OF KENOSHA - PARK DIVISION**

Please review Item #8 in the Policy/Procedure Manual

Name of Event Halloween Disc Spooktacular

Park Requested Lincoln Park

Date of Event: 9/15/15

**Structure location must be placed on site map.

Type of Temporary Structure

Tent

Staging

Trailers

Inflatables

Dunk Tank

Other, Please explain _____

Vendor Information

(Name of Company and/or individual providing temporary structure)

Name of Company/Individual: Happenings Magazine/TopChoice Rentals

Work # 262-652-2717

Home # _____

Cell _____

Insurance

All vendors that are supplying the organization with a temporary structure must supply a Certificate of Insurance for product and premises insurance in the amount of \$1,000,000 in the aggregate naming the City of Kenosha as 'additional insured', unless all vendors are being insured as an umbrella under the organizer's. Copy to be attached or sent to the Park Division 30 days prior to the event.

Insurance Company Cincinnati Insurance/ Valeri Insurance

Signature

Vendor Signature _____

Date 9/15/15

**PUBLIC AMPLIFICATION PERMIT APPLICATION
CITY OF KENOSHA – PARK DIVISION**

By ordinance, public amplification is not allowed in City Parks except by permission from the Board of Park Commissioners. Permission for amplification does not exempt a group from obeying Ordinance restrictions on the volume of sound. Please be considerate of park neighbors and other park users. When notifying the alderman and neighborhood association (if necessary) about your event, be sure to include detailed information about any plans you have for amplified sound.

Event Information:

Name of

Event Halloween Disc Spooktacular

Location of Event: Lincoln Park Date of Event Oct 31st 2015

Contact Person Frank Carmichael

Type of Amplified Sound

- DJ
- Sound System
- Speeches/Announcements
- Karaoke
- Other (please specify) _____

Requested time of amplification: Start: 8:00.m. Ending 2:00p.m.

Name of Company and/or Individual handling the amplification of the event:

Waves Audio- Kevin Kamin

Daytime # _____ Evening # _____ Cell # 262-496-3831

Aldersperson notification

Have you contacted the Aldersperson of the District in which the event will be held?

_____ Yes No _____ Date: _____

See Attachment D1 for an excerpt of the Noise Ordinance or go to the City of Kenosha web site at www.kenosha.org and click on General Ordinances and review Section 23.

**PARK VENDING PERMIT APPLICATION
CITY OF KENOSHA – PUBLIC WORKS/PARKS**

**EACH INDIVIDUAL VENDOR MUST FILL OUT AN APPLICATION
NOTE: COPIES OF THIS APPLICATION CAN BE DUPLICATED**

**EACH APPLICATION TO BE SUBMITTED TO THE PARK DIVISION
BY THE ORGANIZATION IN CHARGE OF THE EVENT**

Name of the Event: Halloween Disc Spooktacular
Location of the Event: Lincoln Park Date of Event October 31st 2015
Name of Group/Organization providing the service Happenings Magazine
Contact Person Frank Carmichael
Address 1420 63rd Street Kenosha, WI 53143
Daytime # 262-564-8800 Evening # _____ Cell # 262-620-1428

Product or Service Sold

Please list all items to be sold or service provided. Attach an additional list, if necessary.

Disc Golf Tournament for opening of new course in Lincoln Park. Vendors selling
food and non-alcoholic beverages for purchase

If selling food, please indicate your Temporary Restaurant License # _____

Non-Food Item _____

Detail of Vendor Set-up

Please include what your vending site will contain (tables, tents, electricity, etc. [These items are not provided by the city])

Tents, tables, electricity, grills, etc.

Insurance

All vendors must supply a certificate of insurance for product and premises insurance in the amount of \$1,000,000 in the aggregate naming the City of Kenosha as 'additional insured', unless all vendors are being insured as an umbrella under the organizer's.

Insurance Company Westbend Insurance
A copy of the policy must be provided to the Park Division prior to the event.

