

**MINUTES  
PARK COMMITTEE  
Wednesday, July 13, 2016  
City Hall, Room 207  
5 P.M.**

MEMBERS PRESENT: Aldermen David Nennig, Chris Wery, John Vanderleest, and Andy Nicholson

MEMBERS ABSENT: None

OTHERS PRESENT: Director Cramer, Dan Ditscheit, James Andersen, Rick Jensen, Vanessa Chavez and Joanne Bungert

**Approval of the minutes of the meeting of June 8, 2016**

A motion was made by Ald. Nicholson and seconded by Ald. Vanderleest to approve the minutes of the meeting of June 8, 2016. Motion carried.

**Adoption of the Agenda**

Ald. Nennig request Item #4, Report of the Purchasing Manager be taken first.

A motion was made by Ald. Nicholson and seconded by Al. Wery to take Item #4, Report of the Purchasing Manger be taken first.

**1. Discussion/Action on a request by the Bay Lakes Regional Planning Commission to enter into a DNR grant agreement to control phragmites at several City park properties**

The Bay Lakes Regional Planning Commission received a \$1,000,000 grant in 2015 through the Great Lakes Fish & Wildlife Restoration Act to control phragmites with chemical treatment along the Bay of Green Bay and other waterways in the Green Bay area. They have mapped out all of the known phragmites within their project boundary and have contacted all property owners to see if they want to participate in this program.

This grant would fund spraying chemicals on the phragmites for two years. All necessary permits have been obtained by the DNR, and all applicators will hold aquatic pesticides applicator certifications through the State of Wisconsin and will have adequate insurance. Most of the applications would occur by amphibious vehicles or backpack sprayers, but portions may be done by helicopter. Spraying will occur from mid-July to late October.

On July 15, 2015, the Park Committee approved participating in this grant program only at Bay Beach Amusement Park. In the fall of 2015, approximately half of the Bay Beach shoreline was chemically sprayed. Last fall, the Bay Lakes Regional Planning

Commission recommended that any property owner who utilizes this grant continue phragmites control after the grant was completed. That is why only a portion of Bay Beach was sprayed last year.

At the time, the City could not commit to ongoing maintenance in all of the parks within the grant boundary. Since then, the Bay Lakes Regional Planning Commission has eliminated the ongoing maintenance requirement.

Therefore, this fall the Parks Department would like to allow spraying to occur in other parks within the grant boundary. These parks would include the rest of Bay Beach Amusement Park, Baird Creek Greenway, Joliet Park, Ken Euers Park, Red Smith Park, Riverview Place, Wildlife Sanctuary, and all of the parkland along the East River. The National Railroad Museum would also like to participate in this grant program. Although the museum is located in Ashwaubenon, the land is owned by the City of Green Bay.

Both Law and Risk Management Departments have reviewed this request and have no issues as long as the selected contractor meets the City's insurance requirements. The Bay Lakes Regional Planning Commission has agreed to this.

Angela Kowalzek-Adrians, Bay Lake Regional Planning Commission, was present to address any concerns.

A motion was made by Ald. Wery and seconded by Ald. Vanderleest to open the floor to listen to interested parties.

A.Kowalzek-Adrians presented handouts to the Committee which summarizes the project. This is a grant received through EPA and Great Lakes and targets area of concern in the lower bay, Fox River, Baird Creek, East River, Duck Creek and are hoping to address as many phragmites as possible. The maintenance requirement has been removed but we hope landowners will still be able to maintain the area. We also discovered we are able to mow it under the grant so it can be treated this fall, mowed in the winter, treated again next fall which will be a very effective management strategy.

Ald. Vanderleest asked what the impact on the environment would be.

A.Kowalzek-Adrians stated the chemical is called Imazapyr which has less of an impact than a pesticide. It dissipates quickly and is approved for aquatic use which goes directly into waterways. This is the most effective method to address any plants or invasive species with minimal impact on the environment. There will most likely not be any aerial application with the possible exception of Renard Isle or WPS property.

Ald. Nennig asked if the public would need to be notified in areas such as Baird Creek.

A.Kowalzek-Adrians stated yes, that would occur. We will work with the Parks Department to determine which days and times will work the best at each location. Signs will be posted in advance as well. Contractors will not apply if there are people in the area.

Ald. Vanderleest asked what the solution would be if it were not treated.

A.Kowalzek-Adrians stated the phragmites would remain and continue to expand. Participation from landowners will be crucial for its success. The Baird Creek Preservation Foundation has also been contacted to further identify phragmites in the greenway, particularly under tree covered areas.

Ald. Nennig thanked Bay Lakes for their participation in this project.

Ald. Nicholson made a motion and was seconded by Ald. Wery to return to the regular order of business.

