



Board of Park Commissioners

Regular Meeting

335 South Broadway
De Pere, WI 54115
<http://www.de-pere.org>

Agenda

Thursday, September 21, 2017

6:30 PM

De Pere City Hall Council Chambers

Pursuant to Wisconsin Statutes 19.84, Notice is hereby given to the public that a meeting of the **Board of Park Commissioners** of the City of De Pere will be held on **September 21, 2017** at **6:30 PM** in the **De Pere City Hall Council Chambers, 335 S. Broadway Street, De Pere, WI 54115.**

This meeting can be viewed LIVE at www.depere.tv. This meeting is also rebroadcast on TW Cable Channel 4 and AT&T U-verse Channel 99 throughout the week and available on demand at www.depere.tv.

I. Call to Order

1. Roll Call

II. Action Items

1. Approve Board of Park Commissioners Minutes from 8-24-17
2. Consider revised design options for Bomier Boat Launch.
3. Approval to Accept Donation from Wochinske Foundation.*
4. Approval to Accept \$500 Donation Toward the Southwest Park Playground Project from the Pink Flamingos.*
5. Approval to Accept Donation of \$250 for the Recreation Scholarship Fund from the Pink Flamingos.*
6. Approve Brown County Ice Management Quarterly Report.
7. Request of Ald. Boyd to Amend Private Park Vendor Permit Ordinance to Allow for Administrative Application Approval

III. Public Comment Period

IV. Future Agenda Items

V. Staff Updates

1. Turkey Trot
2. Band Shell Update

VI. Adjournment

Any person wishing to attend this meeting who, because of disability, requires special accommodations should contact the Clerk-Treasurer's office at 339-4050 by Noon, the previous day so that arrangements can be made.

Board Members
Alderspersons
Mayor Michael J. Walsh
Larry Delo, City Administrator

De Pere Youth Hockey
Tod Maki, De Pere Select Soccer
Shana Ledvina, City Clerk
City Hall 1st and 2nd Floor

Judy Schmidt-Lehman, City Attorney
Definitely De Pere
Marty Kosobucki
John Zegers, WDP High School District
De Pere Rapides Youth Soccer
Ella Buboltz, Teen Advisor
Brown County Ice Time Management

De Pere Area Chamber of Commerce
Brown County Library – De Pere
TV & Radio Stations
Ben Villaruel, Unified School District
De Pere Baseball
Lydia McMorrow, Teen Advisor

Notice is hereby given that a majority of the Members of the Common Council of the City of DePere may attend this meeting to gather information about a subject (s) over which they have decision making responsibility.

***All items marked with an asterisk will be forwarded to the Common Council.**

City of De Pere, Wisconsin

**Request For Board of Park Commissioners Action**

MEETING DATE: September 21, 2017

DEPARTMENT: Parks, Recreation & Forestry

FROM: Marty Kosobucki

SUBJECT: Approve Board of Park Commissioners Minutes from 8-24-17

ATTACHMENTS:

- Draft Minutes 8-17-17 (PDF)



Board of Park Commissioners

Regular Meeting

335 South Broadway
De Pere, WI 54115
<http://www.de-pere.org>

Draft Minutes

Thursday, August 17, 2017

6:30 PM

De Pere City Hall Council Chambers

I. Call to Order

The meeting was called to order at 6:30 PM by Board Member George Brown

Attendee Name	Title	Status	Arrived
Ryan Jennings	Aldersperson	Present	
Larry Lueck	Aldersperson	Present	
Dean Raasch	Aldersperson	Present	
George Brown	Board Member	Present	
Sue Schinkten	Board Member	Present	
Randy Soquet	Board Member	Excused	
Bill Volpano	Board Member	Present	
Ella Bublotz	Teen Advisor	Excused	
Lydia McMorrow	Teen Advisor	Present	

II. Action Items

1. Approve Board of Park Commissioners Minutes from 7-20-17.

Dean Raasch made a motion to approve Board of Park Commissioners Minutes from July 20, 2017, seconded by Larry Lueck. Upon vote, the motion passed.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dean Raasch, Aldersperson
SECONDER:	Larry Lueck, Aldersperson
AYES:	Jennings, Lueck, Raasch, Brown, Schinkten, Volpano, McMorrow
EXCUSED:	Randy Soquet