Signature _____
Vendor Signature _____

Date 9/15/15
RECEIVED

SEP 17 2015



Shelly Billingsley, P.E.
Acting Director of Public Works
City Engineer

September 24, 2015

To: Scott Gordon, Chairman,
Board of Parks Commission

From: Shelly Billingsley, P.E. 
Acting Director of Public Works

Subject: Ordinance by Alderperson Bob Johnson; Co-Sponsor Alderperson Curt Wilson –
To Repeal and Recreate Section 6.05 (*of the Code of General Ordinances*)
Entitled “PERMITS” Relating to Permit Requirements for Use of City Parks. (*Oral
referral from Council on 9/21/15*)

BACKGROUND/ANALYSIS

As an oral referral from the Commons Council on September 21, 2015, we received the following Ordinance by Bob Johnson; Co-Sponsor Alderperson Curt Wilson – To Repeal and Recreate Section 6.05 (*of the Code of General Ordinances*) Entitled “PERMITS” Relating to Permit Requirements for Use of City Parks.

RECOMMENDATION

Staff has no recommendation.

SB/dm

ORDINANCE NO. _____

SPONSOR: ALDERPERSON BOB JOHNSON
CO-SPONSOR: ALDERPERSON CURT WILSON

**TO REPEAL AND RECREATE SECTION 6.05 OF THE CODE OF
GENERAL ORDINANCES ENTITLED “PERMITS” RELATING
TO PERMIT REQUIREMENTS FOR USE OF CITY PARKS**

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows:

Section One: Section 6.05 of the Code of General Ordinances for the City of

Kenosha, Wisconsin, is hereby repealed and recreated as follows:

6.05 PERMITS

A. Definitions.

“**Athletic competition**” means a sporting event participation in which requires participants or teams to pay a fee of any sort to an entity other than the City of Kenosha.

“**Not-For-Profit Entity**” means a governmental entity other than the City of Kenosha, a nonprofit corporation as that term is defined in Wis. Stat. §181.0103(17), or bona fide clubs, churches, lodges or societies, or posts of veterans organizations, which bona fide clubs, churches, lodges or societies, or posts of veterans organizations have been in existence for at least 6 months before the date of application for a permit under this Section 6.05.

“**Park Area**” means the portion of the park for which a permit is being requested, in addition to the parking lot in closest proximity to that portion of the park, and the pedestrian-travel area between the parking lot and the portion of the park for which the permit is being requested.

“**Sponsor**” when used as a verb with regard to an event, the term means to publicly endorse the event; when used as a noun, the term means an entity which is publicly endorsing the event.

BA. Permits

1. Required. A permit shall be required under this Ordinance prior to and as a condition of any person, party, firm or corporation undertaking any of the following activities:

- a1. Hold any assembly or gathering of two hundred fifty (250) or more persons.
- 2b. Engage in ~~organized~~ athletic competition ~~or team sports~~.
- c3. Reserve any athletic field for a date and time certain.
- d4. Reserve any picnic area for a date and time certain.
- e5. Sell food, beverage or any other product or service.

- f6. Possess and consume fermented malt beverages and/or wine.
- g7. Perform any act, otherwise prohibited.
- h8. Produce amplified sound in excess of decibel limit specified in Chapter 23 of the Code of General Ordinances.
 - i. Engage in skydiving landing or other acts deemed by the Superintendent of Parks to be potentially hazardous.
 - j. Hold an income-producing activity for other than a Not-For-Profit Entity.
 - k. Hold an event or events that occur on more than one day, regardless of whether the days are consecutive.

The failure to obtain such permit shall be deemed a violation of this Ordinance.

2. **Permit Not Required.** A permit is not required for events sponsored by the City or the Board of Park Commissioners.

BC. Application. Application for any permit above provided shall be made to the Superintendent of Parks in writing, and accompanied by the required fee or by an appropriate request for fee waiver. Such application shall be fully completed on City forms and shall define the activity desired to be engaged in, the park(s) or park area where the activity will be performed, the estimated attendance and other relevant information requested on the application form which is reasonably necessary to a fair determination as to whether the permit should be issued. The Board of Park Commissioners shall, from time to time, establish a written policy for the minimum and maximum time for submitting applications for activities subject to a permit on an activity-by-activity basis.

