

\*\*\* All present are expected to conduct themselves in accordance with our City's Core Values \*\*\*



## OFFICIAL NOTICE AND AGENDA

of a meeting of a City Board, Commission, Department Committee, Agency, Corporation, Quasi-Municipal Corporation or Sub-unit thereof.

Notice is hereby given that the Park and Recreation Committee of the City of Wausau, Wisconsin will hold a regular or special meeting on the date, time and location shown below.

Meeting of the: **PARKS AND RECREATION COMMITTEE OF THE CITY OF WAUSAU**  
Date/Time: **Monday, April 8, 2024 at 6:30pm**  
Location: **407 Grant St, Wausau WI 54403 - Council Chambers**  
Members: **Dawn Herbst, Carol Lukens, Tom Kilian, Lou Larson, Sarah Watson**

### AGENDA ITEMS FOR CONSIDERATION (All items listed may be acted upon)

- 1 Call the Meeting to Order
- 2 Public Comment or Suggestions
- 3 Approve Minutes - March 4, 2024
- 4 Discussion and Possible Action Authorizing the Execution of the Intergovernmental Agreement to Provide Park Services for City of Wausau Parks
- 5 Discussion and Possible Action Amending Sections 2.16.010-Generally, Rule 13 Committees, 2.60.070 Plan Commission, 2.90.030 Smoking prohibited in specified outdoor areas, 9.08.020 - Throwing or shooting of arrows, stones and other missiles prohibited, 9.20.010 - Vehicle regulation, 9.20.020 - Regulation of persons, 10.38.020 - Operation on City owned or leased property, 12.56.030 - City Forester, 12.56.130 - Appeal from order of City Forester, 21.16.085 - Required dedications for park purposes, 21.16.120 - Vacation or alteration of parkland and 23.08.30 - Landscaping requirements
- 6 Discussion and Possible Action to Repair Trail Overlook on Pick N Save Section of River Edge Trail
- 7 Educational Items  
A. Park Updates (Bull Falls, Brockmeyer, Kaiser & Memorial Pool, Oak Island Restroom, Woodson, Yawkey, Urban Forestry, General Maintenance)
- 8 Future Agenda Items -
- 9 Next Meeting Date
- 10 Adjournment

Jamie Polley, Director

Members of the public who do not wish to appear in person may view the meeting live over the internet on the City of Wausau's YouTube Channel <http://www.tinyurl.com/WausauCityCouncil>, live by cable TV, Channel 981, and a video is available in its entirety and can be accessed at <https://tinyurl.com/WausauCityCouncil>. Any person wishing to offer public comment who does not appear in person to do so, may e-mail [Jamie.polley@co.marathon.wi.us](mailto:Jamie.polley@co.marathon.wi.us) with "Parks Committee public comment" in the subject line prior to the meeting start. All public comment, either by email or in person, if agendaized, will be limited to items on the agenda at this time. The messages related to agenda items received prior to the start of the meeting will be provided to the Chair.

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), the City of Wausau will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs or activities. If you need assistance or reasonable accommodations in participating in this meeting or event due to a disability as defined under the ADA, please call the ADA Coordinator at (715) 261-6622 or [ADAServices@ci.wausau.wi.us](mailto:ADAServices@ci.wausau.wi.us) to discuss your accessibility needs. We ask your request be provided a minimum of 72 hours before the scheduled event or meeting. If a request is made less than 72 hours before the event the City of Wausau will make a good faith effort to accommodate your request.

This Notice was posted at City Hall and transmitted to the Daily Herald newsroom on 04/05/24 @ 4:30 p.m. Questions regarding this agenda may be directed to Jodi Luebke, Park Office (715) 261-1560.

Distribution List: City Website, Media, WSD-Admin, Alderpersons, Mayor, Polley, Dept. Staff, Maryanne Groat, Brad Lenz, Eric Lindman, Lance Leonhard, Wisconsin Woodchucks, Wausau Events, Public Access, Wausau River District

4. Discussion and Possible Action Authorizing the Execution of the Intergovernmental Agreement to Provide Park Services for City of Wausau Parks

In 1974 pursuant to Wisconsin Statute 27.075(1), the City delegated authority, through a resolution, to the County to govern, control, improve, and care for public parks, parkways, boulevards and pleasure drives. The County accepted this delegation through a resolution. Through these resolutions the City dissolved their parks program, transferring all employees and equipment to the County and both the City and the County abolished their respective park commissions/committees and formed that Park Commission. The Park Commission was established to assume the powers and duties of both the City and the County, as provided for in secs. 27.02 thru .06; 27.08 thru .15; and secs. 66.527, Wis Statutes governing parks and recreation. The Park Commission is comprised of three (3) City Council members, three (3) County Board members and a member at large. The three (3) City Council members on the park commission allows the City to maintain authority in the management of the City parks.

Wisconsin Statute 27.075(4) also states that the City may enter into necessary contracts with the County, and appropriate money to pay the County for the reasonable expenses incurred in rendering the park services assumed. To date there has not been a formal contract for services. The County has managed and maintained the City parks based on the stipulations laid out in each resolution and the City has appropriated funds for these services based on the same stipulations of each resolution. In 1992 the previous Parks, Recreation & Forestry Director developed a draft contract that was never presented to either entity.

The COVID-19 pandemic raised questions on the governance of the parks. Through indepth review of the past resolutions it was recognized that the County assumed full responsibility of the city and county parks in 1974 and, other then the resolutions, no agreement exists for the procurement of services. It was also recognized that the City Park and Recreation Committee had been reinstituted in 2002 however it was instituted by name only with no report describing the duties of the committee, giving the committee no authority. Having two committees has proven to be redundant, confusing, and inefficient for staff and the elected officials serving on each. Following the indepth review an overview of this process was provided to the Park and Recreation Committee on June 20, 2022. It was also determined by the Mayor, County Administrator, City Attorney and County Corporation Counsel that an agreement for services be developed which has resulted in the proposed Intergovernmental agreement. The operation of the Park Commission as intended is also recommended to improve efficiency of oversight of the park systems.

The proposed intergovernmental agreement documents the way that the County and the City have been operating for the past 50 years to effectively and efficiently manage the city and county park systems. The agreement identifies all of the resolutions that have set the framework of operations as well as details the current practices in place for operation and for funding staff, equipment, and improvements to the park system. The agreement does not include any changes to current operations but rather sets clear expectations of what the City expects of the County. Ultimately the City Council controls the funding that is allocated for the park operations, maintenance and improvements and therefore dictates the services expected with the funding provided. If the agreement is not approved, operations will continue as they are today based on past practice and the direction provided within the past resolutions. Items needing action will be initiated at the Park Commission and then through the process as designated by the City or the County. If at any time the City or County wishes to terminate the agreement of park governance by the County, the notice must be in writing with no less than 12 months' notice.

The Park and Recreation Committee is asked to recommend approval of the proposed intergovernmental agreement to memorialize and clarify operations practices and expectations, as explained above. The Committee is also asked to recommend removing the City Park and

Recreation Committee as a City committee to effectively manage the park systems through the Park Commission.

5. Discussion and Possible Action Amending Sections 2.16.010-Generally, Rule 13 Committees, 2.60.070 Plan Commission, 2.90.030 Smoking prohibited in specified outdoor areas, 9.08.020 - Throwing or shooting of arrows, stones and other missiles prohibited, 9.20.010 - Vehicle regulation, 9.20.020 - Regulation of persons, 10.38.020 - Operation on City owned or leased property, 12.56.030 - City Forester, 12.56.130 - Appeal from order of City Forester, 21.16.085 - Required dedications for park purposes, 21.16.120 - Vacation or alteration of parkland and 23.08.30 - Landscaping requirements

The proposed amendments to the sections listed correlate to item 4. If item 4 is recommended for approval recognizing the Park Commission as the governing committee of the City and County parks, these amendments are necessary to clarify operations.

The Park Commission is asked to recommend to the City Council the adoption of the amendments as presented.

6. Discussion and Possible Action to Repair Trail Overlook on Pick n Save Section of River Edge Trail

It has been brought to the City's attention that there is damage to the wall and paved area of the overlook on the River Edge trail by Pick n Save. We had an engineer look at the area and it was determined that the wall was not sufficiently supported with material when it was installed in 2002. Due to the insufficient material the paver surface is sinking and there is significant settling issues around the drain pipe. This sinking is pushing weight against the wall causing the wall to crack. At this time the cost to replace the overlook is unknown and would require further investigation. The City could choose not to replace the overlook and eliminate that area at this time leaving only the trail. Removing the overlook and fixing the trail is work that could be completed by parks staff.

The Committee is asked to provide staff with direction on eliminating the overlook and repairing the trail or seeking proposals to replace the overlook.

7A. Park Updates

**Bull Falls** – Prep work is being done to light the gazebos. We will be planning a work day with the City electrician and WPD to do the hook up.

**Brockmeyer** – Score booth and dugout work will commence once weather allows and the field has dried.

**Kaiser and Memorial Pool** – Caulking contractor is in next week

-Fisher Brothers is working on repairing pool components and will finish before the pool season

**Oak Island Restroom**– The restroom is near completion, we are waiting on windows and doors, which will complete the building. We are still working on concrete, parking lot and outdoor lighting.

**Woodson** – New fountain pump has been delivered and will be installed. We have a plan in place to upgrade the grating system around the kayak statue to prevent further winter damage.

**Yawkey** – We are completing repairs to the concrete and the statue on the fountain. The installation of the statue still be done as weather permits.

**Urban Forestry:**

-Stump Grinding contract has been awarded and will be starting soon

-Trees are arriving for planting and small tree structure pruning continues

-Chamber of Commerce group will be installing plant material at JoJo's Jungle May 2 as part of a volunteer leadership process.

**General Maintenance** - Mowing crews are conducting cleanup at the parks.

**DRAFT**

**CITY OF WAUSAU – PARKS AND RECREATION COMMITTEE MEETING MINUTES**

Date/Time: March 4, 2024 at 4:30 p.m. Location: Council Chambers, City Hall

Parks and Recreation Committee Members Present: Dawn Herbst (c), Tom Kilian, Carol Lukens, Sarah Watson, Lou Larson

Others Present: Jamie Polley-Parks Director, Anne Jacobson – City Attorney, Mark Macdonald – Wausau Woodchucks

1. In accordance with Chapter 19, Wisc. Statutes, notice of this meeting was posted and sent to the Daily Herald in the proper manner. A quorum was present and the meeting was called to order at 4:30pm.
2. Public Comment or Suggestions – none brought forward
3. Approve Minutes – February 5, 2024 – **Motion** by Watson, second by Larson to approve the Park and Recreation Committee draft February 5, 2024 minutes. **Motion carried** by voice vote, vote reflected as 5-0.
4. Discussion and Possible Action Authorizing the Execution of Lease for Radtke Point Park and Grace Park with the City of Schofield – Polley discussed the leases which the City Attorney's Office has been working with the City of Schofield to renew. The City of Schofield approved the lease agreements on February 13, 2024 and they were approved by the Airport Committee on February 14, 2024. **Motion** by Larson, second by Lukens to authorize the Execution of Lease for Radtke Point Park and Grace Park with the City of Schofield. **Motion carried** by voice vote, vote reflected as 5-0.
5. Discussion and Possible Action Approving the Softball Use Agreement for Athletic Park – The owner of the Wausau Woodchucks, Mark Macdonald, is interested in bringing a college level softball team to Wausau beginning in 2025. The installation of turf on the infield of Athletic Park has already been approved by this Committee and City Council. It is a requirement to accommodate the field use by softball in addition to baseball. The college level softball team will be a long-term user of Athletic Park like the Wausau Woodchucks which calls for a long-term agreement. This agreement is proposed for 10 years beginning January 1, 2025. It is being brought forward now for approval so that Mr. Macdonald has confirmation to complete his commitment with the league to bring a softball team to Wausau and to coordinate the installation of the turf. Questions about PFA's and artificial turf were raised. Discussion followed. **Motion** by Larson, second by Watson to approve the softball use agreement for Athletic Park. **Motion carried** by voice vote, vote reflected as 4-1 with Kilian as the dissenting vote.
6. Educational Items
  - A. Park Updates – Athletic Park – Athletic Park Bull Pen Blacktop Renovation. The Department has some fences install work to do before the opener. DPW will be paving the area for us. Our work is dependent on when DPW can get asphalt. Gilbert Park – Questions have arisen regarding the red pine, the red pine is not leaning more. Brockmeyer Park – Quotes on a new backstop are still coming in. New doors and windows have been ordered for the press box renovation. Oak Island Restroom – The building is up and construction is completed for the most part. We are still working on electrical. France Plumbing should be in soon to start the finish plumbing. Items that we still have to do: parking lot modification, new light pole with lights and possible camera, and concrete work around the building. Sylvan Hill – Despite the weather we have had a very successful season. Our staff worked extremely hard to keep the hill in usable condition and open when it needed to be. Kudos to all the staff involved and for their willingness to put in extra time to make the hill available. Sunday, March 3<sup>rd</sup> is the last rental and will be the last day that the tubing hill is open. Encampments – We once again have removed encampments following the proper notice at Riverside Park, Isle of the Ferns and the 400 Block. City Ballfields – We will start work on City ballfields next week in anticipation of an early spring.
7. Future Agenda Items – none brought forward
8. Discussion and Possible Action on the Absence of the Director for the Next Meeting Date – Meeting was rescheduled from April 1 to April 8, 2024 at 6:30pm in Council Chambers at City Hall.
9. Adjournment – **Motion** by Watson, second by Larson to adjourn at 5:05pm. **Motion carried** by voice vote, vote reflected as 5-0.