2. Accept Donations of Banners and Signs for Summer Events from Creative Sign.*

Ryan Jennings made a motion to approve to accept donations of banners and signs for summer events from Creative Sign, seconded by Bill Volpano. Upon vote, the motion passed.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Ryan Jennings, Aldersperson
SECONDER:	Bill Volpano, Board Member
AYES:	Jennings, Lueck, Raasch, Brown, Schinkten, Volpano, McMorrow
EXCUSED:	Randy Soquet

3. Approval to Accept \$300 Monetary Donation from De Pere Area Men's Club for Senior Picnic.*

Dean Raasch made a motion to approve to accept \$300 monetary donation from De Pere Area Men's Club for the Senior Picnic, seconded by Larry Lueck. Upon vote, the motion passed.

Attachment: Draft Minutes 8-17-17 (6227 : Approve Board of Park Commissioners Minutes from 8-17-17)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dean Raasch, Alderperson
SECONDER:	Larry Lueck, Alderperson
AYES:	Jennings, Lueck, Raasch, Brown, Schinkten, Volpano, McMorrow
EXCUSED:	Randy Soquet

4. Approval to accept \$500 donation from Brown County Community Women's Club to Community Center.*

Bill Volpano made a motion to approve to accept \$500 donation from Brown County Community Women's Club to Community Center, seconded by Ryan Jennings. Upon vote, the motion passed.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bill Volpano, Board Member
SECONDER:	Ryan Jennings, Alderperson
AYES:	Jennings, Lueck, Raasch, Brown, Schinkten, Volpano, McMorrow
EXCUSED:	Randy Soquet

5. Consider Bomier Boat Launch Design.

Marty provided a brief summary and showed two preliminary designs for the boat launch. He stated there are a number of people here to speak as well as representatives from the Wisconsin Department of Natural Resources (WDNR).

There was a public information meeting showing preliminary design (#1) which includes a passive recreation area, added a dual launch next to existing launch (1 1/2 lane) and added a parking lot south of the restroom. The addition of the parking lot requires a City street to be moved and does impact the entry into the condominium next to the ramp. From the public information meeting the major concerns regarding the design were: moving of the street next to the condominium, the layout of the additional parking lot would not work for boats with trailers; there is no screening between existing homes and the proposed recreational area, and an increase in traffic and safety concerns with this increase. From these concerns, an alternative design (#2) was done.

Marty stated that lots of discussion is probably needed before accepting a design and he is requesting the Park Board help in directing staff in what direction to pursue. The key three points that need to be addressed are the moving of the street, the size of the boat launch expansion, and what impact this might have on parking and traffic.

Larry Lueck asked Marty if there is a reason why this is even being considered and if there were problems that existed that needed to be addressed. Marty stated there was a series of events to approve Bomier. It is in the Capital Improvement Plan to improve the parking lot. Also, immediately south of the restroom building, the City purchased a home and tore it down with the intention of enhancing Bomier. The National Resource Development Assessment (NRDA) controls the Fox River cleanup money and identified Bomier as an area they would like to see improved. Perkofsky was recently renovated and Fox Point received money from the NRDA, so the only other area is Bomier. If the City were to take money from the NRDA, there is a strong likelihood there would be an opportunity to obtain matching grants from the WDNR. The last improvements were done 20-30 years ago and this would allow the ability to improve the launch with little or low tax burden to the residents. Also, the City comprehensive plan identified utilizing the Fox River.

Sue Schinkten made a motion to open the meeting to public comment at 6:45 pm, seconded by Dean Raasch. Upon vote, the motion passed.

George Brown introduced Cara Kampke, Conservation Warden for Western Brown County from the WDNR and Jeremy Kords, Recreation and Safety Warden from WDNR. Jeremy's job entails accident and ordinance review for 12 counties.