CD. Permit Fees.

1. **Establishment.** Permit fees shall be as established by the Board of Park Commissioners, and kept on file in the Department of Public Works.

2. **Waiver.**

a. **Request.** A Not-For-Profit Entity may request a waiver of all or part of a fee otherwise required under this section.

b. **Procedure.** A request for waiver must be made in writing to the Mayor with the application for permit. The request must be signed and the information contained in the request be certified on personal knowledge, by a person authorized by the Not-For-Profit Entity that is making the application. The person making the request must identify the name of the Not-For-Profit Entity in whose name the request is being made, identify the names of all sponsors of the event, and assert that all sponsors are either the City or are Not-For-Profit Entities. A statement must be included as to the reason the fee should be waived. A false certification is deemed a violation of this Ordinance.

c. **Standards.** A fee may be waived by the Mayor in circumstances where the only sponsors are Not-For-Profit Entities.

d. **Withhold Permit Until Fee Paid.** Should the request for waiver be denied, but the underlying application be approved by the Board of Park Commissioners or by the Superintendent of Parks, the issuance of the permit is conditioned upon the payment of the fee and the permit will be withheld until

the permit fee is paid.

e. Report. Before January 31 of each yer, the Superintendent of Parks shall present to the Board of Parks Commissioners report of waived fees for the previous year.

DE. Leases And Concessions. Leases and Concession Agreements shall be subject to bids, requests for proposals or negotiated terms and conditions, reduced to a contract, reviewed and approved by the City Attorney as to form, and approved by the Board of Park Commissioners.

EF. Permitting Authority.

1. Board Of Park Commissioners. The Board of Park Commissioners shall be responsible for granting leases, concession agreements, permits for a gathering of two hundred fifty (250) or more persons, for special events involving the sale or consumption of fermented malt beverages, and for determination of fees and charges.

2. Superintendent Director Of Parks. The Superintendent of Parks may grant any other permit or allow any activity authorized by this Ordinance, subject to a monthly report of permits being filed with and subject to the payment of fees and charges authorized by the Board of Park Commissioners. The decision of any of the above may be appealed to the Board of Park Commissioners.

FG. Standards For Permit Issuance. The Permitting Authority shall consider the following standards for permit issuance ~~and grant a permit only upon finding that:~~

1. The activity or use will be in compliance with applicable Federal, State, County and City laws, rules and regulations.

2. The activity or use will not create an unreasonable risk of loss of life, personal injury or property loss or damage or otherwise threaten the public health, safety or welfare.

3. The activity or use will not unreasonably interfere with the use of the park by the general public.

4. The activity or use will not unreasonably interfere with the peaceful use of the properties adjacent to the park.

5. The activity or use will not entail an unusual, extraordinary or burdensome expense to the City which is not recovered in the permit fees or charges.

6. The area which is the subject of the application is not reserved for another use or party at the day and hour for which requested.

7. The area requested is an area designated by the Board of Park Commissioners for the type of use requested and is otherwise available for use.

8. Other considerations:

a. Applications, where timely filed, shall be considered in order of priority determined by Permitting Authority, with due consideration for the need to distribute scarce resources on an equitable basis.

b. A permit shall not be denied where the activity constitutes free speech or right of assembly protected by the United States or Wisconsin Constitution, provided the above standards can be met.

c. The Board of Park Commissioners shall retain the right to reserve any park or area

for any civic function or Commission sponsored event.

Whenever a permit application is denied, a statement of the reason(s) for denial shall be provided to the applicant in writing.

