

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



OFFICIAL NOTICE AND AGENDA - **AMENDED**

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, August 5, 2024 at 5:15pm**
 Location: **City Hall (407 Grant St, Wausau WI 54403) - COUNCIL CHAMBERS**
 Members: **Lou Larson, Carol Lukens, Tom Neal, Lisa Rasmussen, Sarah Watson**

AGENDA ITEMS FOR CONSIDERATION

- 1 Approval of Minutes of the June 3 Meeting
 - 2 Discussion and Possible Action Allowing Temporary Usage of Yawkey Park by the YMCA for a Childcare Play Area
 - 3 Discussion, Possible Action and Update on the Riverlife Wharf Water
 - 4 Discussion and Possible Action Setting the September Meeting Date Due to Labor Day
 - 5 **Discussion on Intergovernmental Agreement to Provide Park and Recreational Services for the City of Wausau**
 - 6 Educational Items
 - ~~A. Intergovernmental Agreement Update~~
 - A. Park Updates (Airport Sports Park, Athletic Park, Barker Stewart Island, Forest Park, Oak Island Park, Riverlife Park, Paff Woods, Tenth Street Park, Woodson Park, Park Maintenance, Big Eau Pleine Park, DC Everest Park, Marathon Park, Mission Lake Park, Events)
 - 7 Future Agenda Items - Committee Structure/Responsibilities, Park Ordinance Updates, 2025-2026 Fee Schedule, 10th Street Park Wall
- Adjournment

Lou Larson, Chair

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 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 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 08/01/24 @ 2:00 p.m. Questions regarding this agenda may be directed to Jodi Luebbe, 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

2. Discussion and Possible Action Allowing Temporary Usage of Yawkey Park by the YMCA for a Childcare Play Area

The YMCA will be improving their downtown location by increasing the square footage of the Landing and adding a walkway across 3rd Street. To do this work their current outdoor childcare play area will be impacted requiring them to find another location. The YMCA is required to have an outdoor play area as a licensed childcare facility. The YMCA is requesting the temporary use of a portion of Yawkey Park for the childcare play area. The space needed is 1,890 sq ft so they can meet the licensing code. Their request is to begin using it in late August through the conclusion of the project in the spring of 2025. Their requested location is included on a drawing attached to the packet. They are flexible on the location.

The Park Committee is asked to approve this request.

3. Discussion, Possible Action and Update on the Riverlife Wharf Water

Staff has been asked to look into why the water has never been connected to the drinking fountain and shower at the Riverlife Wharf. Here is a summary of what we know, Miron constructed the Wharf and was responsible for the water to the shower and water fountain. Miron ran a water lateral and a sewer lateral to the wharf to serve it. Nearing the completion of the project Miron was not able to get a pressure test on the water line that was underneath the concrete poured for the wharf. Miron attempted to fix the leak over the next year but could not isolate the leak and the issue was ongoing but under the warranty and Miron was responsible for the fix. Then entered the developer who came onto the vacant lot and began to dig the basement. They hit the water and sewer line and actually pulled out the water line from under the concrete. Miron then said it was no longer their responsibility since the developer broke the line somewhere under the wharf concrete. We were attempting to work with the developer to fix the line with Miron. The developer pulled off the site and the City was left with a fountain and shower with no water and an undetermined sewer lateral.

Parks, Engineering and Water Department staff met at the Wharf this past week and determined that there are multiple breaks in the water line and the condition of the unconnected sewer lateral is unknown. The amount of work could be extensive to find all the breaks and also to determine what, if anything, is remaining of each line. It is the plan that when the vacant site adjacent to the wharf is developed that the city work with the developer to connect a new water and sewer line if desired. In the meantime, staff is recommending we relocate the fountain to a location north along the trail (see drawing) and remove the shower tower.

If the Park Committee concurs, staff will complete these changes.

4. Discussion and Possible Action Setting the September Meeting Date Due to Labor Day

The September meeting date falls on September 2nd, Labor Day in which City offices are closed. The Committee is asked to reschedule the September meeting to another date. Possible options include Monday, September 9th at 6:30pm following the Human Resources Committee meeting, Monday August 29th anytime, Tuesday, September 3rd at 4:15pm prior to the Economic Development Committee or another date as recommended.

5. Discussion on Intergovernmental Agreement to Provide Park and Recreational Services for the City of Wausau

On June 3, 2024 the Committee moved 4-1, to accept the Intergovernmental Agreement to Provide Park Services for the City of Wausau contract and move it on to the Finance Committee and City Council. There was one item that was highlighted in yellow that needed to be clarified by the City Attorney and County Corporation Counsel. This item has been updated along with a few minor changes by the City Attorney. Staff is providing you with a copy of the final draft agreement that will be presented to the City Finance Committee and City Council. This copy will also be brought through the County approval process.

In addition, Chair Larson requested that the proposal by Mayor Diny regarding Parks and Recreational Services that was submitted to the Wausau Pilot and Review be included in the packet.

The City Attorney is still working on the information to present to the committee in regards to the committee structure and potential ordinance revisions. This will be presented to the Committee at a future meeting.

6B. Project Update

City

Airport Sports Park: Completed parking lot upgrade.

Athletic Park: The smaller scoreboard was hit by a fly ball and was malfunctioning, it is currently operating correctly however we do have parts on order.

Barker-Stewart Island: The goats were introduced again this year from July 8 through July 20. The completed another round of vegetation management. Residents were allowed to meet the goats on July 16th. We had a great turnout.

Forest Park: The shelter roof was repaired and re-shingled. The storm related tree damage work has been completed.

Oak Island Park: The restroom lot was paved by DPW and re-landscaping is underway.

RiverLife Park: The compressor has been replaced at Briq's building and leaper fountains are running. **Paff Woods:** The boardwalk repairs needed due to storm damage are ongoing.

Tenth Street Park: The rock wall tuckpoint work is ongoing. A discussion on more permanent repairs will be presented to the Commission at a future meeting.

Woodson Park: We are working on getting more jets to work on the kayak fountain. It appears that only two of the 5 have been working for quite some time.

Park Maintenance: Woodchips were added to some playgrounds that were low.

County

Big Eau Pleine Park: Storm damage work that has been ongoing is completed. Conservation Planning and Zoning received a grant to begin testing the water at the beach in Big Eau Pleine. We will be working with them on this three-year program.

DC Everest Park: We now have one restroom open, the other restroom is waiting for the paper product dispensers. We will need to then complete the restoration work.

Marathon Park: Fair prep is fully underway, with the assistance of the fair board the sanitary lines from the new cattle wash station were repaired and improved. We also completed a power line project in the horse arena.

Mission Lake Park: The open shelter roof was re-shingled.

Events: Nine Mile: Wausau 24 race July 27-28

Peoples Sports Complex: Hmong Festival event was 7/26 through 7/28

Wisconsin Valley Fair in Marathon Park July 30-August 4

DRAFT
CITY OF WAUSAU – PARKS AND RECREATION COMMITTEE MEETING MINUTES

Date/Time: June 3, 2024 at 5:15 p.m. Location: Council Chambers, City Hall
Parks and Recreation Committee Members Present: Lou Larson (c), Carol Lukens, Tom Neal, Lisa Rasmussen, Sarah Watson
Others Present: Jamie Polley-Parks Director, Attorney Anne Jacobson

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 5:15pm.