A motion was made by Ald. Nicholson and seconded by Ald. Wery to approve and to enter into an agreement with the Bay Lakes Regional Planning Commission to use grant funding to control phragmites at all City parks within the grant boundary contingent upon the following:

- All costs are the responsibility of the Bay Lakes Regional Planning Commission;
- All proper permits and insurances being obtained;
- City staff to approve the exact locations and timing of each spraying location.

Motion carried.

**2. Discussion/Action on a request by the Creamery to allow tables, chairs, and garbage cans to be installed on City Deck to accommodate restaurant outdoor dining**

The Creamery is a new restaurant that just opened at 114 Pine Street. The west façade of the building fronts City Deck. The restaurant owner contacted the City and requested to place tables, chairs, and garbage cans on City Deck to accommodate restaurant outdoor dining. City Deck is a very popular location, and it is anticipated that similar requests will come forward as businesses continue to move into the area.

This is the first request that has been brought forward. Because this is a City park and grant dollars were received to construct the deck, all areas must remain open to the public. The proposed seating area will remain parkland, and the restaurant owner will not have exclusive rights to this area.

Staff has defined the boundary of the seating area and addressed the following concerns in the agreement. The owners will be responsible for all costs associated with the purchase, installation, and maintenance of the tables, chairs, and garbage cans. They must be permanently secured to the pavement, and they will become City property once installed. The owner will be responsible to keep the area clean and empty the garbage cans within the area.

Alcoholic beverages and glass will not be permitted within the area with the exception of approved special events. Food and non-alcoholic beverages must be purchased within the business but can be carried out to the tables for restaurant dining.

These tables and chairs must be open to the public at all times, and the public cannot be asked to leave to accommodate restaurant customers. If the City Deck is rented for a special event, the renter will have use of these tables and chairs. The seating area will be closed at 10:30 p.m., the same time as City Deck. The terms of this agreement will be for one year with an option to renew each year if all terms of the City Deck Use Agreement are adhered to. The owner must maintain proper insurance for this area.

The owner asked to sell alcohol on the City Deck, and our policy prohibits the sale of alcohol on the City Deck. Also they have a serving window that extends off their building into the Deck, as well as a canopy request that will be dealt with in another agreement at an upcoming Park Committee meeting.

In the future, we are going to need to revisit our City Deck policy. With extreme growth from 80 to 185 special events with the majority of that growth requesting City Deck usage, we are going to have to revisit policies, procedures, revenues, and costs associated with this growth. Things such as staffing, maintenance costs, revenues, rentable areas, attendance, and also as it relates to sales for profits and non-profits. In the fall our staff will be revisiting this and bringing the policy back for review.

A motion was made by Ald. Nicholson and seconded by Ald. Wery to open the floor to listen to interested parties.

Patrick Hoffman, owner of the Creamery shared some background information and ideas for the future to be able to offer the same opportunities as other Riverwalk cities do such as Oshkosh, LaCrosse, Madison and Milwaukee. All of them allow alcohol on their Riverwalks. We are just trying to get to that point.

Steven Seymour, 2544 Heather Road, questioned why he can't carry wine into this public area. Does this pertain to all city parks?

Ald. Nennig confirmed that it is only allowed with Committee approval.

S. Seymour feels this would deter people from using the area which will take away from future downtown growth.

Staff stated that beer and wine is allowed in certain parks with a shelter reservation, but must be pre-approved.

Ald. Nennig stated just to clarify for the committee that prohibition on hard liquor is actually state law. We couldn't overstep that law even if we wanted to.

Ald. Wery said a way around it might be to not list City Deck as a park. It may give us more flexibility.

Ald. Nennig stated this particular item is to approve table and chairs on the city deck.

A motion was made by Ald. Nicholson and seconded by Ald. Wery to return to the regular order of business.

A motion was made by Ald. Nicholson and seconded by Ald. Wery to approve the request by the Creamery to allow tables, chairs, and garbage cans to be installed on City Deck to accommodate restaurant outdoor dining contingent upon the following:

- All costs for purchase and installation are the responsibility of the Creamery;
- All proper permits and insurances being obtained;
- All parties agreeable to the conditions stated in the City Deck Use Agreement;
- The term of the agreement is for one year and is renewable if all terms of the City Deck Use Agreement are adhered to.

Motion carried.

**3. Discussion/Action on a request by the Creamery and Broken Spoke to host a grand opening and ribbon cutting event on the City Deck on Saturday, August 6, 2016**

The Broken Spoke and The Creamery are requesting to host a grand opening and ribbon cutting event on Saturday, August 6, 2016, on the City Deck. Food, beer, and wine will be sold and distributed out of the Creamery Restaurant or the service window. No sales are allowed on the City Deck. They are requesting beer and wine to be allowed on the City Deck in the confined area, as defined on the map that was distributed, during the event from 4-9 p.m. No hard alcohol or glass containers are allowed on the City Deck.