GH. Permit Conditions. The Permitting Authority shall have the right to impose reasonable permit conditions, including, but not limited to, the following:

1. Compliance with applicable Federal, State, County and City laws, rules and regulations.
2. Compliance with this Ordinance.
3. Execution of Indemnity and Hold Harmless Agreement.
4. Post a bond or other assurance to guarantee compliance with permit terms and conditions.
5. Provide private security for traffic, parking and/or crowd control.
6. Hold City harmless from damage to its property.
7. Clean up area immediately following use.
8. Inspect the Park Area immediately prior to Park use to determine whether or not the Park Area is suitable and safe for such use. If such inspection reveals that such Park Area is not suitable and safe for the intended use, the Park Area shall not be used until the Park Area is made suitable and safe for such use.
9. Report unsafe conditions in the Park Area to the Department of Public Works.
10. Warn all persons using the Park Area under authority of the Park Use Agreement of any unsafe conditions which may exist or portions of Park Area which are not suitable for use.
11. Supervise all persons using the Park Area under authority of the Park Use Agreement.
12. Reimbursement to City of costs incurred in enforcing permit forms and conditions.
13. Procure and maintain one (1) or more liability insurance policy(ies) written by one (1) or more insurance company(ies) licensed to do business in the State of Wisconsin, which contain an endorsement of contractual liability, and which covers death, personal injury and property damage in the following amounts:
 - a. CLASS I RISK - \$1,000,000 per occurrence and \$1,000,000 aggregate, for events and activities which involve a moderate liability risk, a noncommercial activity, and/or a gathering of less than five hundred (500) persons.
 - b. CLASS II RISK - \$1,000,000 per occurrence and \$2,000,000 aggregate, for events and activities which involve a moderate liability risk or a commercial activity, or a gathering of more than five hundred (500) persons.
 - c. CLASS III RISK - Over \$1,000,000; per occurrence and over \$2,000,000 aggregate, as determined by the Park Commission, for events and activities which involved a high liability risk, specifically including, but not limited to, circuses and carnivals.
14. Procure any other license or permit required for activity, such as Food Permit or Special Class "B" License.

HI. Revocation, NonRenewal and Suspension of Permits. The Permitting Authority may authorize and for just cause suspend, revoke, or not renew any permit herein provided, upon serving upon such party written notice of the charges forming a basis for the proposed penalty, in the same manner as that for the service of a Summons in a civil action. Said notice shall provide for a hearing upon a written request therefor being filed with the City Clerk within ten (10) days of service. Absent a timely request for a hearing, the Permitting Authority shall administratively impose the penalty set forth in said notice. The judgment of conviction of any permittee in any Municipal, State or Federal Court, irrespective of whether obtained following trial, plea agreement, or bond forfeiture, shall be prima facie proof of said

violation for purposes of this Ordinance. However, in the instance of any judgment of conviction entered pursuant to a no contest plea, or considered in law to be rendered pursuant to a no contest plea, said judgment of conviction as a prima facie case may be rebutted. Further, mitigating circumstances may be introduced with respect to any judgment of conviction.

IJ. Time Limits. The following time limits shall apply in the application of this Section:

1. Board of Park Commissioners to act on Permit Application: Thirty (30) days.
2. Superintendent of Parks to act on Permit Application: Ten (10) days.
3. Appeal of any permitting decision of the Superintendent of Parks to the Board of Park Commissioners: Ten (10) days from actual receipt or twelve (12) days from date of postmark, whichever is longer.

Section Two: This Ordinance shall become effective upon passage and publication.

ATTEST: _____ City Clerk

APPROVED: _____ Mayor

Passed:

Published:

Drafted By:
EDWARD R. ANTARAMIAN
City Attorney



Shelly Billingsley, P.E.
Acting Director of Public Works
City Engineer

September 25, 2015

To: Scott N. Gordon, Chairman,
Board of Parks Commission

From: Shelly Billingsley, P.E. _____
Acting Director of Public Works

Shelly Billingsley
CMAA
9-25-14

Subject: Ordinance by Alderperson David F. Bogdala - To Repeal and Recreate Section 6.05 (of the Code of General Ordinances) Entitled "Permits" Relating to Permit Requirements for use of City Parks. (Oral referral from Council 6/1/15) (Deferred from the meeting on 7/13/15)(Approved-Ayes 3:Noes 2 on 8/31/15) (Referred back from Council on 9/9/15)

BACKGROUND/ANALYSIS

The following Ordinance was an oral referral at the Common Council meeting on June 1, 2015. The item was then deferred at the Board of Park Commissioners meeting on July 13, 2015. At the August 31, 2015 meeting, the Board of Park Commissioners approved the Ordinance 3-2 with Chairman Gordon and Commissioner Wicklund voting nay. On September 9, 2015, the Common Council referred the item back to the Board of Park Commissioners.