## INTERGOVERNMENTAL AGREEMENT TO PROVIDE PARK SERVICES FOR THE CITY OF WAUSAU

*Recitals.* The following recitals provide statutory, policy, and historical context for the creation of the Wausau and Marathon County Parks, Recreation, and Forestry Department and the delegation of City of Wausau Parks operations by the City of Wausau to Marathon County, a delegation under which city parks operations are managed.

**WHEREAS**, Wisconsin Statute Section 27.075(1) permits a County to exercise all powers of a local, legislative, and administrative character for the purpose of governing, managing, controlling, improving and caring for public parks, parkways, boulevards and pleasure drives within a city upon the request of that city as evidenced by a resolution adopted by a majority vote of the members-elect of the governing body of the city and County. Wis. Stat. § 27.075(4) permits the county and requesting city to enter into necessary contracts relative to these duties; and

**WHEREAS**, around 1925, the City of Wausau and Marathon County first elected to approach the service of parks and parkland within the City of Wausau through a combined City-County Park Department. The first department administrator of this combined department was created and hired in 1926; and

**WHEREAS**, In 1971, a County-City Study Committee was created to study the organization of the Wausau Park Board and the Marathon County Park Commission for the purpose of combining these commissions into a single unit. As a result of these studies, per City of Wausau Resolution 71-0550 (Oct. 31, 1974) and COUNTY resolution R-69-74, the City of Wausau (hereinafter "CITY"), delegated to Marathon County (hereinafter "COUNTY") the authority to govern, manage, control, improve, and care for public parks, parkways, boulevards, and pleasure drives within CITY and contracted with the COUNTY for the provision of all CITY park operations, including sharing the cost of staffing and equipment. Under CITY Resolution 71-0550 and COUNTY Resolution R-69-74, a Park Commission was formed as the governing body of the City and County Parks. COUNTY Resolution #R-54-92 further clarified the CITY and COUNTY Park Governance structure of the Park Commission; and

**WHEREAS**, Under CITY Resolution #80332 and COUNTY resolution R-30-83, the CITY and COUNTY agreed that enforcement authority for City Park rules and ordinances would be delegated to COUNTY. Ordinances for the CITY and COUNTY parks were thereafter mirrored.

*Purpose.* This document memorializes the actions taken for the operations and management of the City of Wausau and Marathon County parks. This document further sets forth the existing service levels for Park Services provided by COUNTY for CITY. This document is intended to enhance the understanding of current and future services levels for staff and elected officials.

*Identification of Existing Services.* The existing services provided by COUNTY to CITY are understood to be provided under the following terms:

- 1) *Operation.* The COUNTY Parks, Recreation & Forestry (PRF) Department shall operate and maintain all CITY parks in a reasonable and satisfactory manner to the CITY and as outlined herein. The Scope of Services provided by PRF to CITY shall be as further defined in the Scope of Services, attached hereto as Addendum A.
  - a) *Authority of the Park Commission.* The COUNTY Park Commission is authorized to monitor and recommend policy relative to park services and programming provided to CITY. The Park Commission is specifically charged with approving all policy relative to implementation of park

services by the Department, including those applicable to CITY. Any capital projects solely owned by or solely benefiting CITY shall be separately approved by CITY.

- b) *Authority of the Department Director.* The COUNTY Director of PRF is authorized to act for and on behalf of the CITY in all City of Wausau park matters, subject to the duly authorized Marathon County Park Commission and the City of Wausau Mayor, as well as all applicable law.
- 2) *Status of Employees.* All regular employees of the PRF Department are considered to be COUNTY employees for all personnel and payroll purposes and are subject to the COUNTY rules, procedures and ordinances, including applicable COUNTY personnel and Human Resources policies.
- 3) *Equipment and Machinery.* The COUNTY and the CITY shall share, on a 50/50 basis, the purchase price of machinery and equipment purchased and used solely for PRF Department purposes in both the CITY and COUNTY parks. Jointly purchased equipment will be titled in the COUNTY's name. The CITY and COUNTY shall allocate equal funds in the amount of \$209,680 or greater, the exact amount to be set by the County Board in its annual budget, to PRF Rolling Stock.
- 4) *Staff costs.* The CITY and the COUNTY shall share the full cost, based on hours worked, of all COUNTY PRF department staff including administrative, professional, supervisory staff, seasonal, and part-time staff, with the exception of those positions that are directly allocated to specific CITY or COUNTY programs. Any additional full-time staff positions requested by the Department shall be duly approved by both the CITY and the COUNTY prior to filling of such additional positions during the budget cycle, and once approved shall be reimbursable at 50% shared cost or as identified in approved position requests under this section. The COUNTY shall provide recommendations from the County Human Resources Department in regard to new positions, staffing levels, etc. The CITY shall fully fund those positions which are used exclusively for CITY park operations; however, such individuals will also be COUNTY employees and subject to the same employment terms as all other employees of the Department.
- 5) *Facility costs.* The CITY shall reimburse the COUNTY on a 50/50 basis for the cost of PRF Department administrative office space and utilities provided in COUNTY owned facilities. Costs associated with the use, operation, and maintenance of the PRF operations shop on Pardee Street shall be shared 50/50 by CITY and COUNTY through routine budgeting and payment of operating expenses. The PRF Department's administrative office shall be housed in COUNTY facilities and shall not be split between multiple physical locations unless mutually agreed upon by the parties; however, where necessary and practical, the PRF Department may provide staff at CITY facilities to coordinate certain CITY park functions.
- 6) *Operations within CITY.* The CITY shall pay the complete costs of all operations conducted in CITY parks on behalf of the CITY by the COUNTY PRF Department, under a budget submitted to and approved by the CITY in the same manner as other CITY department budgets.
- 7) *Liability for CITY operations.* The CITY shall be responsible for providing, at CITY expense, non-deductible comprehensive liability insurance coverage which fully covers Marathon COUNTY employees when engaged in the operation or maintenance of CITY-owned facilities and property and CITY supported programs including parks, street tree program, and the CITY recreation programs. The

CITY shall assume the full liability for COUNTY employees when engaged in such operations for the benefit of or on behalf of the CITY, which liability is willingly assumed by the CITY.

8) *Facilities Operated.* As of 2024, the PRF Department shall maintain and operate the following properties and facilities on behalf of the CITY:

- Airport Sports Park
- Alexander Airport Park
- Anne's Tot Lot
- Athletic Park
- Barker Stewart Island
- Big Bull Falls Park
- Boileau Field
- Brockmeyer Park
- City Hall Park
- Eau Claire River Conservancy
- Forest Park
- 400 Block
- Gilbert Park
- Hammond Park
- Horgan Park
- Kaiser Pool
- Lincoln Tot Lot
- McIndoe Park
- Memorial Park
- Non-Park Boulevards & Triangles
- Oak Island Park
- Isle of the Ferns Park
- Paff Woods Nature Preserve
- Pleasant View Park
- Reservoir Park
- Rib River Park
- River Highlands Park
- River Edge Parkway
- Riverlife Park
- Riverside and Picnic Island Park
- Scholfield Park
- Schulenberg Pool
- Stewart Park
- Swiderski Park
- Sylvan Hill Park
- Tenth Street Park
- Three "M" Park
- Two Hearts Dog Park
- Westview Terrace Park
- Whitewater Park
- Woodson Park
- Yawkey Park

- 9) *Addition of Parks or Facilities.* If any additional parks or park facilities are acquired by the CITY, those parks or park facilities shall be governed by this Contract and the CITY expressly agrees to pay for all work performed thereon. It is understood that the CITY's acquisition of such property is subject to budget constraints and identification within the current City Comprehensive Outdoor Recreation Plan. A new park or park facility shall be served consistent with the terms outlined herein.
- 10) *Verification of Costs.* The PRF Department shall maintain and keep all records, logs, time sheets and other documentation within WORKDAY, or its successor enterprise resource planning software, sufficient to verify the cost of operations between the CITY and the COUNTY.
- 11) *Fixed Asset Schedule.* COUNTY shall provide to the CITY a complete and updated fixed asset schedule relative to all jointly purchased property owned by COUNTY and purchased pursuant to CITY's contract with COUNTY. The detail on the report must include the type of asset, acquisition date, description, useful life and current value. The schedule shall be updated each year with the closing of the COUNTY's accounting system and a copy shall be made available to the CITY upon request.
- 12) *CITY Capital Projects.* For any capital projects solely owned by or solely benefiting CITY, the Director shall follow the process for presenting capital projects as set forth by the CITY. The CITY will be the fiscal agent for all such capital projects.
- 13) *Billing for Costs.* The COUNTY shall bill the CITY for the actual costs of services on a monthly basis. The actual costs of services will be tracked within the COUNTY financial system. Billing shall be for the cost of services and exclude capital purchases. Capital purchases shall be made directly by the CITY. Land acquisition and large construction contracts will be paid directly by the CITY. All payments shall be balanced out on an annual basis in accordance with the closing of the COUNTY's accounting system.
- 14) *Procurement.* PRF shall comply with COUNTY's procurement procedures for all purchases made for COUNTY or joint COUNTY-CITY property, equipment, operations, or programs. PRF shall comply with CITY's procurement procedures for any capital project solely owned by, or solely benefiting, CITY.
- 15) *Legal Services.* PRF shall receive legal services through COUNTY and its Office of Corporation Counsel; however, for any operations, programs, property, equipment, or processes solely affecting or benefiting CITY, PRF shall seek legal services through CITY and its City Attorney. COUNTY and CITY may develop further guidelines relative to the handling of legal services and potential conflicts between COUNTY and CITY as they relate to PRF.
- 16) *Immunities.* CITY and COUNTY shall each remain liable for their own acts and omissions in relation to services provided. Nothing contained herein shall act as a waiver or estoppel of the rights of COUNTY or CITY to assert their rights to all affirmative defenses, limitations of liability, and immunities as specifically set forth in state and federal law, including Wis. Stat. §§ 893.80, 895.52, 345.05, and any related or successor statutes.
- 17) *Review of Terms.* CITY and COUNTY shall endeavor to review the services provided at least every five (5) years.

- 18) *Whole Agreement.* This Agreement constitutes the sole and entire agreement of the Parties with respect to the subject matter of this Agreement, and supersedes all prior and contemporaneous understandings, resolutions, ordinances, agreements, representations, and warranties, both written and oral with respect to the Park Services provided by COUNTY to CITY. In the event of any inconsistency or conflict with other understandings, resolutions, ordinances, agreements, representations, and warranties, this Agreement shall control.

DRAFT

## **ADDENDUM A – SCOPE OF SERVICE<sup>1</sup>S**

COUNTY will provide the following services to the CITY:

### **SECTION I – ADMINISTRATION**

#### **(A) ADMINISTRATIVE SERVICES**

- (1) Organize manpower to meet CITY needs.
  - a. Assess staffing needs to meet workloads, make appropriate recommendations to COUNTY Human Resources Department.
- (2) Negotiate and approve CITY-specific contracts and leases including, but not limited to, the following: garbage hauling, portable restrooms, facility use agreements, Athletic Park user contracts, Athletic Park food concession contract, Kayak Corporation agreement, shelter and facility rental contracts.
- (3) Maintain CivicRec or equivalent reservation and scheduling system.
- (4) Sell daily and annual passes for all CITY park facilities.
- (5) Recommend to the CITY ordinance changes to better protect the CITY's resources and investment.
- (6) Cooperate with CITY's insurance carrier in the investigation of accidents and claims.
- (7) Keep photo files current of city facilities for use in marketing.
- (8) Maintain "lost and found" records regarding personal property recovered by PRF staff from CITY-owned parks.