1. Approve Minutes – May 6, 2024 – **Motion** by Neal, second by Lukens to approve the Park and Recreation Committee draft May 6, 2024 minutes. Motion **carried** by voice vote, vote reflected as 5-0.

2. Discussion and Possible Action to Approve Intergovernmental Agreement to Provide Park Services for the City of Wausau – Polley gave some history that 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. 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. 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. Rasmussen was in favor of the agreement and thought it was necessary to give some structure to the arrangement that’s already happening. Watson was in favor and thought it protected the citizens to make sure they get the coverage they need. Larson while in favor of intergovernmental agreements was concerned about not having a say in how parks are operated. **Motion** by Watson, second by Rasmussen to accept the Intergovernmental Agreement to Provide Park Services for the City of Wausau contract. Motion **carried** by voice vote, vote reflected as 4-1 with Larson as the dissenting vote.

3. Discussion and Possible Action to Recommend the City Parks and Recreation Committee change to an Advisory Committee from a Standing Committee – Tabled for Attorney Jacobson to have a month to go through ordinance changes and clean up needed. (At the meeting Jacobson discussed different Committee structures and how items are moved to Council. She requested time to go through the ordinances for any changes and cleanup needed. Neal and Lukens would like to see more information that compares the processes if it were a standing committee or an advisory committee and what ordinances would change. Rasmussen thought becoming advisory would achieve the same results as now. Watson felt the Park Commission was for the City and County and the City needs to take some ownership because it’s for both entities)

4. Discussion and Possible Action Approving Contract with Travis Bellman Home and Trail for the 2024 Sylvan Hill Mountain Bike Park Flow Tech Downhill Mountain Bike Addition – In March 2022 the City Council approved a proposal submitted by Central Wisconsin Off Road Cycling Coalition (CWOCC) to make improvements to Sylvan Hill Park mountain biking trails. Improvements included re-routing the climbing return trail to provide an easier route to climb back to the top, enhancing the skills area to allow adults the ability to improve their skills, add a compressed dirt jump zone, and add a flow tech trail utilizing the natural terrain and rock features to provide a new experience. The goal of the enhancements was to provide an additional riding experience to Sylvan Hill Park that did not exist. CWOCC completed re-routing the climbing return trail, enhancing the skills area, and the addition of a compressed dirt jump zone in 2022 and 2023. They will complete the work of the flow tech trail in 2024 with funding they received from the Room Tax Commission. CWOCC will be donating those funds to the City and the City will contract with the contractor to complete the work.

Polley noted this is a continuation of a previous project that had already been approved but didn't get completed. **Motion** by Rasmussen, second by Neal to approve. Motion **carried** by voice vote, vote reflected as 5-0.

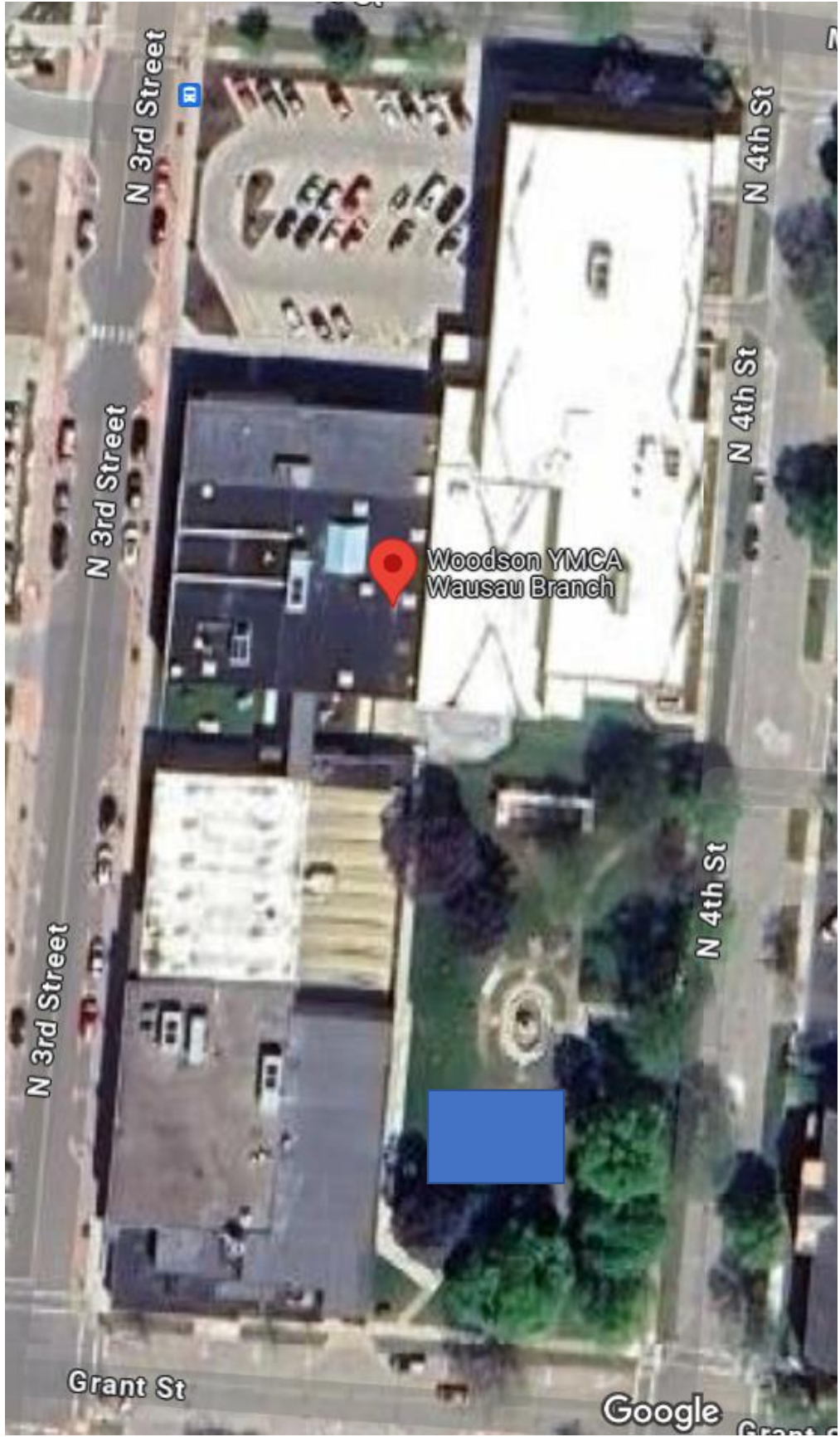
5. Discussion and Possible Action Changing the Regular Meeting Dates for 2024 – tabled. (will discuss if date change is needed after a decision on Committee structure is made).