Ordinance by Alderperson David F. Bogdala - To Repeal and Recreate Section 6.05 (of the Code of General Ordinances) Entitled "Permits" Relating to Permit Requirements for use of City Parks.

RECOMMENDATION

Staff has no recommendation.

SB/dm

ORDINANCE NO. _____

SPONSOR: ALDERPERSON DAVID F. BOGDALA

**TO REPEAL AND RECREATE SECTION 6.05 OF THE CODE OF
GENERAL ORDINANCES ENTITLED “PERMITS” RELATING
TO PERMIT REQUIREMENTS FOR USE OF CITY PARKS**

The Common Council of the City of Kenosha, Wisconsin, do ordain as follows:

Section One: Section 6.05 of the Code of General Ordinances for the City of

Kenosha, Wisconsin, is hereby repealed and recreated as follows:

6.05 PERMITS

A. Definitions.

“**Athletic competition**” means a sporting event participation in which requires participants or teams to pay a fee of any sort to an entity other than the City of Kenosha.

“**Not-For-Profit Entity**” means a governmental entity other than the City of Kenosha, a nonprofit corporation as that term is defined in Wis. Stat. § 181.0103(17), or bona fide clubs, churches, lodges or societies, or posts of veterans organizations, which bona fide clubs, churches, lodges or societies, or posts of veterans organizations have been in existence for at least 6 months before the date of application for a permit under this section 6.05.

“**Park Area**” means the portion of the park for which a permit is being requested, in addition to the parking lot in closest proximity to that portion of the park, and the pedestrian-travel area between the parking lot and the portion of the park for which the permit is being requested.

“**Sponsor**” when used as a verb with regard to an event, the term means to publicly endorse the event; when used as a noun, the term means an entity which is publicly endorsing the event.

BA. Permits

1. Required. A permit shall be required under this Ordinance prior to and as a condition of any person, party, firm or corporation undertaking any of the following activities:

- ~~a~~**1.** Hold any assembly or gathering of two hundred fifty (250) or more persons.
- ~~b~~**2.** Engage in ~~organized~~athletic competition ~~or team sports~~.
- ~~c~~**3.** Reserve any athletic field for a date and time certain.
- ~~d~~**4.** Reserve any picnic area for a date and time certain.
- ~~e~~**5.** Sell food, beverage or any other product or service.
- ~~f~~**6.** Possess and consume fermented malt beverages and/or wine.

g7. Perform any act, otherwise prohibited.

h8. Produce amplified sound in excess of decibel limit specified in Chapter 23 of the Code of General Ordinances.

i. Engage in skydiving landing or other acts deemed by the Superintendent of Parks to be potentially hazardous.

j. Hold an income-producing activity for other than a Not-For-Profit Entity.

k. Hold an event or events that occur on more than one day, regardless of whether the days are consecutive.

The failure to obtain such permit shall be deemed a violation of this Ordinance.

2. **Permit Not Required.** A permit is not required for events sponsored by the City or the Board of Park Commissioners.

BC. Application. Application for any permit above provided shall be made to the Superintendent of Parks in writing, and accompanied by the required fee or by an appropriate request for fee waiver. Such application shall be fully completed on City forms and shall define the activity desired to be engaged in, the park(s) or park area where the activity will be performed, the estimated attendance and other relevant information requested on the application form which is reasonably necessary to a fair determination as to whether the permit should be issued. The Board of Park Commissioners shall, from time to time, establish a written policy for the minimum and maximum time for submitting applications for activities subject to a permit on an activity-by-activity basis.

CD. Permit Fees.

1. **Establishment.** Permit fees shall be as established by the Board of Park Commissioners, and kept on file in the Department of Public Works.