#### **(B) PUBLIC SERVICES**

- (1) Provide information on parks and programs to customers in a courteous manner.
- (2) Maintain current maps and brochures electronically and printed where cost effective.
- (3) Maintain a website with current parks, facility and program information.
- (4) Provide signage necessary to operate the park system.
- (5) Answer complaints within five (5) working days.
- (6) Meet with major park users, including but not limited to, Wausau Woodchucks, Youth Baseball, Legion Baseball, Kayak and Canoe Corporation, Convention and Visitors Bureau, Wausau Area Events, River District, Youth Soccer, Youth Lacrosse on a regular basis regarding their programs.
- (7) Reserve all park shelters and facilities.
- (8) Reserve all athletic fields and courts.
- (9) Reserve parks for special events in keeping with CITY ordinances and existing Park Commission policy. Review CITY special event permits and coordinate park and park facility use with City Clerk.
- (10) Respond to citizen requests to place equipment on CITY park property according to existing policy, CITY ordinance and PRF Department needs.

#### **(C) CREATE A POSITIVE INFLUENCE THROUGHOUT THE CITY BY:**

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<sup>1</sup> This Addendum A only addresses services CITY is receiving and/or sharing with COUNTY. All services specifically for COUNTY have been excluded on purpose.

- (1) Keep alders informed about CITY programs by updating the Common Council annually at one regularly scheduled Common Council meeting between January 1 and March 31. An annual report will also be included in the Common Council agenda packet.
- (2) Network with business, industry and community leaders including Central WI Convention and Visitors Bureau, Chamber of Commerce, Parks and Recreation Foundation, Downtown River District, Wisconsin Valley Improvement Company, Wisconsin Public Service, Wisconsin Department of Natural Resources, MCDEVCO, Wisconsin Department of Tourism and Office of Outdoor Recreation, Wausau School District, State and National Park and Recreation Organizations, among others.

**(D) COOPERATE WITH ALL UNITS OF GOVERNMENT, SERVICE ORGANIZATIONS AND USER GROUPS TO MEET RECREATION NEEDS**

- (1) Cooperate with Wausau School District and other local municipalities or public agencies in sharing equipment and facilities. Plan with the school district and/or public agencies to cooperate in new activities and initiatives when appropriate. Make recommendations to the Park Commission for policy changes or new programs.
- (2) Coordinate with Wausau Public Works, Marathon County Highway Department and Wausau School District to share equipment, talent and resources for cost effective and efficient services where practicable and appropriate.

**SECTION II – OPERATIONS**

**(A) ADMINISTRATION AND CONSTRUCTION**

- (1) Select all equipment necessary to perform and carry out CITY park program.
- (2) Select all material necessary to perform and carry out CITY park program.
- (3) Establish space requirements for equipment and material storage and repairs, shop fabrication, employee locker space, lunchroom, rest rooms and any other space needed for support facilities.
- (4) CITY will pay one-half of the costs of operation shop repairs, maintenance and improvements and one-half costs of all shared equipment. CITY will pay total cost of equipment used entirely for CITY programs.
- (5) If COUNTY contracts for services to other agencies, CITY will be reimbursed for equipment used in the performance of other contracts.
- (6) Provide CITY with the additional estimated cost of new, additional, or remodel space needs one (1) year in advance for anything over fifteen thousand dollars (\$15,000).
- (7) Maintain a five-year equipment replacement schedule.
- (8) Provide CITY with five (5) year program of small construction and major maintenance needs including estimated costs. CITY decides which projects to fund. COUNTY PRF staff are authorized to determine how to complete the projects (i.e. using internal versus contract resources).
- (9) Small projects done through the small project fund in the past include, but not limited to, picnic shelter/building renovation and remodeling, fences, sidewalks, slabs, benches, backstops, ball diamonds, soccer fields, tennis court grading, lighting, roads, trails, bridges under twenty (20) feet, culverts, parking lots, guard rails, bleachers, dugouts, tennis court backstops, tables, playground installation, under-ground irrigation, storm sewers, electric services, drinking fountains, flagpoles, curb and gutter, boat landings, vault toilets, steps, equipment sheds, and fountains.

**(B) MAINTENANCE**

- (1) Maintain parks and facilities at the current maintenance levels according to recognized and acceptable community standards.
- (2) Perform start-up, operations and shut-down for seasonal facilities including Schulenberg pool, Kaiser pool, Memorial pool, Sylvan Hill Tubing, park fountains, Athletic Park, irrigation, ice rinks and seasonal park shelters and restroom facilities. Changes in operations of CITY facilities will be reviewed by the Park Commission and recommended to the CITY as needed.
- (3) Perform unanticipated maintenance as soon as possible. When necessary, fill out destruction and loss report form and report to the COUNTY for insurance filing.
- (4) Inspect each playground weekly and make any necessary changes or corrections
- (5) Inspect each park at a minimum two times per year to keep facility inventory up to date and document complete work orders to address items in need of correction.
- (6) Provide user contact and monitoring, janitorial service, cleanup, and outside safety inspections of all park facilities as usage requires utilizing full-time and seasonal staff.

**(C) URBAN FORESTRY**

- (1) Will annually provide the following services on CITY-owned trees and shrubs: planting, pruning, watering, fertilizing, trimming and removing street trees and park trees and stumps; clearing sidewalks, signs and intersections; performing inventory and inspection; respond to citizen questions, concerns and complaints.
- (2) Submit to the CITY for approval during the budgeting process an annual work plan which includes the number and location of trees to plant by priority, trimming schedule by priority and number of trees to remove. The reports shall also contain the annual number of trees to be treated and removed consistent with the Emerald Ash Borer plan. The report shall also include the hours spent on storm damage, damage from vehicles, vandalism or other unforeseen causes of damage to CITY-owned trees and shrubs covered by the Urban Forestry program.
- (3) Respond to unanticipated needs such as storm damage, vandalism, citizen calls and complaints.
- (4) Coordinate street tree program with Department of Public Works, Wisconsin Public Service, water utility and local construction projects.
- (5) Monitor for insect and disease problems and present mitigation plans to the CITY for approval.
- (6) Carry out Emerald Ash Borer management plan.
- (7) It is expressly understood by CITY that planned work may not be accomplished because of unforeseen acts such as storm and vandalism damage and citizen calls. The City will be updated on the progress of the planned work in the annual report.

**(D) HORTICULTURE**

- (1) Maintain greenhouse at Park Operations facility.
- (2) CITY, through the annual budget process, may increase or decrease flower planting program depending on available staff and funding.
- (3) Plant and maintain shrubs, ground covers and ornamental plantings per the City's budgetary process. CITY may eliminate or reduce maintenance through annual budget process.
- (4) Perform insect, disease and weed control as needed.
- (5) Re-establish turf after any event detrimental to turf conditions.

**(E) RECREATION**

- (1) Coordinate recreation programs.
- (2) Hire, supervise, schedule seasonal employees for swimming pools, ice rinks, park attendants, Sylvan Hill, Athletic Park and recreation programs.
- (3) Coordinate with user groups to arrange for facilities for their activities either on or off CITY property.
- (4) Meet with new user groups to define their activity, organize themselves and find space for their activity.
- (5) Provide media coverage of opening and closing of all park facilities and programs.
- (6) Develop electronic seasonal activity guide(s) that highlight events and activities.
- (7) Coordinate with other local entities where there are shared activities.
- (8) Mediate disputes between user groups.
- (9) Hold scheduling meetings for facility user groups.
- (10) COUNTY will collect money from program participants, pass purchases, shelter rentals and events. CITY program/facility revenue will be transferred to the CITY monthly.

**SECTION III – TECHNICAL SERVICES****(A) PLANNING**

- (1) Cooperate with all phases of CITY planning as it relates to parks and as related to the adopted CITY Comprehensive Outdoor Recreation Plan.
- (2) Review master plans, conceptual and preliminary site plans, construction plans as provided by the CITY. Provide CITY with written comments and suggestions. Meet with appropriate CITY officials or contractors regarding plans.
- (3) Provide CITY with list of parks and recreation needs. Cooperate with CITY planner in park and recreation planning activities.
- (4) Contract planning services on behalf of CITY and administer contract.
- (5) Provide five (5) year capital improvement plan.
- (6) Request grant funding and administer grants when awarded.

**(B) ACQUISITION**

- (1) Contract for appraisals.
- (2) Negotiate with owner for acquisition approved by CITY.
- (3) Negotiate with developer for land dedicated under the Parkland Dedication Ordinance. Assist CITY staff in setting Parkland Dedication fees.

**(C) DESIGN**

- (1) Provide designs, specifications and cost estimates as per staff abilities to meet program of work.
- (2) Contract design services, specifications and cost estimates as needed to meet agreed upon program of work.
- (3) Develop park and trail maps to be displayed on the Department website and design fliers, brochures, social media posts and promotional graphics as needed.
- (4) Provide contract administration.

(D) ENGINEERING

- (1) The PRF Department will provide in-house planning/design and engineering services for CITY park and recreation programs and projects based on the following:
  - (a) Agreed upon program of work (see annual budget, five-year CIP, five-year maintenance/small project plan)
  - (b) Capabilities of PRF Department staff.
- (2) The planning, design and engineering work that is beyond the expertise or staffing capabilities of the PRF Department will be accomplished through cooperation with the CITY departments (DPW, Engineering, City Planning) or by contract either directly through the PRF Department or in cooperation with other CITY departments.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the date first above written.

\_\_\_\_\_  
City of Wausau

\_\_\_\_\_  
Marathon County

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

# CITY OF WAUSAU, WISCONSIN

JOINT

RESOLUTION re. City-County Park

Department.

FILE NO. 71-0550

Introduced Oct. 31, 1974

Referred

Reported Back

Adopted Oct. 31, 1974

Other

## RESOLUTION

WHEREAS, the City of Wausau and Marathon County created, heretofore, a joint committee to study a proposal the county assume full responsibility for certain large parks owned, managed by, and located within the City of Wausau; and

WHEREAS, two large city parks are regularly used by many persons who are not city residents; and

WHEREAS, park department personnel and management responsibilities are presently administered both by the city and county; and

WHEREAS, the city is willing to transfer to, and the county is willing to assume responsibility for certain park operations, including a transfer of employees; and

WHEREAS, continued employment of that number of city employees now assigned to city park operations is of great concern to the city, the county, and said employees; and

WHEREAS, the county is willing to employ those city employees terminated as a result of this action,

NOW, THEREFORE, BE IT RESOLVED:

1. The city shall release from employment that number of city employees presently assigned Park Department duties, and the employment of such employees is terminated, effective midnight, December 31, 1974.
2. Marathon County shall accept as county employees, effective at 12:01 A.M., January 1, 1975, those employees presently working for the City of Wausau,

which are released from city employment as a result of the within transfer of responsibilities. Such employees shall be assigned to duties in the Marathon County Park Department.

3. The city shall provide the county a roster of employees, including the name, position, date of hire, and present wage and benefit data for each employee affected by this resolution.
4. The city and the county hereby abolish, effective midnight, December 31, 1974, their respective park commissions as presently organized and constituted.
5. The county hereby creates, pursuant to sec. 27.075, a Park Commission composed of seven members, who shall assume the powers and duties of both the city and the county, as provided for in secs. 27.02 thru .06; 27.08 thru .15; and sec. 66.527, Wis. Stats., governing parks and recreation.
6. The composition of such commission, as to the terms of office of its commissioners and their method of appointment, shall be as set forth in the above statutes. The initial commissioners shall be appointed as follows: The Mayor of the City of Wausau shall provide to the Chairman of the Marathon County Board, three nominees for appointment to such commission, and the county board chairman shall appoint the city nominees, whose terms of office shall be apportioned amongst the seven member commission in such a manner that there shall always be three commissioners nominated by the Mayor of the City of Wausau, serving on such commission. The four members appointed by the Chairman of the Marathon County Board shall be residents of Marathon County, but not of the City of Wausau. Thereafter, the residence of the Mayor's nominees shall be as the Mayor may decide, but the chairman's nominees shall be non-Wausau residents.
7. The county and city shall share, on a 50-50 basis, the purchase price of all machinery and equipment purchased and used solely for park department purposes.

8. The county and city shall share, on a 50-50 basis, the salary and fringe benefit costs of the following County Park Department administrative positions for 1975: (See List Below)
9. In future years, if the 50-50 formula no longer is fair and equitable, the parties shall readjust the cost sharing to conform to the facts.
10. That Sylvan Hill and Athletic Park shall be leased by the county, from the city, for the sum of Ten Dollars (\$10.00) a year, each; that the two governing bodies shall, prior to December 31, 1974, execute a lease for each park. The terms and conditions of the leases shall be approved by the requisite city and county officials, prior to such approval by the governing bodies.