6. Educational Items

A. Park Updates – Athletic Park – Broken valve in sidewalk has been repaired and the meters were brought above ground. The new meter cage is close to completion. Bull Pen concession area was paved and privacy screens reinstalled. There is some rework of the paving area needed. Woodchucks have started the season. Pools – Memorial is ready to open on June 1st. Kaiser: We are once again having issues with the pool heater. The same sensor (#7) was bad again this year. We are contacting Lockinvar to see why this is a consistent problem. Schulenberg: Variable frequency drive for the circulation pump is malfunctioning and we found it is a problem with the ethernet port. We're hoping to be able to bypass this function as it's not used. We are working with Werner Electric on solutions and we may have to replace the drive. Oak Island – Oak Island restroom in near completion, we are waiting on a door, which will complete the building. We are still working on concrete, parking lot and outdoor lighting. Urban Forestry – Memorial Tree was planted in Pat Peckham's honor at Alexander Airport Park. Planted 19 Fruit trees at Brockmeyer for community use. Storm damage cleanup at Reservoir Park. Approximately 25 trees damaged from storms the week of 5/20 that need to be removed. JoJo's Jungle was partially relandscaped with Chamber of Commerce leadership group. Added trees, perennials and shrubs. Also added log sections as pavers and mulched the entire site. General Maintenance – Mowing Crews are doing their best to keep up. We are on a 14 day rotation. When we get fully staffed we hope to bring that number down. City diamonds are being used by youth baseball on a daily basis. We took down a homeless encampment yesterday and have two scheduled for next week. Continual vandalism of restrooms on Briq's building. Briq's is now open which will hopefully help. Kayak fountain install is planned for next week, with renovations to drain system. 400 Block sound system repairs are needed. We will be replacing 2 amps and we are waiting for word on 2 speakers. Original equipment was installed in 2011 and we are starting to see issues. Airport Park meter was brought above ground per Cross Connection Code. We will be installing new fountain soon.

7. Future Agenda Items – Discussion and Possible Action to Recommend the City Parks and Recreation Committee change to an Advisory Committee from a Standing Committee and Discussion and Possible Action Changing the Regular Meeting Dates for 2024.

8. Adjournment – **Motion** by Neal, second by Watson to adjourn at 6:15pm. Motion **carried** by voice vote, vote reflected as 5-0.



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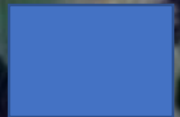
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Woodson YMCA
Wausau Branch



TO: Mayor Doug Diny
Members of the Parks and Recreation Committee
Common Council

FROM: Anne Jacobson, City Attorney

RE: Parks Services provided to the City

DATE: July 26, 2024

The Parks Services Agreement came before the Parks and Recreation Committee on Monday, June 3, 2024, for approval, it was recommended for approval and will be presented to the Common Council on August 19, 2024.

The City and County will then follow up with proposed amendments to their respective ordinances.

This memo will summarize the process followed to date, attaching relevant authorizing resolutions, and a draft contract, which will supersede all prior agreements.

In 2024, on April 8, the committee discussed execution of the Intergovernmental Agreement to Provide Park Services for City of Wausau Parks.

An Intergovernmental Agreement Process update was provided by the Parks Director on May 6, 2024.

Minutes from the May 6, 2024, meeting contains this item:

5. Educational Items A. Intergovernmental Agreement Process Update – 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. 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. Updated intergovernmental agreement has been developed and will be presented to the County and the City for approval. The agreement memorializes the practices that the County and the City have been operating under for the past 50 years to effectively and efficiently manage the city and county park systems. The agreement does not include any changes to current operations but rather sets clear expectations of what the City expects of the County. Staff has asked to present to both the City Council and County Board in May providing both bodies the history of the department and current operations. The Intergovernmental agreement will then be presented to the Park Commission, Environmental Resources Committee and County Board in June and City Finance Committee and City Council in July. Members shared their opinions on the value of having this Committee. Polley said that Committee structure would be a further discussion and wasn't part of the intergovernmental agreement.

On June 3, the committee again discussed both the Intergovernmental Agreement to Provide Park Services for the City of Wausau, as well as possibly changing the standing committee to an advisory committee. The Committee recommended approval of the draft agreement 4-1.

The July meeting was cancelled.

Since having met with County Corporation Counsel and the Parks Director, the Intergovernmental Agreement is in the meeting packet as an informational update at the meeting scheduled for August 5, 2024. The ordinances will be brought at a later meeting when more discussion can occur regarding the committee structure.

INTERGOVERNMENTAL AGREEMENT TO PROVIDE PARK AND RECREATIONAL 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 the hiring of a combined City-County Park Department Administrator. The first department administrator position 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 further clarify 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, 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, and staffing levels. 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) *Insurance and Insurance and Assignment of Liability.* Insurance and assignment of liability for operations pursuant to this Agreement shall be as outlined in the Agreement between Marathon County and the City of Wausau dated April 16, 2003, and incorporated herein as if set forth in full.

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 of 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.
- 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 property, equipment, operations, or programs. PRF shall comply with CITY's procurement procedures for any capital project solely owned by, or solely benefiting, CITY, any purchase of goods or services and any contracts to which the City is a party to.
- 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.

ADDENDUM A – SCOPE OF SERVICES¹

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:

¹ 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, in cooperation with City Attorney and Community Development Department.
- (2) Negotiate with owner for acquisition of property, in cooperation with City Attorney and subject to committee and Council approval.
- (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, subject to City Attorney approval as to form.

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

City of Wausau

Address

City, State, Zip Code

Date

Marathon County

Address

City, State, Zip Code

Date

CITY OF WAUSAU

**TEMPLATE FOR ZERO-BASED
BUDGETING**

**PARKS & RECREATIONAL
SERVICES**

by

Mayor Doug Diny

Foreword

Why do we do things this way? It is a common question. It is also an interesting question. Too often, the only answer we have is “we've always done it this way.” Even after allowing some deference to precedent, it is not a very satisfying answer, and we can do better.

Zero-Based Budgeting was designed to provide a more meaningful answer to that very question. This analytical framework was popularized by Jimmy Carter. He used it as Governor of Georgia to reorganize state government and talked about bringing it to the federal government in his 1976 presidential campaign.

The concept is simple. Rather than just taking the previous year's spending levels as a base or a given, a department's budget is set at zero, and a rationale for each component of the department's budget must be put forward to justify restoring those dollars.

Of course, we are not going to be obtuse in our questioning. The need to provide basic local services like police, fire protection, roadways, parks and the like will not be questioned. However, to get started, we do need to frame some key questions that get us to the heart of why we do what we do.

To launch Wausau down this path, I thought it would be useful for me to write-up a very basic example and establish a framework for examining the elements of city government.

One criticism of this report might be that it is more of an overview than a detailed statistical analysis. Partly, that is by design. I wanted it to be short enough to get read by a number of people. But, also, as mayor, the amount of time I have to do research and report-writing is limited. My hope is that this is a sufficient example to get us started on some more detailed work.