2. **Waiver.**

a. **Request.** A Not-For-Profit Entity may request a waiver of all or part of a fee otherwise required under this section.

b. **Procedure.** A request for waiver must be made in writing to the Board of Park Commissioners with the application for permit. The request must be signed and the information contained in the request be certified on personal knowledge, by a person authorized by the Not-For-Profit Entity that is making the application. The person making the request must identify the name of the Not-For-Profit Entity in whose name the request is being made, identify the names of all sponsors of the event, and assert that all sponsors are either the City or are Not-For-Profit Entities. A statement must be included as to the reason the fee should be waived. A false certification is deemed a violation of this Ordinance.

c. **Standards.** A fee may be waived in circumstances where the only sponsors Not-For-Profit Entities.

d. **Withhold Permit Until Fee Paid.** Should the request for waiver be denied, but the underlying application be approved by the Board of Park Commissioners or by the Superintendent of Parks, the

issuance of the permit is conditioned upon the payment of the fee and the permit will be withheld until the permit fee is paid.

DE. Leases And Concessions. Leases and Concession Agreements shall be subject to bids, requests for proposals or negotiated terms and conditions, reduced to a contract, reviewed and approved by the City Attorney as to form, and approved by the Board of Park Commissioners.

EF. Permitting Authority.

1. Board Of Park Commissioners. The Board of Park Commissioners shall be responsible for granting leases, concession agreements, permits for a gathering of two hundred fifty (250) or more persons, for special events involving the sale or consumption of fermented malt beverages, and for determination of fees and charges.

2. Superintendent Director Of Parks. The Superintendent of Parks may grant any other permit or allow any activity authorized by this Ordinance, subject to a monthly report of permits being filed with and subject to the payment of fees and charges authorized by the Board of Park Commissioners. The decision of any of the above may be appealed to the Board of Park Commissioners.

FG. Standards For Permit Issuance. The Permitting Authority shall consider the following standards for permit issuance ~~and grant a permit only upon finding that:~~

1. The activity or use will be in compliance with applicable Federal, State, County and City laws, rules and regulations.

2. The activity or use will not create an unreasonable risk of loss of life, personal injury or property loss or damage or otherwise threaten the public health, safety or welfare.

3. The activity or use will not unreasonably interfere with the use of the park by the general public.

4. The activity or use will not unreasonably interfere with the peaceful use of the properties adjacent to the park.

54. The activity or use will not entail an unusual, extraordinary or burdensome expense to the City which is not recovered in the permit fees or charges.

65. The area which is the subject of the application is not reserved for another use or party at the day and hour for which requested.

76. The area requested is an area designated by the Board of Park Commissioners for the type of use requested and is otherwise available for use.

87. Other considerations:

a. Applications, where timely filed, shall be considered in order of priority determined by Permitting Authority, with due consideration for the need to distribute scarce resources on an equitable basis.

b. A permit shall not be denied where the activity constitutes free speech or right of assembly protected by the United States or Wisconsin Constitution, provided the above standards can be met.

c. The Board of Park Commissioners shall retain the right to reserve any park or area for any civic function or Commission sponsored event.

Whenever a permit application is denied, a statement of the reason(s) for denial shall be provided to the applicant in writing.

GH. Permit Conditions. The Permitting Authority shall have the right to impose reasonable permit conditions, including, but not limited to, the following:

1. Compliance with applicable Federal, State, County and City laws, rules and regulations.
2. Compliance with this Ordinance.
3. Execution of Indemnity and Hold Harmless Agreement.
4. Post a bond or other assurance to guarantee compliance with permit terms and conditions.
5. Provide private security for traffic, parking and/or crowd control.
6. Hold City harmless from damage to its property.
7. Clean up area immediately following use.
8. Inspect the Park Area immediately prior to Park use to determine whether or not the Park Area is suitable and safe for such use. If such inspection reveals that such Park Area is not suitable and safe for the intended use, the Park Area shall not be used until the Park Area is made suitable and safe for such use.
9. Report unsafe conditions in the Park Area to the Department of Public Works.
10. Warn all persons using the Park Area under authority of the Park Use Agreement of any unsafe conditions which may exist or portions of Park Area which are not suitable for use.
11. Supervise all persons using the Park Area under authority of the Park Use Agreement.
12. Reimbursement to City of costs incurred in enforcing permit forms and conditions.
13. Procure and maintain one (1) or more liability insurance policy(ies) written by one (1) or more insurance company(ies) licensed to do business in the State of Wisconsin, which contain an endorsement of contractual liability, and which covers death, personal injury and property damage in the following amounts:
 - a. CLASS I RISK - \$1,000,000 per occurrence and \$1,000,000 aggregate, for events and activities which involve a moderate liability risk, a noncommercial activity, and/or a gathering of less than five hundred (500) persons.
 - b. CLASS II RISK - \$1,000,000 per occurrence and \$2,000,000 aggregate, for events and activities which involve a moderate liability risk or a commercial activity, or a gathering of more than five hundred (500) persons.
 - c. CLASS III RISK - Over \$1,000,000; per occurrence and over \$2,000,000 aggregate, as determined by the Park Commission, for events and activities which involved a high liability risk, specifically including, but not limited to, circuses and carnivals.
14. Procure any other license or permit required for activity, such as Food Permit or Special Class "B" License.

HI. Revocation, NonRenewal and Suspension of Permits. The Permitting Authority may authorize and for just cause suspend, revoke, or not renew any permit herein provided, upon serving upon such party written notice of the charges forming a basis for the proposed penalty, in the same manner as that for the service of a Summons in a civil action. Said notice shall provide for a hearing upon a written request therefor being filed with the City Clerk within ten (10) days of service. Absent a timely request for a hearing, the Permitting Authority shall administratively impose the penalty set forth in said notice. The judgment of conviction of any permittee in any Municipal, State or Federal Court, irrespective of whether obtained following trial, plea agreement, or bond forfeiture, shall be prima facie proof of said violation for purposes of this Ordinance. However, in the instance of any judgment of conviction entered pursuant to a no contest plea, or considered in law to be rendered pursuant to a no contest plea,

said judgment of conviction as a prima facie case may be rebutted. Further, mitigating circumstances may be introduced with respect to any judgment of conviction.

HJ. Time Limits. The following time limits shall apply in the application of this Section:

1. Board of Park Commissioners to act on Permit Application **and/or request for fee waiver:** Thirty (30) days.
2. Superintendent of Parks to act on Permit Application: Ten (10) days.
3. Appeal of any permitting decision of the Superintendent of Parks to the Board of Park Commissioners: Ten (10) days from actual receipt or twelve (12) days from date of postmark, whichever is longer.

Section Two: This Ordinance shall become effective upon passage and publication.

ATTEST: _____ City Clerk

APPROVED: _____ Mayor

Passed:

Published:

Drafted By:
EDWARD R. ANTARAMIAN
City Attorney



Shelly Billingsley, P.E.
Acting Director of Public Works
City Engineer

September 25, 2015

To: Scott Gordon, Chairman,
Board of Parks Commission

From: Shelly Billingsley, P.E. *Shelly Billingsley pm*
Acting Director of Public Works

Subject: Resolution by Alderperson Scott Gordon; Co-Sponsor Alderperson Bob Johnson, Kurt Wicklund, Patrick A. Juliana, Curt Wilson & Jan Michalski – To Proclaim the Second Saturday of Each October the Includable and Accessible Play Day in the City of Kenosha. *(Also referred to Finance) (Oral referral from Council on 9/21/15)*

BACKGROUND/ANALYSIS

As an oral referral from the Commons Council on September 21, 2015, we received the following Ordinance by Scott Gordon; Co-Sponsor Alderperson Bob Johnson, Kurt Wicklund, Patrick A. Juliana, Curt Wilson & Jan Michalski – To Proclaim the Second Saturday of Each October the Includable and Accessible Play Day in the City of Kenosha.

RECOMMENDATION

Staff has no recommendation.