*excluded*

COORDINATING COMMITTEE

Roger Otto

Robert C. Helber

John T. Hays

John W. Lichten

Richard B. Anklam

COUNTY PARK DEPARTMENT ADMINISTRATIVE POSITIONS FOR 1975:

- |                             |                          |
|-----------------------------|--------------------------|
| 1. Superintendent of Parks  | 8. Clerk-Steno I         |
| 2. Assistant Superintendent | 9. Park Supervisor       |
| 3. Park Forester            | 10. Construction Foreman |
| 4. Recreation Coordinator   | 11. Maintenance Foreman  |
| 5. Administrative Assistant | 12. Horticulture Foreman |
| 6. Business Manager         | 13. Park Supply Man      |
| 7. Clerk-Steno II           |                          |

# CITY OF WAUSAU, WISCONSIN

REPORT OF Personnel Committee Re: \_\_\_\_\_

City and County Park System

Dated May 10, 1971

FILE NO. 71-0550

Introduced May 11, 1971

Referred \_\_\_\_\_

Adopted MAY 11 1971

Filed \_\_\_\_\_

Other \_\_\_\_\_

To the Mayor and Common Council:

Your Personnel Committee wishes to report that it did, on April 26, 1971, meet jointly with the Personnel Committee of the Marathon County Board. The purpose of the meeting was to discuss the problems occurring as a result of the present city-county park departments.

After much discussion, it was decided that the committees recommend that a committee be formed to study the feasibility of a single park department, said committee to be appointed jointly by the Mayor of the City of Wausau and the Chairman of the Marathon County Board. After the study is completed, said committee is to report its findings to both bodies with its recommendations as to a future course of action to be taken.

Your Personnel Committee respectfully requests the Council to concur in this decision.

PERSONNEL COMMITTEE

Burt Macdonald  
Robert C. Hilber  
Allen C. Kloss  
Richard B. Anklam  
Anthony E. Shefferson  
Robert C. Murphy

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# CITY OF WAUSAU, WISCONSIN

A RESOLUTION re. Park Personnel and 1975  
Labor Negotiations.

FILE NO. 71-0550

Introduced Oct. 31, 1974

Referred

Reported Back

Adopted Oct. 31, 1974

Other

## RESOLUTION

WHEREAS, in order Marathon County commence negotiating the 1975 terms and conditions of employment of those City of Wausau Park Department employees who become County employees on January 1, 1975.

NOW, THEREFORE,

BE IT RESOLVED, the ~~County Personnel Committee is hereby~~  
~~authorized to take all action necessary to implement the working~~  
~~relationship between the County and said employees, hereinafter~~  
to be known as employees of the Marathon County Park Department.

PERSONNEL COMMITTEE

Peter J. Spragg

Robert C. Wilbur

Robert T. Hays

Johnson, Luchters

Abel J. Johnson

71-0550

# CITY OF WAUSAU, WISCONSIN

A RESOLUTION re. Administration of  
City-County Parks.

FILE NO. 71-0550

Introduced April 14, 1975

Referred

Reported Back

Adopted April 14, 1975

Other as amended\*

## RESOLUTION

WHEREAS, a restriction on the use of Athletic Park appears in the deed thereto; and

WHEREAS, that restriction may result in title to the Park reverting to the donors' successor with the result, use of the Park be lost to all of us; and

WHEREAS, other problems have arisen in the implementation of county park board jurisdiction over Athletic Park;

NOW, THEREFORE, BE IT RESOLVED,

That the resolution adopted <sup>October</sup> March 31, 1974, be amended by the deletion of any and all references in paragraph 10. to Athletic Park;

FURTHER RESOLVED,

The following paragraph 11. be added to said resolution:

11. The ~~city shall retain policy and police powers jurisdiction over Athletic Park.~~ The Mayor shall appoint an appropriate body to oversee the facility.

COMMITTEE OF THE WHOLE

\*Amendment

11. The city shall retain policy and police powers jurisdiction over Athletic Park until such time as the above can be resolved; ~~this period of time not to exceed one year.~~ The Mayor shall appoint the Coordinating Committee to serve as the body to oversee the facility in the interim.

Roger L. Otto  
Roger L. Otto  
Council President

*Add Sylvan Hill to this paragraph  
per Coordinating Committee report  
adopted July 8, 1975.*

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# CITY OF WAUSAU, WISCONSIN

REPORT OF COMMITTEE OF THE WHOLE re.

Administration of City-County Parks.

Dated \_\_\_\_\_

FILE NO. 71-0550

Introduced April 14, 1975

Referred \_\_\_\_\_

Adopted April 14, 1975

Filed \_\_\_\_\_

Other \_\_\_\_\_

## To the Mayor and Common Council:

For several years, a joint city-county study committee worked toward improving the administration of city and county parks. In 1972, Attorney General Warren issued an opinion, a county could not enforce city police powers in parks because at the time counties had only those powers granted by the constitution or the legislature.

As a result, sec. 27.075, Wis. Stats., was created wherein a county was authorized broad authority to exercise city powers in city parks upon proper action by both the city and county legislative bodies.

Effective January 1, 1975, a joint city-county resolution provided, among other things, a county park board exercise dominion over city parks. Paragraph 10. of that resolution reads:

"That Sylvan Hill and Athletic Park shall be leased by the county, from the city, for the sum of Ten Dollars (\$10.00) a year, each; that the two governing bodies shall, prior to December 31, 1974, execute a lease for each park. The terms and conditions of the leases shall be approved by the requisite city and county officials, prior to such approval by the governing bodies."

As the 1975 Spring baseball season approached, Wausau citizens objected to certain limitations that appeared imminent in the county administration of Athletic Park. Particularly, a clause in the deed granting the land to the city raised the possibility that ownership of Athletic Park could be permanently lost to all the citizens of Wausau and others who use it.

It may appear the council is taking a step backward if it adopts the attached resolution. On the other hand, if this plan to improve park policy and administration is not perfect and needs some adjustments, why not do it now?

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No one should be surprised by a few "growing pains". As man strives for better things, there are always "growing pains". We believe this problem is but one more obstacle to be overcome as the city and county try to improve their delivery of services for the lowest cost to the taxpayer. It is, after all, the voter and taxpayer who gains or loses by our actions. With that objective before us, we recommend the common council adopt the attached resolution.

COMMITTEE OF THE WHOLE

*Roger L. Otto*

---

Roger L. Otto  
Council President

71-0550

# CITY OF WAUSAU, WISCONSIN

REPORT OF Coordinating Committee

FILE NO. 71-0550

Introduced July 8, 1975

Referred \_\_\_\_\_

Adopted July 8, 1975

Filed \_\_\_\_\_

Other \_\_\_\_\_

Dated July 8, 1975

## To the Mayor and Common Council:

Your Coordinating Committee wishes to report at their May 21, 1975, meeting they recommended to ~~delete paragraph #10 from Joint Resolution~~ re: City-County Park Department adopted October 13, 1974, and ~~add Sylvan Hill to paragraph #11 of Resolution~~ re: Administration of City-County Parks, adopted April 14, 1975.

At their meeting on May 29, 1975, they recommended that Athletic Park is to be cleaned after every game and the contract with the Mets is to be a two-year contract with a second year option.

Signed

John L. Kannenberg  
John L. Kannenberg, Chairman

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## CITY OF WAUSAU, WISCONSIN

REPORT OF the Finance Committee Re:

Park Commission Per Diem

Dated May 10, 1976

FILE NO. 71-0550

Introduced May 11, 1976

Referred \_\_\_\_\_

Adopted May 11, 1976

Filed \_\_\_\_\_

Other \_\_\_\_\_

### To the Mayor and Common Council:

Your Finance Committee has considered a request from the Marathon County Park Commission for the City of Wausau to pay 50% of the commissioners' per diems and mileage during the year 1975. At the time the merger took place, a resolution was adopted establishing the administrative costs that would be split on a 50/50 basis between the County and City of Wausau. This resolution did not provide for a sharing of per diem and mileage costs. Therefore, it is the recommendation of your Finance Committee that these charges be refused by the City of Wausau Common Council through the adoption of this report.

### FINANCE COMMITTEE

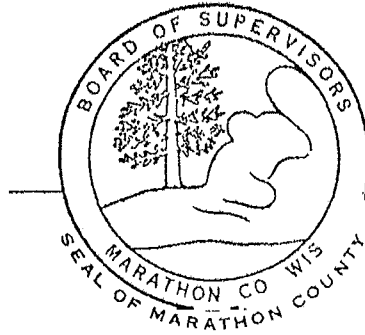
Roger Otto

Burt McDonald

Robert C. Hiller

71-0550

OFFICE OF  
Raymond H. Ott  
COUNTY CLERK



Marathon County  
WAUSAU, WISCONSIN  
54401

November 5, 1974

SUBJECT: Resolution 69-74

TO: Duane Corbin, Don Schultz

Enclosed is a certified copy of Resolution No. 69-74, A Joint City-County Resolution Pertaining to the City-County Park Department, which was adopted by the Marathon County Board of Supervisors at their Annual Meeting held on October 29, 1974.

Sincerely,

Raymond H. Ott  
Marathon County Clerk

RHO:jr

Enclosure

A JOINT CITY-COUNTY RESOLUTION PERTAINING  
TO THE CITY-COUNTY PARK DEPARTMENT.

WHEREAS, the City of Wausau and Marathon County created heretofore, a joint committee to study a proposal <sup>THAT C</sup> the County assume full responsibility for certain large parks owned, managed by, and located within the City of Wausau; and

WHEREAS, two large city parks are regularly used by many persons who are not city residents; and

WHEREAS, park department personnel and management responsibilities are presently administered both by the city and county; and

WHEREAS, the city is willing to transfer to, and the county is willing to assume responsibility for certain park operations, including a transfer of employees; and

WHEREAS, continued employment of that number of city employees now assigned to city park operations is of great concern to the city, the county, and said employees; and

WHEREAS, the county is willing to employ those city employees terminated as a result of this action,

NOW, THEREFORE,

BE IT RESOLVED,

1. The city shall release from employment that number of city employees presently assigned Park Department duties, and the employment of such employees is terminated, effective midnight, December 31, 1974.
2. Marathon County shall accept as county employees, effective 12:01 A.M., January 1, 1975, those employees presently working for the City of Wausau, which are released from city employment as a result of the within transfer of responsibilities. Such employees shall be assigned to duties in the Marathon County Park Department.

3. The city shall provide the county a roster of employees, including the name, position, date of hire, and present wage and benefit data for each employee affected by this resolution.
4. The city and the county hereby abolish, effective midnight, December 31, 1974, their respective park commissions as presently organized and constituted.
5. The county hereby creates, pursuant to sec. 27.075, a Park Commission composed of seven members, who shall assume the powers and duties of both the city and the county, as provided for in secs. 27.02 thru .06; 27.08 thru .15; and sec. 66.527, Wis. Stats, governing parks and recreation.
6. The composition of such commission as to the terms of office of its commissioners and their method of appointment, shall be as set forth in the above statutes. The initial commissioners shall be appointed as follows: the Mayor of the City of Wausau shall provide to the Chairman of the Marathon County Board, three nominees for appointment to such commission, and the county board chairman shall appoint the city nominees, whose terms of office shall be apportioned amongst the seven member commission in such a manner that there shall always be three commissioners nominated by the Mayor of the City of Wausau serving on such commission. The four members appointed by the chairman of the county board shall be residents of Marathon County, but not of the City of Wausau. Thereafter, the residence of the Mayors nominees shall be as the Mayor may decide, but the chairman's nominees shall be non-Wausau residents.
7. The county and city shall share, on a 50-50 basis, the purchase price of all machinery and equipment purchased and used solely for park department purposes.
8. The county and city shall share, on a 50-50 basis,

the salary and fringe benefit costs of the following

County Park Department administrative positions:

Superintendent of Parks  
Assistant Superintendent of Parks  
Park Forester  
Recreation Coordinator  
Administrative Assistant  
Business Manager  
Clerk Steno. II  
Clerk Steno. I  
Park Supervisor  
Construction Foreman  
Maintenance Foreman  
Horticulture Foreman  
Park Supplyman

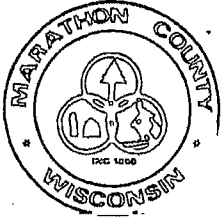
9. If, in the future years a 50-50 formula no longer is fair and equitable, the parties shall readjust the cost sharing to conform to the facts.

~~10.~~ That Sylvan Hill and Athletic Park shall be leased by the county, from the city, for the sum of Ten Dollars (\$10.00) a year, each; that the two governing bodies shall, prior to December 31, 1974, execute a lease for each park. The terms and conditions of the leases shall be approved by the requisite city and county officials, prior to such approval by the governing bodies.