Doug Diny
July 2024

The Joint City-County Parks & Recreation Department

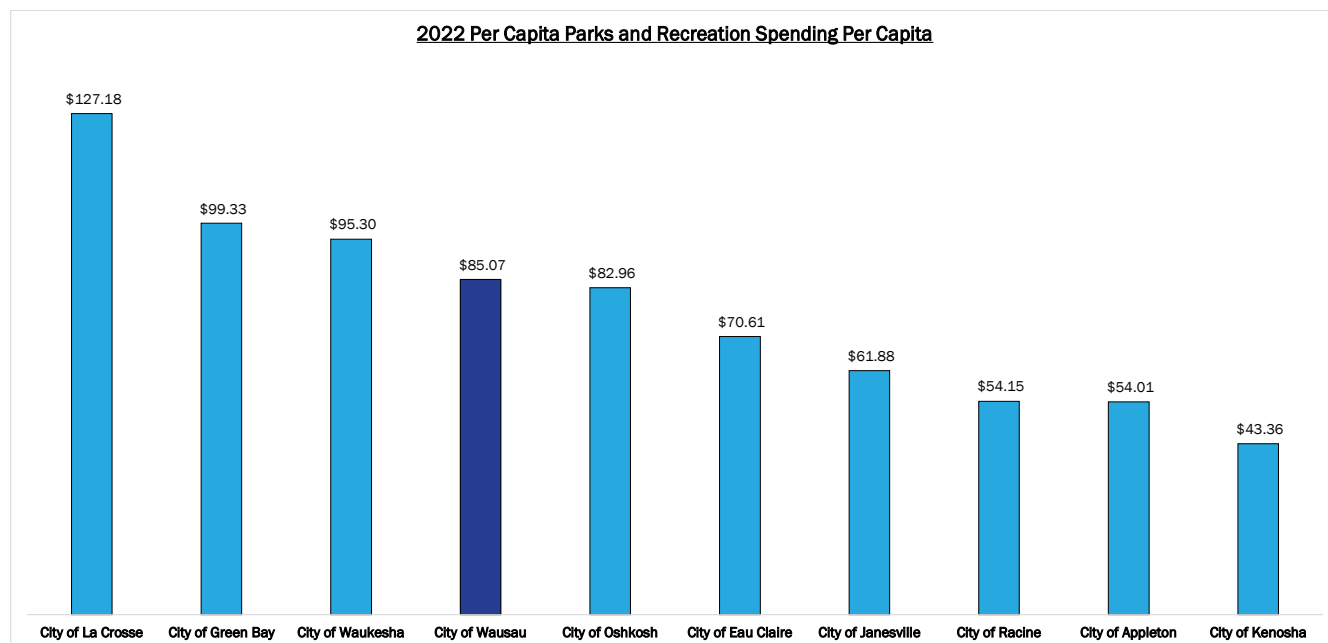
For more than 50 years, the City of Wausau and Marathon County have operated a joint parks and recreation department. Somewhere along the line, policy makers must have presumed that we could produce cost savings by sharing equipment and achieving economies of scale. To date, there has never been any data collected that substantiates that hypothesis. Rather, the only piece of evidence out there has been to the contrary. In 50 years, no other Marathon County community has seen any advantage in joining this partnership. Why?

If the joint parks department is such a good deal why have communities like Schofield, Rothschild or Weston not joined in? In this instance, this becomes our base-line question in the Zero-Based Budgeting analysis.

Moreover, times change and so does technology. What may have been a good idea in the 1970s may not be optimal for the 21st Century. Now we have a starting point, and it is time for us to ask some questions.

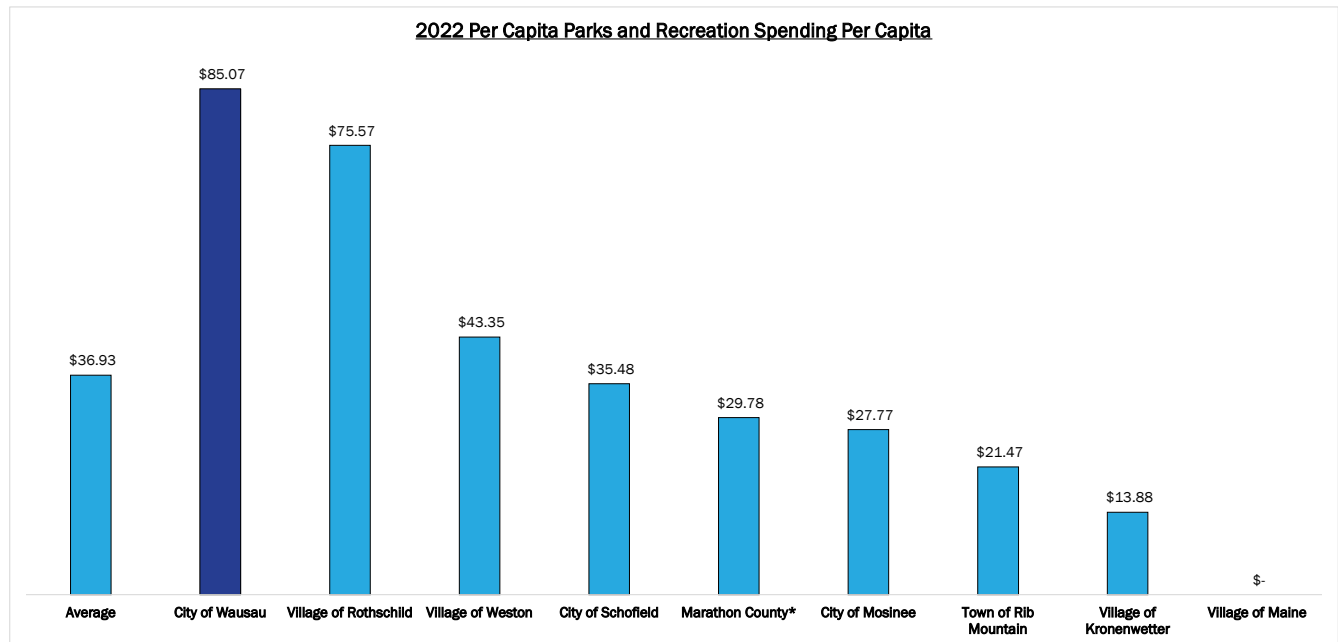
No Evidence of Cost Savings

One way to gauge whether there is a cost savings is by benchmarking. In benchmarking, we compare our costs to those of other communities, usually on some normalized basis like spending per capita. This report includes parks and recreation costs for peer communities provided by the Wisconsin Policy Forum. If we look at those nine municipalities plus Wausau, we find that Wausau has the fourth highest per capital costs of the group of ten. In addition, our per capital spending is also higher than the group average. With these kind of numbers, it is hard to make the case that the current configuration actually saves money.