Security will be handled by event organizers (four at the entrance and exit areas and other areas as necessary as defined on the map) to ensure the beer and wine stays within the confines of the event area. Event organizers are responsible for cleanup of the event area.

The event is open to the public, and a 12-foot emergency paved path will stay open and accessible at all times. Event organizers realize that this event is the same day as the Tall Ships Festival. Tall Ships did not reserve the City Deck during their event weekend. Tall Ships' schedule shows they are done at 4 p.m. at Leicht Park on Saturday.

A motion was made by Ald. Nicholson and seconded by Ald. Vanderleest to approve the request by the Creamery and Broken Spoke to host a grand opening and ribbon cutting event on the City Deck on Saturday, August 6, 2016, contingent upon the following:

- All costs of the event are the responsibility of the Creamery and Broken Spoke;
- All proper permits and insurances being obtained;

- The Broken Spoke and Creamery are responsible for all security;
- Must adhere to all noise ordinances and regulations;
- No hard alcohol and no glass containers allowed on the City Deck;
- Final approval of the City Special Event Committee.
- Beer and wine must remain in the designated area.

Motion carried.

#### **4. Report of the Purchasing Manager**

**Request approval to award a contract for a new asphalt walkway at Sullivan Park to MCC Inc. for \$25,054. Also request preapproval to authorize contingency work as necessary per the attached quote summary and report back any additional payments under the contract.**

Purchasing Manager Rick Jensen stated before you is a request to award a contract for an asphalt walkway at Sullivan Park. Quotes were received from four contractors. Staff is recommending the contract be awarded to the lowest bidder, MCC Incorporated. The base bid was \$21,583. We quoted several alternatives and want to include the lump sum alternative for erosion control and a lump sum alternative for site restoration which would make the total bid \$25,053.66.

Ald. Nicholson asked if he was looking for approval for \$25,053.66.

R. Jensen stated yes. In addition there are other contingencies we received quotes on and we are asking for authorization for the Parks Department to approve those contingencies if needed during construction. This is a situation that if we remove or start digging into the soil and discover the soil is substandard and additional work is necessary we want to be able to authorized that work without coming back for approval.

Staff stated this request stems from a project that was installed in 2015. A walkway was replaced in Baird Place Park near the hospitals. After the pavement was removed, poor soils were encountered. There was no way this could have been predicted before construction began. The project had to be shut down mid-construction until the Park Committee and City Council could approve the additional change order cost. This process took several weeks, and many complaints were received.

Staff stated we will not actually know until we start digging up these areas whether these alternates will be needed.

Because the Sullivan Walk is located next to a school, the Parks Department would like to install the trail in the summer months. If this project was to be shut down to approve a potential change order, then the trail construction would not be completed until the fall when school is back in session. If approved, Staff would report back to the committee.

Ald, Nennig asked to clarify that the motion they are asking for is to award the contract to the lowest bid and to authorize staff to use any of the alternative listed proposals if necessary to complete the project.

A motion was made by Ald. Vanderleest and seconded by Ald. Wery to award a contract for installation of a new asphalt walkway at Sullivan Park to MCC Inc. for \$25,054 and to authorize contingency work as necessary per the quote summary and report back any additional payments under the contract. Motion carried.

## **5. Director's Report**

Over 1,000 ash trees have already been treated this year. We have set Emerald Ash Borer detection traps in 40 locations throughout the City.

Park crews are finishing the installation of the new playground equipment at Eighth Street Park.

The 2<sup>nd</sup> Annual Fit Fest will be held on Saturday, July 16, 2016, at Leicht Park from 9 a.m. to 1 p.m.

The 3<sup>rd</sup> Annual LEGO Event will take place at the Bay Beach Pavilion on July 16-17, 2016, from 10 a.m. to 6 p.m.

The Glow Zumba Event will be held on Friday, July 29, 2016, at Leicht Park from 8:30-10 p.m.

The City-Wide Talent Show will take place on Tuesday, July 19, 2016, at Bay Beach Amusement Park.

The Kiddie Karnival and Parade will be held at Leicht Park on Tuesday, July 26, 2016. The Parade will be at 5:30 p.m., and the Karnival will be at 6:30 p.m.

A motion was made by Ald. Nicholson and seconded by Ald. Wery to receive and place on file the Director's Report. Motion carried.

A motion was made by Ald. Nicholson and seconded by Ald. Wery to adjourn the meeting. Motion carried.

Meeting adjourned at 5:31 p.m.