CITY-COUNTY PARK CONSOLIDATION STUDY COMMITTEE

*Robert E. Helber*  
*Robert E. Helber*  
*Robert E. Helber*  
*Robert E. Helber*  
*Robert E. Helber*  
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*Robert E. Helber*  
*Robert E. Helber*

Dated: Oct 29/74



# MARATHON COUNTY

## MEMORANDUM

TO: Ray Ott, County Clerk

FROM: CHARLES P. BALCZUN, COUNTY ADMINISTRATOR CPB

DATE: April 18, 1983

SUBJECT: AGENDA ITEM - PARK ENFORCEMENT RESPONSIBILITIES

Attached you will find correspondence to me dated April 12, 1983, from Duane L. Corbin in which he makes reference to a Wausau Common Council resolution with respect to park enforcement responsibilities.

Further, Mr. Corbin indicates that the above referenced resolution was approved by the Marathon County Park Commission and that the resolution be adopted by the Marathon County Board of Supervisors.

Please place this item on the May agenda of the Advisory Committee.

CPB/sj

Petition by Supervisor.....

Resolution by Supervisor.....

To the Honorable Board of Supervisors, Marathon County:

RESOLUTION

#30-83

WHEREAS: Pursuant to Wisconsin Statute 27.075, the Wausau Park System, and the Marathon County Park System were consolidated on January 1, 1975, and

WHEREAS: It is deemed to be in the public interest that the Marathon County Park Commission now also exercise law enforcement duties for municipal parks located within the corporate limits of the City of Wausau, and

WHEREAS: The Wausau Common Council, on March 22, 1983, adopted the attached resolution requesting Marathon County to adopt and enforce certain county ordinances in city parks.

NOW, THEREFORE BE IT RESOLVED: That the Marathon County Board of Supervisors does elect to assume the exercise of authorities and functions as set forth in the attached City of Wausau resolution, dated March 22, 1983, and

BE IT FURTHER RESOLVED: That the Marathon County Board of Supervisors does adopt the attached ordinance consistent with the attached resolution.

MARATHON COUNTY PARK COMMISSION

*Baron S. Anderson*  
*Charles A. Schell*

Dated this 10 day of May, 1983.

Fiscal Impact: There is no fiscal impact on the current park programs.

STATE OF WISCONSIN)  
                                  )SS  
COUNTY OF MARATHON)

I, Raymond H. Ott, County Clerk in and for Marathon County, do hereby certify that the above was adopted by the Marathon County Board of Supervisors at their Adjourned Organizational meeting which was held on May 24, 1983.

Petition by Supervisor.....

Resolution by Supervisor.....

To the Honorable Board of Supervisors, Marathon County:

RESOLUTION

WHEREAS: Pursuant to Wisconsin Statute 27.075, the Wausau Park System and the Marathon County Park System were consolidated on January 1, 1975, and

WHEREAS: It is deemed to be in the public interest that the Marathon County Park Commission now also exercise law enforcement duties for municipal parks located within the corporate limits of the City of Wausau, and

WHEREAS: The Wausau Common Council, on March 22, 1983, adopted the attached resolution requesting Marathon County to adopt and enforce certain city ordinances in city parks,

NOW, THEREFORE BE IT RESOLVED: That the Marathon County Board of Supervisors does adopt the attached City of Wausau resolution, dated March 22, 1983, and

BE IT FURTHER RESOLVED: That the Marathon County Board of Supervisors does adopt the attached ordinance consistent with the attached resolution.

MARATHON COUNTY PARK COMMISSION

\_\_\_\_\_  
Dated this \_\_\_\_\_ day of \_\_\_\_\_, 1983.

- 15.1 City Parks. The terms "city park" and "Wausau Parks" are defined to mean all lands and water heretofore and hereafter acquired by the City of Wausau for park or recreational purposes, or placed under the jurisdiction of the Park Commission, and include, without limitation, parks, boulevards, triangles, swimming pools, and privately-owned lands, the use of which has been granted or leased to the City for park, recreational, or like public purposes. The following areas are designated as City of Wausau Parks:

|                       |               |
|-----------------------|---------------|
| Airport               | Oak Island    |
| Alexander             | Picnic Island |
| Athletic              | Pleasant View |
| Barker-Stewart Island | Radtke Point  |
| Big Bull Falls        | Reservoir     |
| Boileau               | Rib River     |
| City Hall             | Riverside     |
| Forest                | Schofield     |
| Gilbert               | Schulenburg   |
| Hammond               | Stewart       |
| Isle of Ferns         | Sylvan Hill   |
| Kaiser Pool           | Three "M"     |
| Kelly                 | Woodson Park  |
| Memorial              | Yawkey        |

- 15.2 Closing Hours. No person shall be within any city park between midnight and sunrise; (WMC 9.20.020(2))
- 15.3 Permit to Plant, Remove, Maintain, and Protect Trees and Shrubs. No person shall plant trees or shrubs in any public area within the City of Wausau unless a written permit is first obtained from the City Forester. No person shall trim, prune, remove, treat, spray, inject, fertilize, brace, do surgery work, cut above or below ground, or otherwise disturb any tree or shrub in any public area without obtaining a written permit from the City Forester. The permittee shall adhere to the arboricultural specifications and standards of workmanship set forth in the permit. A permit shall not be required to water trees and shrubs. (WMC 12.56.080)

#### SECTION 16 - PUBLIC MEETINGS AND SALES

- 16.1 Public Meetings. No person shall give or take part in any entertainment or exhibition or hold any public meeting or engage in public speaking in any city park without written consent of the Park Commission (WMC 9.20.020(4))
- 16.2 Sales. No person shall sell or offer for sale any goods, wares, or merchandise in any city park, except as authorized by the Park Commission and when holding proper licenses: (WMC 9.20.020(5))
- 16.3 Posting Bills or Advertising. No person shall distribute or post bills or advertisements in any city park without written consent of the Park Commission. (WMC 9.20.020(3))

## SECTION 17 - PERSONAL CONDUCT AND NUISANCES

- 17.1 Loud and Unnecessary Noise Prohibited. No person shall make or cause to be made any loud, disturbing or unnecessary sounds or noises such as may tend to annoy or disturb another in or about any public street adjacent to any city park or within any city park. No person shall operate a loudspeaker from any vehicle within any city park except upon written permit issued by the mayor and the Park Commission upon such terms and conditions as will ensure that the public peace and said order will not be disturbed. (WMC 9.04.030)

## SECTION 18 - DESTRUCTION, ENTRY, CLEANING, AND REFUSE

- 18.1 Damage to Trees and Shrubs. No person shall in any public area of the city: break, injure, mutilate, kill, or destroy any tree or shrub; permit any animal under his control to do so; permit any fire to injure any portion of any tree or shrub; permit any leak to exist in any gas line within the root zone of any tree or shrub; permit any toxic chemical to seep, drain, or be emptied on or about any tree or shrub; or permit electric wires to come in contact with any tree or shrub. During building operations, the builder shall erect suitable protective barriers around public trees and shrubs which may be injured, after first giving written notice to the City Forester. (WMC 12.56.040)
- 18.2 Fastening Materials to Trees and Shrubs. No person shall fasten any sign, rope, wire, or other materials to or around or through any public trees or shrubs in the City of Wausau without obtaining a written permit from the City Forester, except in emergencies. (WMC 12.56.050)
- 18.3 Littering Prohibited. No person shall throw any glass, rubbish, waste, or filth upon the streets, public parks or upon the surface of any body of water within the city. (WMC 9.04.040)
- 18.4 Hot Ashes and Combustible Materials. No person shall deposit hot ashes or cinders, or smouldering coals, or greasy or oily substance liable to spontaneous ignition, into any wooden receptacle or place the same within ten feet of any combustible material within any city park, except in metal or other noncombustible receptacles. (WMC 17.28.010)
- 18.5 Dispensing Beverages. All beverages, except milk and coffee, sold, served, dispensed or given away at any outdoor fair, game, attraction, event, public function, or in any park located within the limits of the city shall be served in a paper or plastic container, and the original container shall be retained by the vendor. (WMC 6.28.010)
- 18.6 Metal & Glass Beverage Containers and Carry-Ins. No person shall carry into or on, possess, sell, give away, drink from or throw any metal or glass bottle or can, packaged, filled or labeled, by or for a bottler, distiller or brewer and containing, formerly containing, or apparently intended to be used as a container for a beverage in or on the grandstand at Marathon Park and the bleachers in front of same, the stadium and bleachers at Thom Football Field, the grandstand and bleachers at Athletic Park, and the bleachers at Memorial Park Boat Landing, and the Sunny Vale Softball Complex. (WMC 9.20.020(7))

## SECTION 19 - VEHICLES

- 19.1 Vehicular Traffic. The following regulations shall apply to vehicles using the Wausau Parks:

Cont.

- (1) The speed limit shall be twelve (12) miles per hour;
  - (2) Vehicles shall park only in designated spaces;
  - (3) Vehicles shall not be operated off the driveways and roads;
  - (4) Heavy traffic is prohibited.
- (WMC 9.20.010)

## 19.2 Provisions of Selected State Laws Adopted by Reference

- (1) STATE TRAFFIC FORFEITURE LAWS ADOPTED. Except as otherwise specifically provided in Section 19 or other ordinances, all provisions of Chapters 340 to 348 of the Wisconsin Statutes describing and defining regulations with respect to vehicles and traffic for which the penalty is a forfeiture only, including penalties to be imposed and procedure for prosecution, are adopted for Wausau parks and by reference made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this section. Sections of Chapters 340 through 348 adopted by reference shall include but not be limited to the following:

|                       |                       |
|-----------------------|-----------------------|
| 341.01                | 343.46                |
| 341.04(1); (2)        | 343.73                |
| 341.08(6)             | 344.01                |
| 341.11(4)             | 344.45 through 344.47 |
| 341.15                | 344.51                |
| 341.16(4)             | 345.01                |
| 341.42(4)             | 345.17                |
| 341.51(5)             | 345.20 through 345.53 |
| 341.55                | 345.55                |
| 341.57(3)             | 346.01 through 346.55 |
| 341.61                | 346.57(2) through (6) |
| 341.62                | 346.595               |
| 341.63                | 346.60                |
| 342.05(4)             | 346.61                |
| 342.06(3)             | 346.62(1); (3)        |
| 342.15                | 346.63(1); (3); (4)   |
| 342.16                | 346.65(1); (2)        |
| 342.23                | 346.66                |
| 342.30 through 342.34 | 346.68                |
| 343.01                | 346.69                |
| 343.10(6)             | 346.70(1) through (5) |
| 343.12(1)             | 346.71                |
| 343.125(1); (2)       | 346.72                |
| 343.19(2)             | 346.73                |
| 343.22(1)             | 346.77 through 346.82 |
| 343.305               | 346.87 through 346.95 |
| 343.35                | 347.01 through 347.30 |
| 343.45                | 347.35 through 347.50 |

- (2) OTHER LAWS ADOPTED. There are also adopted by reference the following sections of the Wisconsin Statutes but the prosecution of such offenses under this Ordinance shall be as provided in Chapters 340 to 348 of the Wisconsin Statutes and the penalty for violation thereof shall be limited to a forfeiture as provided in Section 19.4 of this Ordinance.
- (WMC 10.01.010)

## 19.3 Disorderly Conduct with a Motor Vehicle. No person shall, within any city park, by or through the use of a motor vehicle, motorcycle, snowmobile or mini-bike, under circumstances which tend to cause or provoke a disturbance or annoy one or more persons, engage in violent, abusive, unreasonably loud or otherwise disorderly conduct, including but not limited to unnecessary or deliberate or intentional: Spinning of wheels; squealing of tires; revving of the engine; blowing the horn(s); causing the engine to backfire; or causing the vehicle, while commencing to move or in motion, to raise one or more of its

19.3 and a nuisance, and whoever is adjudged guilty of such conduct shall forfeit not less than twenty-five dollars, nor more than two hundred dollars, and the person or persons may also be enjoined from engaging in such conduct in the future. (WMC 10.01.011)