Source: Wisconsin Policy Forum

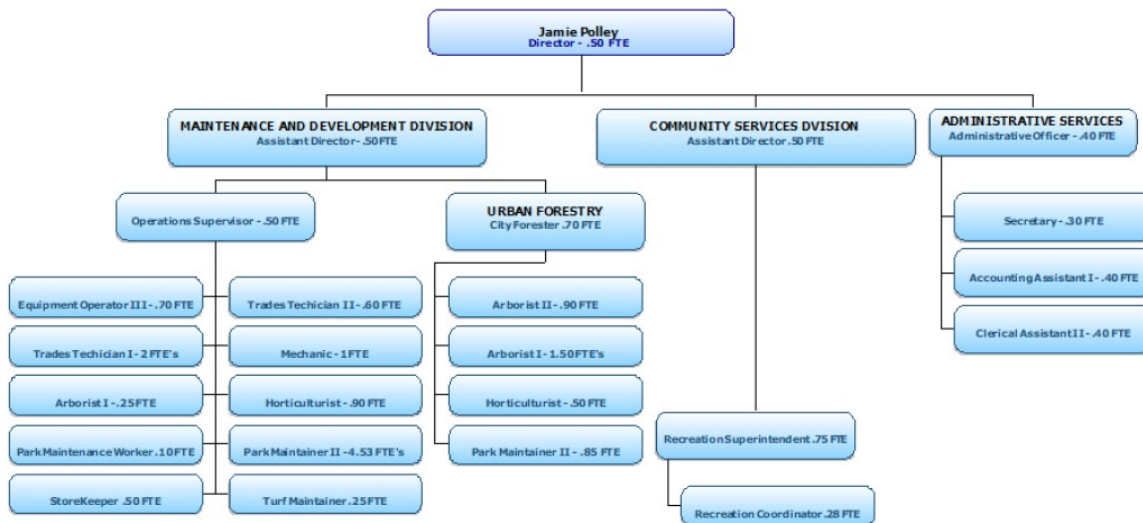
Within Marathon County, there is a wide variance in the per capita parks costs of different municipalities. Wausau and Rothschild's costs stand out and are substantially more than Marathon County or any of the other neighboring municipalities.



Source: Wisconsin Policy Forum

Organizational Chart Review

Besides benchmarking, a review of a department's organizational chart is central to any Zero-Based Budgeting analysis. Here is where we look at the various parts of a department and examine their functions. In this example, the parks department employs 44.00 FTE, 21.21 of which are billed to the city. The department has three divisions and two subdivisions. Seven of the 44.00 FTE are supervisory positions arranged in a three-layer hierarchy. Here are some observations that can be made about the parks department organization chart:



Source: City of Wausau 2024 Budget

Observation 1: The city-county parks department has its own administrative services division. The City of Wausau has a centralized accounting and administrative service department. We probably do not need to pay for half of 3.00 FTE county positions to do these functions.

Observation 2: The Maintenance and Development Division has two subdivisions: Park Operations and Urban Forestry. Both subdivisions hire Arborists, Horticulturalists and Park Maintainer positions. Why not combine these two subdivisions under one supervisor and have a joint priority list.

For example, in the aftermath of a wind storm that has taken down a lot of trees, we likely want “all hands on deck” from both subdivisions working off a single priority list for tree removal. There are likely to be even more benefits to be gained if these two segments of the parks department worked more closely with the Department of Public Works.

Observation 3: To achieve synergies and more cooperation between Parks Operation, Urban Forestry and the Department of Public Works (DPW), we could combine those two parks subdivisions under one supervisor and have that supervisor report to the Public Works Superintendent in DPW. Besides improving coordination among these similar work units, it would also allow the city to stop paying for 1.70 FTE of highly-compensated senior managers in the parks department. Marathon County might achieve similar savings by attaching its parks department to its public works department.

Conclusions

Conclusion 1: There is no evidence that the joint parks department between Wausau and Marathon County produces any economies of scale that accrue to the benefit of taxpayers. A few simple equipment-sharing agreements might harvest all the benefit there is to be had from a relationship with Marathon County.

Conclusion 2: Reorganizing the current city Parks, Recreation & Forestry Department as a division of the city Department of Public Works would save money. It should allow the city to stop paying for 1.50 FTE administrative services positions and 1.70 FTE senior manager positions. That could reduce the current parks department budget of \$3.5 million by between \$400,000 and \$500,000 without reducing any of the front-line positions that are taking care of our parks.

Conclusion 3: Rather than save money, it seems that combining the city and county parks department just created a larger, multi-level bureaucracy. That bureaucracy is currently lobbying the city for legislation to dissolve the city Park, Recreation and Forestry Committee, effectively ending oversight by the full common council. Given the contents of this report, turning control of the joint parks department to a county-appointed commission with only three of seven seats reserved for Wausau does not seem like such a good idea.

Conclusion 4: Zero-Based Budgeting is worth the effort. Tools like benchmarking and organizational chart reviews can help us find savings without reducing the level of services to Wausau residents. Since we have not asked the question “why do we do what we do” in a while, there is likely to be some low hanging fruit—probably enough to help us eliminate the \$1.6 million annual payment in lieu of taxes made by the city water utility to the city and put us on track to reduce water rates by 10%.

LEGAL OPINION

TO: Mayor Katie Rosenberg
Common Council Members

FROM: Anne Jacobson, City Attorney

DATE: May 13, 2022

RE: Management and Operation of City Parks and Facilities

Facts:

On or before May 18, 2020, a question arose at the beginning of the pandemic regarding enforcement of the posted closures of playgrounds at city parks and the authority for such enforcement.

Legal Question: Under what authority does the county parks director, as a county employee, restrict, lock or close city park facilities to public use?

Background:

Historically, the Wausau Park Board was established in 1905 and the Marathon County Park Commission was established in 1920. The combined Park Department approach was initiated in about 1925 and the first department administrator of the City-County Park Department was created and hired in 1926.

On June 14, 1971, a County-City Study Committee was appointed by the Chairman of the Marathon County Board of Supervisors 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. The Committee studied the problems of the dual boards having overlapping policy statements and efforts, as well as having separate personnel policies and financial procedures, over 8 months, with 11 meetings.

The report of that Committee recommended reorganization be accomplished by January 1, 1973, and that: 1) the Mayor of Wausau appoint three of the seven member Commission; 2) the City of Wausau transfer all Park Department personnel to the Marathon County Park Department; 3) the salaries of non-represented employees be shared on a fifty-fifty basis; 4) machinery and equipment continue to be purchased on a fifty-fifty basis; 5) for all else, the City contract services from the Marathon County Park Commission as budgeted; 6) certain city parks be transferred by lease to the county park system: Athletic, Oak Island-Fern Island, Radtke Point, Rib River and Sylvan Hill. On March 15, 1973, these recommendations were adopted by the Marathon County Board. The City adopted a similar resolution on Oct. 31, 1974, effectively abolishing at midnight, December 31, 1974, its park commission.