SB/dm

RESOLUTION _____

SPONSOR: ALDERPERSON SCOTT GORDON
CO-SPONSORS: ALDERPERSON BOB JOHNSON
ALDERPERSON KURT WICKLUND
ALDERPERSON PATRICK A. JULIANA
ALDERPERSON CURT WILSON
ALDERPERSON JAN MICHALSKI

**TO PROCLAIM THE SECOND SATURDAY OF EACH OCTOBER THE
INCLUDABLE AND ACCESSIBLE PLAY DAY IN THE CITY OF KENOSHA**

WHEREAS, the City of Kenosha in partnership with the Kenosha Achievement Center, recently completed a community-build that was spearheaded by Tammy Conforti and the Kenosha Dream Playground Project team, of a playground with a fully-accessible play area design at Petzke Park, called the Dream Playground; and

WHEREAS, the official opening of the Dream Playground with a fully-accessible play area design is Saturday, October 10, 2015; and

WHEREAS, the opportunity for children of all abilities to play together at the playground with a fully-accessible play area design is worthy to be recognized.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council for the City of Kenosha, Wisconsin that October 10, 2015, and the second Saturday of every October thereafter shall be designated "The Includable and Accessible Play Day" in Kenosha.

Adopted this _____ day of _____, 2015.

ATTEST: _____
Debra Salas, City Clerk/Treasurer

APPROVED: _____
Keith G. Bosman, Mayor

Drafted By:

EDWARD R. ANTARAMIAN
City Attorney

September 25, 2015

TO: Shelly Billingsley, P.E.
Acting Director of Public Works

Informational #1

FROM: Cathy Austin, P.E.
Assistant City Engineer



SUBJECT: Project Status Report

- Project # 08-1443 Bike and Pedestrian Connections** - Plans have begun but a major focus on bike paths has been to complete the Bike Path crossing at Washington Road and the extension through Nash Park. Once these projects have been bid, design will be completed on this third phase. (Citywide)
- Project #11-1417 Strawberry Park Trail and Shelter (DNR Stewardship Grant)** [SAA Design Group] – Project has been awarded and construction has begun. Shelter is anticipated to be delivered in late September / early October. (16)
- Project #12-1415 / 13-1415 / 14-1415 / 15-1415 CORP Implementations** – Continuing. (Citywide)
- Project #12-1430 Alford Park Warehouse Demolition** – [Earth Construction] Project close-out documents were sent to contractor. (1).
- Project #13-1413 - Petzke Park Phase II** [SAA Design Group] Construction began in April and is on schedule to be substantially completed by the end of September (weather dependent). (1)
- Project #13-1414 - Washington Park Velodrome** [SAA Design Group] – Construction began in May and sections of the track are being poured. (6)
- Project #14-1141 – Southport Park Shoreline Repair Phase 1** – [Redbarn Design and Engineering] Project close-out documents were sent to contractor. (12)
- Project #14-1417 – Tree Removal** – Contract nearing completion. Phase 2 tree removal has a change order to the contract in progress. (City wide)
- Project #14-1418 – Tree Planting** – Contract nearing completion. (City wide)
- Project #14-1421 – Simmons Island Phase 1B** – [SAA Design Group] Project has been put on hold due to budget. Plans for grading the playground area are being designed. (2)
- Project #14-1426 Petzke Park – Dream Playground** [SAA Design Group] – Installation of the brick pavers and poured in place rubber surfacing are in progress. The site will be completed prior to the Grand Opening on October 10th. (1)
- Project #14-1428 – Washington Park Trail Improvements** - Construction has been complete and close out documents have been sent out. (6)
- Project #15-1417 – Tree Removal** – Project has been awarded by Committee; contract has change order in progress (City Wide)
- Project #15-1419 – Park Division West Garage Roof Replacement** – Work is anticipated to begin in September.(12)
- Project #15-1423 – Anderson Park Paths** – Project is anticipated to begin the beginning of September due to soccer tournaments, however due to wet weather conditions they started mid-September. The paths have been paved and restoration will begin this week (weather dependent). (9)

Design Work- Misc. Park projects and finishing 2012, 2013, 2014 and 2015 CORP projects.