#### 19.4 Penalty.

- (a) The penalty for violation of any provision of Section 19.2 shall be a forfeiture as herein provided together with the cost of prosecution imposed as provided in Sections 345.20 to 345.53, Wisconsin Statutes.
- (b) Except as provided in (c) below, for non-moving traffic offenses, forfeitures for violation of any provision of Chapters 341 to 348 adopted by reference in Section 19.2(1) of this Ordinance shall conform to forfeitures for violation of the comparable state offense, including any variations or increases for second offenses.
- (c) The forfeiture upon stipulation for the following non-moving traffic violations, as defined in the respective state statutory reference, shall be in accordance with the following schedule:

|                                                                                       |         |
|---------------------------------------------------------------------------------------|---------|
| Improper parking on/off roadway (346.51(1))                                           | \$4.00  |
| Parking/standing where prohibited (346.53)                                            | \$4.00  |
| Stopping, standing or parking prohibited in places reserved for handicapped (346.505) | \$20.00 |
| Parking in excess of stated time limit (over-time)                                    | \$4.00  |
- (d) The forfeiture for other parking violations, shall be four dollars.
- (e) Payment. The forfeiture schedule shall be increased as follows, unless for good cause shown the District Attorney, or Chief Ranger extends such time limit:
  - (1) If a stipulation is not entered into within seven days commencing at six p.m. on the day the citation is issued, the forfeiture shall be increased by ten dollars.
  - (2) If a stipulation is not entered into within twenty-eight days commencing at six p.m. on the day the citation is issued, the forfeiture shall be increased by thirty dollars.
- (f) Stipulation Deposit
  - (1) The amount of the forfeiture for such violations shall be paid in cash, money order, bank check or by other means acceptable to the Circuit Court and shall be made payable to Marathon County. Such payment may be made by mail as provided on the citation. In the event the person receiving a citation transmits the citation by messenger or mail to the Courthouse, the Clerk of Court may require such person to print his name, post office address, his operator's license number and date of birth thereon as appropriate.
  - (2) No officer or county authority shall be personally or officially responsible for payment of any dishonored check in payment of any forfeiture.
- (g) Failure to Pay Forfeiture. The provisions of Section 345.28 of the Wisconsin Statutes are specifically incorporated herein by reference. If the alleged violator fails to pay the amount of the forfeiture as provided herein or to appear in court within twenty-eight days after the issuance of a non-moving traffic citation, Marathon County may take any or all of the actions authorized under Section 345.28, Wisconsin Statutes.
- (h) Costs. Any and all costs of the County, including the cost charged to the County for the program adopted pursuant to Section 345.28 of the Wisconsin Statutes, and court and/or prosecution costs, if any, shall be added to the forfeiture or payment required of the violator.

(1) dollar, nor more than one hundred dollars, for each such  
Cont. offense, together with the costs of prosecution.  
(WMC 10.01.080)

19.5 Enforcement Section 19 of this Ordinance shall be enforced in accordance with the provisions of Sections 345.20 to 345.53, Wisconsin Statutes. (WMC 10.01.090)

## SECTION 20 - FIRES, FIREWORKS, FIREARMS, MISSILES

- 20.1 Fires. No fires shall be permitted in any city park, except for cooking purposes at designated places. (WMC 9.20.020(1))
- 20.2 Fireworks. Section 167.10 of the Wisconsin Statutes, regulating the sale and use of fireworks, exclusive of penalties, is adopted by reference as part of this code for Wausau parks. (WMC 9.12.010)
- 20.3 Discharging and Carrying Firearms. No person, except sheriff, constable, police officer or their deputies, shall fire or discharge any firearm, rifle, spring or air gun of any description within city parks or have any firearm, rifle, spring or air gun in his possession or under his control unless it is unloaded and knocked down or enclosed within a carrying case or other suitable container, provided that this section shall not prevent the maintenance and use of duly supervised rifle or pistol ranges or shooting galleries authorized by the common council. This subsection shall be deemed to prohibit hunting within city parks. (WMC 9.08.010)
- 20.4 Throwing or Shooting of Arrows, Stones and Other Missiles. No person shall throw or shoot any object, arrow, stone, snowball or other missile or projectile, by hand or any other means, at any other person or at, in or into any building, street, sidewalk, park, playground or other public place within the city. This subsection shall not apply to archery ranges under the supervision of the Park Commission. (WMC 9.08.020)

## SECTION 21 - ANIMALS

- 21.1 Animals Running at Large.
- (a) It is unlawful to own, keep, or harbor a dog or cat or other animal and allow such animal to run at large in the city parks.
- (b) Under the provisions of this section, the animal shall be considered as running at large when it is not on the premises of its owner, unless it is on a leash, is being exercised, is in or upon a vehicle, or is in or on the property of another who does not object to the presence of such animal.  
(WMC 8.08.190)
- 21.2 Exercising Animals. No person shall exercise or walk a dog on a leash more than six feet in length, in any city park, except that no leash is required where the dog has such training that the person who is conducting the exercise shall be able to cause the dog, upon command, to "heel." Evidence that such training is not present includes, but is not limited to, the dog touching other dogs, cats, animals or human beings after the order to "heel," or an equivalent command, has been or should have been given. (WMC 8.08.220)
- 21.3 Animal Excreta. Any animal which discharges feces or urine upon any city park may be picked up and confined in the animal pound as if it were a stray; the owner or custodian of the animal is deemed to have permitted the nuisance to arise, and shall be liable for a penalty as set forth in Section 24 of this ordinance.  
(WMC 9.24.030(14))
- 21.4 Vicious Animals. The owner of any vicious animal shall keep it muzzled when exercising it in any city park. Where there is

21.4 animal muzzled, leashed or restrained. (WMC 8.08.200).  
Cont.

## SECTION 22 - ATHLETICS

22.1 Golf. No person shall play or practice golf in any city park.  
(WMC 9.20.020(6))

## SECTION 23 - COURT JURISDICTION OVER CERTAIN MINORS

23.1 Circuit Court Jurisdiction Over Persons Fourteen, Fifteen, Sixteen, and Seventeen Years of Age.

(a) Section 48.17(2), Wisconsin Statutes, is adopted.

(b) Subject to the provisions and limitations of Chapter 48, Laws of 1979, complaints alleging a violation of any provision of this code against persons fourteen, fifteen, sixteen, and seventeen years of age in Wausau parks may be brought in Marathon County Circuit Court.

(c) The court shall not impose incarceration as a penalty.

(d) In addition to any other provision of this code, no person age fourteen, fifteen, sixteen, or seventeen shall own, possess, ingest, buy, sell, trade, use as a beverage, give away, or otherwise control any intoxicating liquor or fermented malt beverage in any city park in violation of Chapter 125.07, Wisconsin Statutes. (WMC 9.04.020)

## SECTION 24 - SCHEDULE OF CASH DEPOSITS - CITY ONLY

24.1 Section 15.2 Closing Hours: Deposit \$30.00

24.2 Section 16.1 Public Meetings: Deposit \$40.00

24.3 Section 16.2 Sales: Deposit \$40.00

24.4 Section 16.3 Posting Bills or Advertising: Deposit \$40.00

24.5 Section 17.1 Obscene Language: Deposit \$20.00

24.6 Section 17.2 Obscene Literature, Pictures, etc.: Deposit \$40.00

24.7 Section 17.3 Unnecessary Noise: Deposit \$20.00

24.8 Section 18.1 Damage to Trees and Shrubs: Deposit \$50.00 plus  
restitution for damages.

24.9 Section 18.3 Littering: Deposit \$50.00

24.10 Section 18.4 Hot Ashes and Combustible Materials: Deposit \$50.00

24.11 Section 18.5 Dispensing Beverages: Deposit \$50.00

24.12 Section 18.6 Metal & Glass Beverage Containers and Carry-Ins:  
Deposit \$10.00

24.13 Section 19.1 Vehicular Traffic: Deposit \$40.00

24.14 Section 19.3 Disorderly Conduct with a Motor Vehicle: Deposit \$40.00

24.15 Section 20.1 Fires: Deposit \$30.00

24.16 Section 20.2 Fireworks: Deposit \$30.00

24.17 Section 20.3 Firearms: Deposit \$30.00

24.18 Section 20.4 Throwing or Shooting of Missiles: Deposit \$30.00

24.19 Section 21.1 Animals Running at Large: Deposit \$10.00

24.20 Section 21.2 Exercising Animals: Deposit \$10.00

24.21 Section 21.3 Animal Excretia: Deposit \$10.00

24.22 Section 21.4 Vicious Animals: Deposit \$10.00

24.23 Section 22.1 Golf: Deposit \$10.00

# CITY OF WAUSAU, WISCONSIN

A RESOLUTION of the Judiciary & Regulatory Comm.

Re: Park Enforcement Responsibilities

FILE NO. 83-0332

Introduced March 22, 1983

Referred

Reported Back

Adopted March 22, 1983

Other

## RESOLUTION

WHEREAS, pursuant to Wis. Stat. 27.075, the Wausau Common Council, on October 31, 1974, did authorize the transfer to the Marathon County Park Department of certain listed City personnel and management functions, and

WHEREAS, Marathon County, by resolution dated October 24, 1974, did accept said personnel and management functions for parks located within the City of Wausau, and

WHEREAS, said City park functions included powers and duties as provided for in Sections 27.08 through 27.15, Wis. Stat., governing parks, and

WHEREAS, Section 27.08(2a), Wis. Stat., provides the power to control public parks and also to adopt and enforce rules and regulations to promote this purpose, and

WHEREAS, Section 27.075(1) and 66.119(2), Wis. Stats., states that the powers hereby conferred may be exercised by the County Board in any City or part thereof located in such county upon the request of any such city--., and

WHEREAS, Marathon County through its Park Commission has employed uniformed Park Rangers to carry out a park and visitor protected program, and

WHEREAS, it is deemed to be in the public interest and that Marathon County be specifically requested to exercise enforcement of the rules and regulations adopted for the control of public parks located within the corporate limites of the City of Wauau, and

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Wausau does request the Marathon County Board of Supervisors, ordaining as follows: to recommend changes to; and adopt and enforce City ordinances that regulate use by the public of the Wausau Park System. The following Wausau ordinances are recommended to Marathon County for adoption:

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|              |                                                                        |
|--------------|------------------------------------------------------------------------|
| 6.28         | Dispensing beverages at outdoor functions.                             |
| 8.08.190     | Animals not to run at large.                                           |
| 8.08.200     | Vicious animals.                                                       |
| 8.08.220     | Exercising animals.                                                    |
| 8.08.270     | Penalty.                                                               |
| 9.04.020     | Municipal Court Jurisdiction over persons 14, 15, 16, 17 years of age. |
| 9.04.030     | Loud and unnecessary noise prohibited.                                 |
| 9.04.040     | Littering prohibited.                                                  |
| 9.04.100     | Obscene language.                                                      |
| 9.04.120     | Obscene literature.                                                    |
| 9.08         | Weapons.                                                               |
| 9.12.010     | Fireworks and explosives.                                              |
| 9.20         | Park Regulations.                                                      |
| 9.24.030(14) | Health nuisances.                                                      |
| 10.01        | City vehicle traffic enforcement code.                                 |
| 12.56.040    | Damage to trees and shrubs.                                            |
| 12.56.050    | Fastening materials to trees and shrubs.                               |
| 12.56.080    | Permit to plant, remove, maintain and protect trees and shrubs.        |
| 17.24.020    | Trash burning restricted.                                              |
| 17.28.010    | Hot ashes and other dangerous materials.                               |

AND, BE IT FURTHER RESOLVED, that enforcement authority is limited to City parks and is defined to mean all lands and water acquired by the City for park or recreational purposes or placed under the jurisdiction of the Marathon County Park Commission and include without limitation, parks, beaches, swimming pools, and privately-owned lands, the use of which has been granted or leased to the City for park, recreational or like public purposes.

JUDICIARY & REGULATORY COMMITTEE

Roger L. Otto

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\_\_\_\_\_

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2000-04-19



*Gay K. City/County Parks Agreement*

# COUNTY OF MARATHON

COURTHOUSE

WAUSAU, WISCONSIN 54401-5568

COUNTY CLERK  
**LOUANN E. FENHAUS**  
(715) 847-5500

MAYOR  
SEP 2 1992  
CITY OF WAUSAU

September 1, 1992

John Hess, Mayor  
City of Wausau  
407 Grant Street  
Wausau, WI 54401

Dear John:

Attached is a certified copy of Marathon County Resolution #R-54-92, clarifying the City-County Parks Agreement.

This resolution was adopted by the Marathon County Board of Supervisors at their Adjourned Organizational meeting which was held August 25, 1992.

Yours truly,

A handwritten signature in cursive script, appearing to read "Louann", is written over a horizontal line.