Wis. Stat. §27.075 was created and enacted as part of Chapter 33, Laws of 1973, published June 28, 1974, wherein counties were authorized broad authority to exercise city powers in city parks upon proper action by both the city and county legislative bodies (otherwise, counties only derived powers from the constitution or legislature and could not enforce city police powers in parks). Sub. (4) states, in part, “. . . Said . . . cities . . . are vested with all necessary power to do the things herein required, and to do all things and to exercise or relinquish any of the powers herein provided or contemplated. The procedure herein provided for the request or acceptance of the exercise of the powers conferred on the

county board in cities . . . is hereby prescribed as a special method of determining the local affairs and government of such cities and villages pursuant to section 3 of article XI of the constitution.” (Municipal home rule)

In total, the City has adopted two resolutions and the County has adopted three resolutions, with respect to the operations of the parks system:

City: File No. 71-0550, adopted October 31, 1974	County: 69-74, adopted October 29, 1974
File No. 83-0332, adopted March 22, 1983	30-83, adopted May 24, 1983
	54-92, adopted August 25, 1992

The final County resolution adopted an Agreement for City/County Park Governance and requires amendment by formal action of the respective governing bodies, and notice of termination by either party to be in writing and given no less than 12 months in advance of the proposed termination date.

On the City side, turning first to File No. 71-0550, the resolution adopted October 31, 1974, created a study committee: city and county park system – personnel committees to study employees.

On December 30, 1974, the County executed a “Park Lease” effective January 1, 1975 for 99 years for two parks for \$10 each per year, due January 1.

Effective December 31, 1974 at midnight, the **Wausau Park Board** was combined with the **Marathon County Park Commission** into a single unit

- City parks employees transferred to County
- City and county abolish respective park commissions as presently organized and constituted
- County creates Park Commission under 27.075 who shall assume *the powers and duties of both the city and the county, as provided in Sections 27.02-.06; 27.08-.15; and 66.527 (now s.66.0123)*
- Parties share non-rep employees’ salaries and benefits 50/50 for 13 listed positions in 1975; thereafter, readjust cost sharing to conform to the facts
- Parties share equipment and machinery purchases 50/50
- City contract services from the Park Commission as budgeted
- Parks “transferred” by lease to “county park system”: each shall execute leases for Athletic and Sylvan Hill: Athletic (\$10/year), Oak Island-Fern Island, Radtke Point, Rib River and Sylvan Hill (\$10/year).

On April 14, 1975, a Resolution was passed by the Common Council, deleting references to Athletic Park in para. 10 of the joint resolution; and that para. 11 be deleted and replaced with: “The City shall retain policy and police powers jurisdiction over Athletic Park until such time as the above (deed restriction on use of Park) can be resolved; this period of time not to exceed one year.”

On July 8, 1975, a Resolution was passed by the Common Council to delete para. 10 from the Joint Resolution adopted October 13, 1974, re: City-County Park Department, and add Sylvan Hill to para. 11 of the same Resolution.

On March 22, 1983, the City of Wausau Common Council passed a Resolution, File No. 83-0332, requesting the County Board of Supervisors recommend changes to, and adopt and enforce City ordinances that regulate use by the public of the Wausau Park System; it further recommended certain ordinances be adopted by the county; and limiting that enforcement authority to "City parks" (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).

Likewise, on May 24, 1983, the County Board of Supervisors passed a Resolution, #30-83, assuming the exercise of authorities and functions as set forth in the City resolution just passed.

On October 2, 1989, a draft agreement was prepared which at that time, purported to be a contract for the purchase of services from the County park department, to be provided to the City. File notes reflect a meeting of the County Park Commission on October 10, 1989, at which the County Administrator gave a presentation on problems and issues, such as accountability, and insurance. The City was discussing the setting of policy by the City, and more input being provided by aldermen.

The "Park Reorganization Committee" of the City met for the first time on January 16, 1990, to select a chairman, discuss the historical relationship to the Park Commission and discuss future options for future policy making.

A draft Resolution dated October 12, 1990, resolves to rescind the current arrangement with the County for park services, provide for a City Park Committee and for a s. 66.30 (now 66.0301) agreement with Marathon County. The draft acknowledges the powers and duties of the City with regard to City park operations lie with the Marathon County Park Commission, pursuant to Wis. Stats. S. 27.075, but to more appropriately and adequately fulfill the requirements and desires of the City residents for park and recreation services, contracting with the County for certain services offered by the Park Department, within the context of and as a part of a comprehensive City park and recreation program, would offer the most benefit to the City residents. It resolved to rescind the provisions within Resolution 71-0550, adopted October 31, 1974, effective January 1, 1992; empower the Board of Public Works with the statutory authority to exercise the duties and responsibilities of park operations; establish a City park committee by ordinance, made up of 7 members, of which 3 would be aldermen, to make recommendations to the council on all park operations; authorize and direct officials to negotiate an appropriate intergovernmental agreement for the provision of certain park services to be performed by the County for the City and for payment therefor.

A section appearing in the November 29, 1990 Comprehensive Park and Recreation Area Plan, entitled "Jurisdictional Transfer of Parks," references that the County proposes ownership and maintenance of D.C. Everest and 10th Street Parks be transferred to the City and that the City transfer ownership of Sylvan Hill Ski Area and Oak Island-Picnic Island community park to the County. Additionally, it proposed transferring Athletic Park and proposed Holtz-Krause sports complex to the County park system.

"Before jurisdictional transfers occur, the City should carefully weigh both the positive and negative aspects related to any jurisdictional transfers. Accepting additional park lands from the County will involve additional expenses for the maintenance and improvements that are currently the responsibility of the County. On the other hand, the City will have complete control over the development and improvement of the parks.

Relinquishing jurisdiction of a park would also diminish the City's financial obligation to maintain that park. However, without a well written transfer agreement Marathon County might reduce maintenance and improvement of the park and diminish its overall quality. Before any City parks are transferred to Marathon County well written, concise agreements should be drafted to insure that the City's interests are protected from the financial and political changes occurring at the County level."

On February 26, 1992, the City's Public Health and Safety Committee considered an ordinance creating City Park Committee and related actions regarding City governance of parks. Then Mayor Robinson explained that he had discussed over the years the need to increase the role of city involvement in determining the future for City parks; a motion to bring the ordinance back to the next meeting passed unanimously.

On March 25, 1992, the draft ordinance was considered. The official minutes of that meeting of the Public Health and Safety Committee reflect that "Mayor Robinson stated that we currently have an eight person committee consisting of four aldermen and four citizens. This committee has not met very often. We felt that it was important that additional direction be given to the future planning of parks and recreational activities in the City. . . . We are proposing . . . to try and expand participation in future planning of parks and recreational activities in the City. We would not tinker with the current City/County Park Commission but to insure some continuity we would have two of the three people who serve on that commission also serve on this committee. We hope that with this we would have additional citizen and aldermanic involvement in the parks planning and recreational planning. Right now we have no real parks plan, this would change the focus and provide the continuity needed."

On April 14, 1992, an ordinance creating Chapter 2.85 – City Parks and Recreation Committee – was introduced, but not passed by Council. It was referred back to the Public Health and Safety Committee where it died. It provided for an 8 member committee, consisting of 4 alders and 4 citizens, with no less than two members who would also be members of the Marathon County Park Commission. The draft ordinance listed the powers, duties and functions of the committee as follows:

- To make policy recommendations with regard to park and recreation services to the common council
- To receive input from citizens concerning park and recreation services and operations and to make corresponding recommendations with regard to those services and operations to the common council.
- To conduct hearings and to make investigations into the desired level and quality of park and recreation services and the costs and benefits of those park and recreation services
- To develop a long-term plan outlining the identified and projected park and recreation needs.