Louann E. Fenhaus  
Marathon County Clerk

kdk  
cc: Bill Duncanson

RESOLUTION #R- 54 -92  
RE: AGREEMENT CLARIFYING CITY-COUNTY PARK GOVERNANCE

WHEREAS, the County of Marathon and the City of Wausau have previously adopted resolutions concerning agreements defining the administration and management of City of Wausau parks; and

WHEREAS, the City's mayor and attorney and the County's administrator and corporation counsel have agreed to modifying language desired to clarify the selection process for park commissioners and governance of city parks; and

WHEREAS, the Marathon County Park Commission and Director of Parks is supportive of said modifying language.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Marathon hereby ordains as follows:

1. Approving the ~~two-page Agreement~~ for City/County Park Governance, which is attached hereto and incorporated by reference as if fully set forth.
2. Authorizing and directing the County Administrator and County Clerk to execute said agreement.
3. Authorizing and directing the County Clerk to issue checks pursuant to this resolution and the Treasurer to honor same.

Dated: August 25, 1992

MARATHON COUNTY PARK COMMISSION

Linda Lawrence                      Keith Langenbach  
Robert Williamson                Harry Wagon  
Quincy A. Paetold

MARATHON COUNTY PLANNING COMMITTEE

Keith Langenbach                      Lorraine Maly  
Harry Wagon                          Les Ileskson

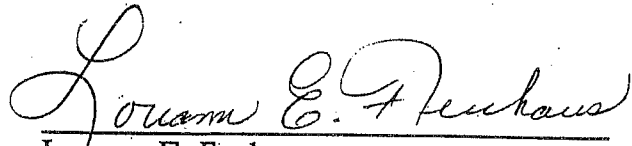
Fiscal Impact: None known.

WD/ded

STATE OF WISCONSIN )  
 )SS.  
COUNTY OF MARATHON )

I, Louann E. Fenhaus, County Clerk in and for Marathon County, Wisconsin, hereby certify that the attached Resolution #R-54-92 was adopted by the Marathon County Board of Supervisors at their Adjourned Organizational meeting which was held August 25, 1992.

SEAL

  
\_\_\_\_\_  
Louann E. Fenhaus  
Marathon County Clerk

Revised

7/30/92

## AGREEMENT FOR CITY/COUNTY PARK GOVERNANCE

THIS AGREEMENT made this 25th day of August, 1992, by and between Marathon County, a Wisconsin municipal body corporate, hereinafter referred to as COUNTY and the City of Wausau, a Wisconsin municipal corporation, hereinafter referred to as CITY.

WHEREAS, CITY and COUNTY have previously adopted resolutions concerning the administration and management of CITY parks, CITY resolutions being numbered as File No. 71-0550, adopted October 31, 1974, and File No. 83-0332, adopted March 22, 1983, and COUNTY resolutions being numbered as 69-74, adopted OCTOBER 29, 1974, and 30-83, adopted May 24, 1983.

NOW, THEREFORE, under authority of Wisconsin Statutes 27.075, 66.30, 59.083, and 59.025, CITY and COUNTY agree as follows:

1. There shall be a ~~seven (7) member County Park Commission~~ appointed by the County Administrator under 27.02(2) and by this Agreement, members of the Park Commission appointed by the County Administrator and confirmed by the County Board shall consist of ~~three (3) members whose names shall be recommended by the Mayor of Wausau to the County Administrator and who shall be Common Council members~~, three (3) members who shall be County Board Supervisors residing outside the City limits, and one (1) member who shall be neither a City Council member or a County Board Supervisor, and ~~whose name shall be mutually agreed to by the Mayor and the County Administrator.~~ Members of the Park Commission shall serve a term of seven (7) years or until they are no longer serving as Common Council members or County Board Supervisors.

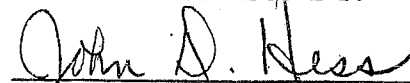
2. The County Administrator shall consult with the Mayor of Wausau in any matter pertaining to the hiring, termination, discipline, performance evaluation, or other personnel matter involving the County Director of Parks, however the decision of the County Administrator shall be final under authority of Statute 59.033(2)(b) and 27.03(2).

3. This agreement may be amended by mutual consent of both the City and County, with such amendment requiring formal action by both the County Board of Supervisors and the Common Council of the City of Wausau. This Agreement may be terminated by either the Common Council of the City or the County Board of Supervisors, however, notice of such termination shall be required in writing and provided to the other party no less than twelve (12) months in advance of the proposed termination date.

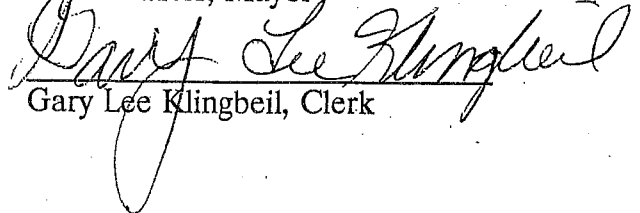
4. Within ninety (90) days of the effective date of this Agreement, the bylaws of the Park Commission in existence prior to this Agreement shall be changed to reflect this Agreement and to conform to current statutes.

5. To the extent that this Agreement conflicts with any previously adopted resolutions or agreements this Agreement shall control.

CITY OF WAUSAU BY:



John D. Hess, Mayor

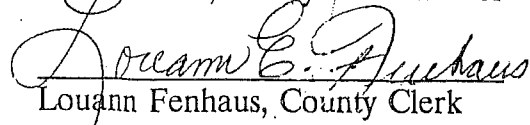


Gary Lee Klingbeil, Clerk

COUNTY OF MARATHON BY:



Mort McBain, County Administrator



Louann Fenhaus, County Clerk

**AGREEMENT BETWEEN  
MARATHON COUNTY AND CITY OF WAUSAU  
ASSIGNMENT OF LIABILITY FOR ACTS OF  
THE MARATHON COUNTY PARKS, RECREATION, AND FORESTRY  
DEPARTMENT EMPLOYEES**

**THIS AGREEMENT** made this 16<sup>th</sup> day of April, 2003, by and between Marathon County, a political subdivision of the State of Wisconsin, a municipal body corporate, hereinafter referred to as COUNTY, and the City of Wausau, a municipal corporation of the State of Wisconsin, hereinafter referred to as CITY.

**WITNESSETH:**

**WHEREAS**, the COUNTY and the CITY have adopted resolutions pursuant to §27.075 and §66.0301, Wis. Stats., vesting the COUNTY, in return for monetary consideration, with the powers of the CITY in regard to the CITY's parks, boulevards, parkways, and recreation programs; and

**WHEREAS**, to exercise these powers, the COUNTY utilizes persons employed by Marathon County in its Parks, Recreation, and Forestry Department, herein after referred to as DEPARTMENT; and

**WHEREAS**, §66.0301, Wis. Stats., permits counties and cities to enter into intergovernmental cooperation agreements.

**NOW, THEREFORE**, in consideration of mutual covenants and agreements, the parties hereto agree as follows:

1. By entering into this agreement, the COUNTY and the CITY do not waive, and specifically reserve, their rights to assert any and all affirmative defenses and limitations of liability as specifically set forth in Wisconsin Statutes, Chapter 893 and related statutes.
2. When employees of the DEPARTMENT are providing services and/or operating within the scope of their duties to COUNTY, whether on or off of COUNTY's property, those services, duties and operations shall be considered the sole responsibility of COUNTY for liability purposes.
3. CITY hereby agrees to release, indemnify, defend, and hold harmless COUNTY, their officials, officers, employees and agents from and against all judgments, damages, penalties, losses, costs, claims, expenses, suits, demands, debts, actions and/or causes of action of any type or nature whatsoever, including actual and reasonable attorney's fees which may be sustained or to which they may be exposed, directly or indirectly, by reason of personal injury, death, property damages, or other liability, alleged or proven, as a result of inherent defects that exist within the parks, including but not limited to park design and faulty equipment and any other defects that are not within the scope of the services provided by the COUNTY.

4. COUNTY hereby agrees to release, indemnify, defend, and hold harmless CITY, their officials, officers, employees and agents from and against all judgments, damages, penalties, losses, costs, claims, expenses, suits, demands, debts, actions and/or causes of action of any type or nature whatsoever, including actual and reasonable attorney's fees which may be sustained or to which they may be exposed, directly or indirectly, by reason of personal injury, death, property damages, or other liability, alleged or proven, resulting from or arising out of services, duties and operations provided by employees of the DEPARTMENT acting within the scope of the services provided to the CITY for its parks.
5. CITY will maintain General Liability and Auto Liability insurance with limits of no less than \$1 million per occurrence and shall furnish the COUNTY with a Certificate of Insurance countersigned by a Wisconsin Resident Agent or Authorized Representative of the insurer. The Certificates of Insurance shall include a provision prohibiting cancellation of said policies except upon 30 days prior written notice to the COUNTY and specify the name of the contract or project covered. The Certificate of Insurance shall be delivered to the Marathon County Risk Management Division. Upon renewal of the required insurance and annually thereafter, the COUNTY shall receive a new Certificate of Insurance.
6. COUNTY shall will maintain General Liability and Auto Liability insurance with limits of no less than \$1 million per occurrence and shall furnish the CITY with a Certificate of Insurance countersigned by a Wisconsin Resident Agent or Authorized Representative of the insurer. The Certificates of Insurance shall include a provision prohibiting cancellation of said policies except upon 30 days prior written notice to the CITY and specify the name of the contract or project covered. The Certificate of Insurance shall be delivered to the City of Wausau Finance Department. Upon renewal of the required insurance and annually thereafter, the CITY shall receive a new Certificate of Insurance.
7. Owners or lessees of vehicles being driven by employees of the DEPARTMENT while being driven on or off CITY or COUNTY property shall be considered as the sole responsible party for liability purposes and will provide Auto Liability insurance with limits of no less than \$1 million per occurrence.  
  
Owners or lessees of non-licensed motorized equipment or vehicles operated by the DEPARTMENT while being operated on or off CITY or COUNTY property shall be considered as the sole responsible party for liability purposes and will provide General Liability insurance with limits of no less than \$1 million per occurrence.
8. COUNTY and CITY shall insure their own property at their own cost, except that equipment purchased jointly and property located at the Park Operations Shop shall be insured by COUNTY. CITY shall reimburse COUNTY for one-half of the insurance premium paid.

9. With respect to automobile liability and physical damage insurance, COUNTY shall provide insurance for all DEPARTMENT vehicles in its discretion. CITY shall reimburse the COUNTY for one-half the insurance premium paid.
10. With respect to other items of miscellaneous insurance, the COUNTY shall provide insurance at its discretion. CITY shall reimburse COUNTY for one-half of insurance premiums paid.
11. The Marathon County Risk Manager shall provide risk management services with respect to all matters arising under this agreement at a prorated cost between the COUNTY and CITY.
12. A deductible fund shall be established by the Marathon County Risk Manager to pay deductible costs. Contributions towards the deductible fund shall be prorated based on the percentage of premiums paid to provide insurance coverage.
13. This agreement shall be for a period of ten (10) years. However, either party may terminate this agreement for any reason at any time. The termination shall be effective one hundred twenty (120) days after written notice of termination is provided to the other party.
14. This agreement shall renew automatically unless a new agreement is substituted or expressly modifies this agreement, or unless this agreement is terminated as provided above. This agreement shall not be modified except by express written agreement of both parties.

IN WITNESS WHEREOF, this agreement has been duly executed the day first above written.

MARATHON COUNTY BY:

Mary Jo Maly  
Witness

Mort McBain  
Mort McBain, Marathon County Administrator

Kristen Kordus  
Witness

Nan Kottke  
Nan Kottke, Marathon County Clerk

CITY OF WAUSAU BY:

Kathi G. Johnson  
Witness

Linda Lawrence  
Linda Lawrence, City of Wausau Mayor

Tom Brue  
Witness

Michael Saager  
Kelly Michael-Saager, City of Wausau Clerk

H:\PKDATA\DUNC\MISC\CITYCOUNTYAGREEMENT 12/02

**ORDINANCE OF PARKS AND RECREATION COMMITTEE**

Amending Sections 2.16.010-Generally, Rule 13 Committees, 2.60.070 Plan Commission, 2.90.030 Smoking prohibited in specified outdoor areas, 8.08.010 – Certain creatures forbidden, 9.08.020 - Throwing or shooting of arrows, stones and other missiles prohibited, 9.20.010 - Vehicle regulation, 9.20.020 - Regulation of persons, 10.20.080 – No parking and restricted parking areas designated, 10.38.020 - Operation on City owned or leased property, 12.56.030 - City Forester, 12.56.130 - Appeal from order of City Forester, 21.16.085 - Required dedications for park purposes, 21.16.120 - Vacation or alteration of parkland and 23.08.30 - Landscaping requirements

Committee Action:

**Ordinance Number:**

Fiscal Impact:           None

**File Number:**

**Date Introduced:**

April 9, 2024

The Common Council of the City of Wausau do ordain as follows:

Add (        )

Delete (  )

Section 1.       That Section 2.16.010 – Generally, Rule 13 Committees, is hereby amended to read as follows:

Chapter 2.16 – Standing Rules of the Common Council

....