(However, it is listed in WMC 2.16 as a standing committee.)

An Agreement for Park Services was drafted in May of 1992.

On August 25, 1992, the Marathon County Board of Supervisors adopted Resolution #R-54-92, regarding an Agreement Clarifying City-County Park Governance, wherein it approved a two-page Agreement, meant to clarify the selection process for park commissioners and governance of city parks. While I do not find a corresponding City Council Resolution, the Agreement is signed by both the City and County. The Agreement provides for a seven (7) member County Park Commission appointed by the County Administrator and confirmed by the County Board, consisting of 3 Common Council members

recommended by the Mayor, 3 County Board Supervisors residing outside the City limits, and one member who shall be neither a Board or Council member, but mutually agreed to by the County Administrator and Mayor. It further states that 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 [statutory authority].

Then Mayor Linda Lawrence inquired about the creation of a city park committee in April 2002 and was advised that a simple majority of the Council could create whatever sort of committee it wished – a standing committee, or a citizen/alder committee (now a “special committee”). She was also advised that it was possible to leave the arrangement with the County with proper notice. At the May 8, 2002 meeting of the Wausau/Marathon County Park Commission, the minutes reflect that Duncanson (Bill) explained that Mayor Lawrence created a City Park and Recreation Committee to increase advocacy of park and recreation needs on City Council. It is a 5-member standing committee. “Duncanson discussed potential opportunities and limitations that come with the new committee.”

On June 12, 2002, the newly minted committee met and then City Planner Joe Pribanich discussed the last citizen survey conducted in 1997 of the City Recreation Plan. Duncanson mentioned that to that date the Park Department had been facility based and that recreation programs were not emphasized. Pribanich added that there was a need to revisit the goals as defined in the various documents because establishing goals is a requirement of the plans. A list of goals and issues was to be compiled by the next meeting.

At their July 10, 2002, meeting, Brad Karger attended and asked the committee to provide him with three, very specific, well-defined targets of improvement for the Park Department, if the City were not completely satisfied with its services, along with its indicators of success for the three targets. Mayor Lawrence indicated the purpose of the standing committee was to foster a better understanding of park issues and better advocacy for park and recreation programs. Joe Pribanich distributed and detailed the City of Wausau park and recreation planning goals he compiled that have been identified in several City planning documents over the last 20-25 years:

- Wausau Plan: A View to the Future (1996)
- River Edge Master Plan (1995)
- City of Wausau Comprehensive Park and Recreation Area Plan (1990)
- City of Wausau Land Use Plan (1983)
- Comprehensive Plan for Wausau Park System (1976)
- Envision Marathon (December 2000 Action Report)

He said the City Planning Commission, this committee and the public would be involved in the recreation planning component of the comprehensive planning process at the county level recently undertaken and for which a consultant was hired.

At their September 19, 2002, meeting, the committee adopted the County Park Department’s mission statement as their own: “To provide diversified park and recreation facilities and programs that will meet the needs of present and future residents and to preserve and enhance important natural, historical and scenic features within the City of Wausau.” The committee expressed its intention to complete a Comprehensive Outdoor Recreation Plan by year-end. It should include a definition of the role of staff and the committee, as well as identify issues.

On April 16, 2003, the City and County entered into an Agreement for the Assignment of Liability for Acts of the Marathon County Parks, Recreation, and Forestry Department Employees, which expired April 16, 2013. That Agreement renews automatically unless terminated by one of the parties. The Agreement is silent as to the term of the renewal

In June of 2003, under then Mayor Linda Lawrence, the County was noticed that city staff was undertaking a study of the advisability of internalizing city park maintenance functions with the Public Works Department.

On August 1, 2011, I wrote an opinion for the Parks and Recreation Committee Chair regarding the steps it would take to dissolve the agreements by which the city and county joined services in operating a joint parks department function.

Ordinances:

Under the Marathon County Ordinances, Section 2.06(12) establishes the Marathon County Park Commission and lists as its duties and responsibilities under (c):

1. Monitor, preserve and protect the County's open space, water, historical, cultural, natural and economic resources.
2. Determine and recommend recreational and tourism programs within the County.
3. Recommend policy and funding for establishing and implementing park and recreation programs and facilities.
4. Monitor and recommend policy for the development and maintenance of recreation trails including County-sponsored trails and State-funded trails.
5. Make rules and recommend ordinances for the regulation of the use and enjoyment of the County parks, trails and recreation lands.

Under Section 19.15(1)(a), the term "Park and Recreation Committee" composed of five members, is the committee of jurisdiction for the City of Wausau parklands, hereafter referred to as the "Committee" in this subchapter.

(c): The Wausau and Marathon County Parks, Recreation, and Forestry Department, whose head shall be the Director, shall be the administrative or executive agency of the Committee. The Director shall be the authorized agent of the Committee as referred to in this subchapter.

(2): The provisions of this subchapter shall apply to all lands, structures and property owned, leased or administered by the City of Wausau and under the management, supervision and control of the Committee.

(6) Rules and regulations may be made governing the use and enjoyment of all lands, structures and property owned, leased or administered by the City of Wausau and under the management, supervision and control of the Committee.

Under the Wausau Municipal Code, only Chapter 9.20 addresses "Park Regulations." Nowhere is the Park and Recreation Committee mentioned, except in a list of standing committees of the Common Council in Chapter 2.16. The title of the chapter contains the following footnote:

"For statutory provisions granting a city park board certain board regulatory powers, see §27.08, Wis. Stats."

However, the City does not have a City Park Board, pursuant to s. 27.08.

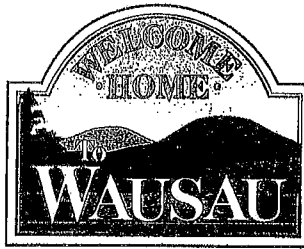
Conclusion:

Effective December 31, 1974, the City transferred its powers and duties with respect to city parks to the county. The City must give 12 months' advance notice of termination to rescind the jurisdictional transfer. The City added "Parks and Recreation Committee" to its list of standing committees in Chapter 2.16 of the ordinances, but no report describing the duties of the committee could be found. Likewise, no list of those functions transferred to the County, retained by the City, or shared jointly, could be found. Additionally, no agreement exists as to the procurement of services from the County, in exchange for the money budgeted for county use with respect to city parks.

Recommendation:

With the advent of the standing Parks and Recreation Committee of the City of Wausau, the question becomes one of authority and purpose. If the city has indeed transferred all of its jurisdictional authority to manage City parks to the County, the purpose of the committee should be more clearly delineated, so as not to duplicate or contradict County control and management of city parks.

With the turnover of staff over the years, it is recommended that a review be conducted of all resolutions, agreements, leases and ordinances, and the functions performed by each party, for compliance with Section 27.075, Wis. Stats., which provides that both a city may request, and a county may assume and exercise, " (1) certain powers conferred upon it for the purpose of governing, managing, controlling, improving and caring for public parks, parkways, boulevards and pleasure drives, as evidenced by resolutions *designating the particular park function, duty or act, and the terms, if any, upon which the same shall be exercised by the county board. Such resolution shall state whether the authority or function is to be exercised exclusively by the county or jointly by the county and city, and shall also state that the exercise of such power by the county is in the public interest.*"



Office of the City Attorney

Anne L. Jacobson
City Attorney

Patricia Cal Baker
Assistant City Attorney

TO: Ed Gale, Chairman
Park and Recreation Committee
FROM: Anne Jacobson *AJ*
RE: Dissolution of Joint Park Departments
DATE: August 1, 2011

I have been asked to render a legal opinion on the steps necessary to dissolve the agreements by which the city and the county joined services in operating a parks department function.

Historically, the Wausau Park Board was established in 1905 and the Marathon County Park Commission was established in 1920. The combined Park Department approach was initiated in about 1925 and the first department administrator of the City-County Park Department was created and hired in 1926.

On June 14, 1971, a County-City Study Committee was appointed by the Chairman of the Marathon County Board of Supervisors to study combining the Wausau Park Board and the Marathon County Park Commission into a single unit.

The report of that Committee recommended reorganization be accomplished by January 1, 1973, and that: 1) The Mayor of Wausau appoint three of the seven member Commission; 2) the City of Wausau transfer all Park Department personnel to the Marathon County Park Department; 3) the salaries of non-represented employees be shared on a fifty-fifty basis; 4) machinery and equipment continue to be purchased on a fifty-fifty basis; 5) for all else, the City contract services from the Marathon County Park Commission as budgeted; 6) certain city parks be transferred by lease to the county park system: Athletic, Oak Island-Fern Island, Radtke Point, Rib River and Sylvan Hill. On March 15, 1973, these recommendations were adopted by the Marathon County Board. The City adopted a similar resolution on Oct. 31, 1974, effectively abolishing at midnight, December 31, 1974, its park commission.

Chapter 2.85 of the Wausau Municipal Code, was introduced on 4/14/92, creating the City Parks and Recreation Committee, but referred back to Public Health and Safety Committee and never visited again.

The following resolutions have been adopted by the County and the City with respect to the operations of the parks system: City Resolutions with File No. 71-0550, adopted October 31, 1974, and File No. 83-0332, adopted March 22, 1983; County Resolutions with 69-74, adopted

October 29, 1974, and 30-83, adopted May 24, 1983. Additionally, an Agreement for City/County Park Governance was adopted by the County on August 25, 1992, as Marathon County Resolution 54-92, which requires amendment by formal action of the respective governing bodies, and notice of termination by either party to be in writing and given no less than 12 months in advance of the proposed termination date.

The respective governing bodies of the city and the county would need to pass resolutions dissolving the actions taken in the aforementioned resolutions. They are attached. Once an agreement is reached with the county, a resolution is the legal mechanism by which the partnership would be dissolved. It is likely that ordinances would have to be created or amended to accomplish the reorganization.

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. Helber
Allen C. Klos
Richard B. Anklam
Anthony P. Skurzynski
Robert G. Wump

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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,

71-0550

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.~~

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8. The ~~county and city shall share, on a 50-50 basis,~~ the ~~salary and fringe benefit cost~~ 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.

COORDINATING COMMITTEE

Roger Otto

Robert C. Helber

John T. Meyer

John von Lichten

Richard B. Aullam

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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

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. Sperry

Robert C. Wilke

Robert T. Hays

Johnson, Inghel

Abby J. Johnson

0550-117

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 ^{October} ~~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:

LETE*

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."

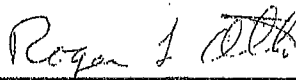
As the 1975 Spring baseball season approached, Wausau citizens objected to certain limitations that appeared imminent in the county administration of Athletic Park. Particularly, a clause in the deed granting the land to the city raised the possibility that ownership of Athletic Park could be permanently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

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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

71-0550

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

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:

MICROFILMED

83-0332

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 J. Otto

2000-0000

*Gary 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,

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

<u>Linda Lawrence</u>	<u>[Signature]</u>
<u>Robert Williamson</u>	<u>[Signature]</u>
<u>[Signature]</u>	<u>[Signature]</u>

MARATHON COUNTY PLANNING COMMITTEE

<u>[Signature]</u>	<u>Lorraine Maly</u>
<u>[Signature]</u>	<u>[Signature]</u>

Fiscal Impact: None known.

WD/ded

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.~~

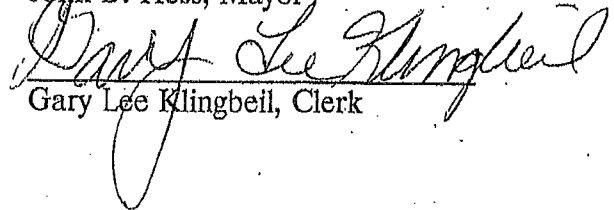
4. Within ninety (90) days of the effective date of this Agreement, the bylaws of the Park Commission in existence prior to this Agreement shall be changed to reflect this Agreement and to conform to current statutes.

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

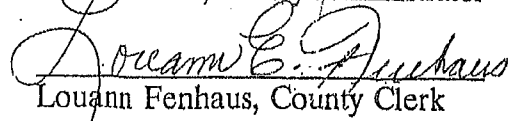


Gary Lee Klingbeil, Clerk

COUNTY OF MARATHON BY:



Mort McBain, County Administrator



Louann Fenhaus, County Clerk

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

WHEREAS, the City of Wausau and Marathon County created heretofore, a joint committee to study a proposal ^{THAT} the ^C 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

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

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

[Handwritten signatures of committee members]
 Robert G. Silber
 Gordon Henderson
 Stanley J. Johnson
 John W. Johnson
 Alfred Oswald
 William H. Hays
 Auden Fort

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 H. Schaffel

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.

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 smoldering 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)
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342.30 through 342.34	346.68
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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 whosoever 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

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.

Cordin

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 Wausau, 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:

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 J. Otto

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:

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Kaiser Pool	Three "M"
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341.51(5)	345.20 through 345.53
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(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

Cont. 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.

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

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

- 24.20 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



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



MARATHON COUNTY PARK COMMISSION

Duane L. Corbin, *Parks Director*

Marathon County Park Department • Courthouse • Wausau, Wisconsin 54401 - 5568 • Telephone 715/847 - 5235

April 12, 1983

Mr. Charles Balczun
Marathon County Administrator
Courthouse
Wausau, WI 54401

Dear Mr. Balczun:

The Marathon County Park Commission transmits the attached Resolution regarding Park Enforcement Responsibilities which was adopted by the Wausau Common Council on March 22, 1983.

This resolution was approved by the Marathon County Park Commission at their regular meeting on April 12, 1983.

The Park Commission recommends that this resolution be adopted by the Marathon County Board of Supervisors and that it take effect immediately.

Very truly yours,

DUANE L. CORBIN
Parks Director

DLC:mft
Enclosure

Affiliated With:

Wisconsin Park & Recreation Association

National Recreation & Park Association

Corbin

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:

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 J. Otto

Corden

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Roger J. Otto