**RULE 13 COMMITTEES**

....

B.       *Standing Committees.* The Standing Committees of the Council shall be:

....

~~6. — Park and Recreation;~~

Section 2.       That Section 2.60.070 Plan Commission, is hereby amended to read as follows:

Chapter 2.60 – Boards and Commissions

2.60.070 - Plan Commission.

The City Plan Commission shall be composed of the Mayor, who shall be the presiding officer, the Director of Public Works and Utilities, ~~the Park and Recreation Committee Chairman, an~~ two Alderpersons, and three residents of the City. The Alderperson member s shall be elected by a two-thirds vote of the Common Council at its

regular April meeting each year. Qualifications and responsibilities of the members of the Plan Commission shall be as established by Wis. Stats. § 62.23.

Section 3. That Section 2.90.030 Smoking prohibited in specified outdoor areas, is hereby amended to read as follows:

Chapter 2.90 – Smoking on Government Property

2.90.030 - Smoking prohibited in specified outdoor areas.

- (a) No person may smoke in the following areas of a City park or outdoor areas of City property:

....

- (5) Within an area up to 50 feet of those areas in subsections (1) through (4) as designated by the ~~Director of the Parks Department~~ Wausau and Marathon County Director of Parks, Recreation and Forestry or his or her designee and posted pursuant to subsection (c).
- (7) Those park areas temporarily posted as no smoking by the ~~Director of the Parks Department~~ Wausau and Marathon County Director of Parks, Recreation and Forestry or his or her designee during Parks Department sponsored events.
- (8) Those park areas temporarily posted as no smoking by the ~~Director of the Parks Department~~ Wausau and Marathon County Director of Parks, Recreation and Forestry or his or her designee during an approved Class I or II Special Event held in such park area and which is open to the public with no admission charge and for which no smoking has been requested by the event organizer or sponsor.
- (b) Exceptions. Upon the written request of an event organizer of an approved Class I or II Special Event, the prohibition of this section may be waived by the ~~Park and Recreation~~ Public Health and Safety Committee and Common Council for specified designated areas for those events where admission is restricted by the event organizer through the sale of tickets. A request for a waiver shall be submitted at least 60 days in advance of the event.

Section 4. That Section 8.08.010 – Certain creatures forbidden, is hereby amended to read as follows:

Chapter 8.08 – Animals–Care and Control

8.08.010 – Certain creatures forbidden.

....

- (d) Exceptions.

- (3) The prohibitions in subsections (b) and (c) do not apply to the use of goats by the ~~City of Wausau~~ and Marathon County Department of Parks,

Recreation; ~~and~~ Forestry Department utilized for vegetation control or abatement purposes within City parks.

- (4) The prohibitions in subsections (b) and (c) do not apply to the display of farm animals by the City of Wausau ~~and~~ Marathon County Department of Parks, Recreation; ~~and~~ Forestry Department within a City park or on the 400 Block as part of a short term event hosted or sponsored by the department of one day or less.

Section 5. That Section 9.08.020 - Throwing or shooting of arrows, stones and other missiles prohibited, is hereby amended to read as follows:

#### Chapter 9.08 - Weapons

##### 9.08.020 - Throwing or shooting of arrows, stones and other missiles prohibited.

No person shall throw or shoot any object, including without limitation, any arrow, stone, or other missile or projectile, by hand or by any other means, at any other person or at, in or into any building, street, sidewalk, alley, highway, park, playground or other public place within the City. This subsection shall not apply to archery ranges under the supervision of the county Park Commission ~~and Recreation Committee~~, nor shall it apply to the bow hunting provisions within section 9.08.010.

Section 6. That Section 9.20.010 - Vehicle regulation, stones and other missiles prohibited, is hereby amended to read as follows:

#### Chapter 9.20 – Park Regulations

##### 9.20.010 - Vehicle regulation.

....

- (c) No person shall operate a snowmobile as defined in Wis. Stats. § 340.01(58a) in any park, except on snowmobile trails approved by the county Park Commission or for events authorized by the ~~Park and Recreation~~ Public Health and Safety Committee.

Section 7. That Section 9.20.020 - Regulation of persons, is hereby amended to read as follows:

##### 9.20.020 - Regulation of persons.

Persons using the public parks shall comply with the following:

....

- (1) No person shall play or practice hockey, broomball or any other games or sports that may interfere with casual ice skaters, when casual skaters are present on outdoor ice skating rinks established by the county Park Commission ~~and Recreation Committee~~, except hockey and broomball may be played on designated hockey rinks;

....

- (n) No person shall take, catch, kill, hunt, trap, pursue, feed or otherwise disturb any wild animals or birds in any park, except that nuisance animals may be trapped upon written consent of the **county Park Commission and Recreation Committee** or its authorized agent and in accordance with applicable state statutes and applicable provisions of the Wisconsin Administrative Code setting forth regulations of the Department of Natural Resources;
- (o) Rules and regulations may be made governing the use and enjoyment of all lands, structures and property owned, leased or administered by the City and under the management, supervision and control of the **county Park Commission and Recreation Committee**. No person shall disregard posted rules and regulations or engage in any activity contrary to posted notice. Any person who shall violate such rules and regulations or who refuses to subject himself thereto may be excluded from the use of such facility. The decision of the **Director of the Parks Department Wausau and Marathon County Director of Parks, Recreation and Forestry** to exclude individuals from the use of park facilities shall be final and the City elects not to be bound by the provisions of Wis. Stats. ch. 68, with respect to administrative procedure in this regard;
- (t) No person shall possess or consume intoxicating liquor or fermented malt beverages in any City owned park, playground, athletic field or court, swimming or wading pool except as follows:

....

- (iii) At campsites, park shelters or facilities reserved through the Wausau and Marathon County **Department of Parks, Recreation and Forestry** ~~Department~~;

Section 8. That Section 10.20.080 – No parking and restricted parking areas designated, is hereby amended to read as follows:

#### Chapter 10.20 – Parking

#### 10.20.080 - No parking and restricted parking areas designated.

- (a) There shall be no parking in the following locations:

##### South 7th Avenue

- West side of the street, from the north edge of the south entrance to the ~~Wausau~~ Marathon County Park Operations (900 West Pardee Street) employee parking lot, and extending northerly 47 feet

Section 9. That Section 10.38.020 - Operation on City owned or leased property, is hereby amended to read as follows:

#### Chapter 10.38 – Snowmobiles and ATVS

##### 10.38.020 - Operation on City owned or leased property.

The City Council deems it in the public interest to permit snowmobiles and ATVs to be operated on trails on certain public property under certain conditions. Trails on City-owned or leased property upon which snowmobiles and ATVs may be operated will be so posted. The chief of Police and the **Wausau and Marathon County Director of Parks, Recreation and Forestry Department Director** are charged with the responsibility of providing and erecting signs at the proper places to provide notice to snowmobilers and operators of ATVs that they may operate on the posted trails. A map of such trails will be prepared and maintained by the **Wausau and Marathon County Department of Parks, Recreation and Forestry Department**, a copy of which shall be posted on the Marathon County website. The Chief of Police and the **Wausau and Marathon County Director of Parks, Recreation and Forestry Department Director** are granted the discretion as to which public property shall be open to snowmobiles and ATVs and under what terms and conditions. No person shall operate a snowmobile or ATV on any City-owned or leased property that is not posted or does not appear on the map. The rights, duties and obligations created in this section are subservient to those in section 10.38.010.

Section 10. That Section 12.56.030 - City Forester, is hereby amended to read as follows:

#### Chapter 12.56 – Street Trees

##### 12.56.030 - City Forester.

- (a) Appointment. ~~The Wausau Park and Recreation Committee~~ **Marathon County** may employ a City Forester (~~§ 27.09, Wis. Stats.~~).
- (b) Powers and duties. The City Forester shall have the following general powers and duties:

....

- (3) Such other powers and duties as are provided by the laws of Wisconsin, particularly Wis. Stats. §§ 27.08 and 27.09; by ordinances of the City; ~~and by the Wausau Park and Recreation Committee.~~

Section 11. That Section 12.56.130 - Appeal from order of City Forester, is hereby amended to read as follows:

##### 12.56.130 - Appeal from order of City Forester.

A person who objects to all or a part of an order or decision of the City forester may, within eight days of receipt thereof, notify the **county Park Commission and Recreation Committee** and the City Forester, in writing, of the nature of the objection and request a hearing thereon. Upon receipt of such objection, the City Forester shall stay the order or work pending the outcome of the appeal process. Within eight days of the receipt of such notice of appeal, the **county Park Commission and Recreation Committee** shall schedule a hearing before the ~~committee~~ **commission** or its designated subcommittee to

hear the objection. The hearing shall be held within eight days of notice to the appellant. The City Forester shall be present at such hearing. The appellant is entitled to be represented by counsel at appellant's expense. Within eight days after such hearing, the ~~county~~ Park ~~Commission~~ and ~~Recreation Committee~~ shall, in writing, notify the appellant and the City Forester of its decision. The ~~county~~ Park ~~Commission~~ and ~~Recreation Committee~~ may affirm, cancel or modify the order, in its discretion, to best conform such order to the intent of this chapter and make its report thereon to the Common Council. If the appellant objects to the decision of the ~~county~~ Park ~~Commission~~ and ~~Recreation Committee~~, the appellant may, within eight days of receipt thereof, notify the City Clerk, in writing, of the nature of the objection and request a hearing before the Common Council thereon. The Council may adopt, reject or amend the ~~county~~ Park ~~Commission's~~ and ~~Recreation Committee's~~ recommendation. The City Clerk shall notify the appellant, ~~county~~ Park ~~Commission~~ and ~~Recreation Committee~~, and City Forester, in writing, of the Council's decision.

Section 12. That Section 21.16.085 - Required dedications for park purposes, is hereby amended to read as follows:

#### Chapter 21.16 – General Requirements

##### 21.16.085 - Required dedications for park purposes.

....

(c) Subdividers must provide for parks. In order that open space and sites for public use may be properly located and preserved as the community develops, and in order that the costs of providing the public park sites necessary to serve the additional families brought into the community by subdivision development may be most equitably proportioned on the basis of the additional need created by the individual subdivision, every subdivider who subdivides land shall dedicate a portion of such land, pay a fee, or do both as set forth as follows, for the purpose of providing park lands to serve future residents of such subdivision:

(1) Outside the corporate limits but within the City's extraterritorial plat limits, after consideration by the Plan and ~~county~~ Park Commissions and ~~Park and Recreation Committee~~ and determination by the Common Council that a portion of the plat or planned development is required for such park and recreation sites, the developers may be required to dedicate such area to the municipality having jurisdiction.

....

(4) In the event that dedication would result in sites too small to be usable, or if the comprehensive plan for the City park system calls for such public sites to be located elsewhere, or if such sites would not otherwise be suitable as determined by the Common Council, after consideration by the Plan Commission and ~~county~~ Park ~~Commission~~ recreation committee, a payment of a fee in lieu of land dedication shall be required. The amount of such fee shall be as provided in section 3.40.010(a).

- (5) The procedure for determining whether the subdivider is to dedicate land, pay a fee, or both, shall be as follows:

....

- (B) At the time of the preliminary plat map approval, acting after consideration of the recommendations of the Capital Improvements and Street Maintenance Committee, Plan Commission and ~~County Park Committee~~ **Commission**, the Common Council shall determine, as a part of such approval, whether to require a dedication of land within a subdivision, payment of a fee in lieu thereof, or a combination of both.

Section 13. That Section 21.16.120 - Vacation or alteration of parkland, is hereby amended to read as follows:

21.16.120 - Vacation or alteration of parkland.

Following a recommendation by the ~~park and recreation committee~~ **county Park Commission**, Capital Improvements and Street Maintenance Committee, and Plan Commission, the Common Council may vacate parkland dedicated on a plat, certified survey map, or other instrument of description, as follows:

Section 14. That Section 23.08.30 - Landscaping requirements, is hereby amended to read as follows:

#### Article VIII. – Landscaping Requirements

23.08.30 - Landscaping requirements.

Landscaping shall be provided based on the following requirements for building foundations, paved areas, street frontages, yards, and bufferyards.

....

- (7) Measurement and calculation.

- (a) Landscaping point values shall be doubled for mature existing landscape plantings that are retained and protected with the development of the site. Existing plantings eligible for double point values shall be determined by the ~~City's Urban Forestry staff~~ **City Forester**.

Section 15. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 16. This ordinance shall be in full force and effect on the day after its publication.

Adopted:  
Approved:  
Published:  
Attest:

Approved:

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Katie Rosenberg, Mayor

Attest:

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Kaitlyn A. Bernarde, Clerk





