Ryan Jennings asked Cara about the safety of the river from the dam to Little Rapids and if an improved boat landing will increase traffic. Cara stated that there are noticeable busy and slow times, with Friday evening and Saturday afternoon being the busiest. Sue Schinkten questioned Cara regarding the proposed plans with dual launches and safety issues. Cara stated that the option with angle parking is much better for boats. She also liked the idea of a parking lot for non-trailer vehicles. In regards to the dual launch, she did not think this would be an issue as all other launches are set up this way. With one stall, long lines form and this should improve the amount of parking accidents. Ryan Jennings spoke regarding a comment he received regarding a boater that lost power to their boat and went over the dam and if there is any concern with the location of the launch to the dam. Cara stated there is a decent current there, but that could be a problem anywhere.

George Brown asked Jeremy if there are any restrictions on how close to the shoreline boats can come. Per Jeremy, lakes are regulated different than rivers. The 100 foot buffer zone does not apply to rivers but the City could create an ordinance of slow or no wake zones.

Dean Raasch wanted to clarify that the WDNR controls the rules on the river and the City on shore. This contradicts what they were told and thought the City couldn't do anything regarding the river, just the WDNR. Cara stated for boating the local municipalities are allowed to make ordinances, but they are only enforceable if the ordinances follow state statute and are posted correctly. Jeremy informed the Park Board that State Statute 30.77 refers to creating boating ordinance.

George Brown moved to return to regular order at 7:00 pm, seconded by Sue Schinkten. Upon vote, the motion passed.

Sue Schinkten made a motion to reopen the meeting to public comment at 7:00 pm, seconded by Ryan Jennings. Upon vote, the motion passed.

Mike Trulley commented that he is not a boater, but has a canoe. He would support a no wake zone. Parking wouldn't be impacted as they are already parked on street and that doesn't bother him.

Christine Williams is one of the owners of Fox River Tours and would support docking more boats. She is also part of Fox Wisconsin Heritage Parkway and they would support more docking and launching areas for kayaks and canoes. Additional docks would allow the tour boat to dock under emergency medical situations.

Anthony Vita feels this is an all-around bad idea. Adding a neighborhood park and boat ramps show no respect for the neighborhood. Moving the Right of Way (ROW) destroys the value of his condo, it would leave 2' of green space. He is willing to compromise because he understands access to the river is important, but will fight if the ROW is moved. Option 2 only creates 6 more parking spaces at cost of destroying his home. The launch is only crowded some weekends in summer and the parking on the street doesn't bother him or many other neighbors. He feels additional information is needed and a formal survey should be done. Per the agenda packet, on page 27, the City Development Team thought a study regarding parking needs should be done and there is not enough information to recommend either option.

Mike Wallace stated he uses the river quite a bit for boating and skiing. This area is a high traffic area with several inputs; boats coming from locks, boat launch, tour boat

coming from docks, St. Norbert music festival. It is very hard to kayak and feels expanding the launch is a bad idea.

Larry Delo, City Administrator, stated there is a misunderstanding on the ROW. The ROW would not be changing; the driveway location in the ROW would be moved. There would be no property acquisition, the ROW stays where it is and the pavement would be moved in the ROW. The current driveway is located within the ROW and still would be if it was moved.

Anthony Vita stated that the paved driveway is in the ROW, but the City doesn't assess how damaging it is to his property to move the street. Legally it is a platted street, which the City is supposed to plow, however the City does not keep it up. He also stated he paid \$20,000 to landscape the green space which would be lost if the driveway is relocated.

George Brown asked if the improved landscaping was on his land. Anthony Vita answered no unfortunately it is in the ROW. He stated that there was an agreement between the developer of the property and the City that stated the City would not need or have use for the land.

Dean Raasch called Scott Thoresen, Director of Public Works, up for comments on the street. Scott stated that the pavement is technically a street. There were two homes on the street. He doesn't believe the City never plows the street, but it is a low priority since it only services one house. The property is actually using a public street as a driveway. Scott is not aware of any agreement that exists with the developer of the property and the City.

Tracy Guiou stated that she has parking concerns and the amount of traffic on Fox River Drive. The street is not very wide and with a trailer parked on the street it is tight for two cars to fit through. She is afraid that doubling the boat launch will lead to an increase in parking issues. She feels the 2nd design is better which only improves the current boat launch system not doubling it. She thinks the City should take care of the residents who pay tax dollars. Dean asked if there are boat trailers parked on Fox River Drive. She stated yes, the trailers are parked up past Wilcox Court.

Lisa Hefty stated the boat ramp was busier a few years ago. By putting in 2nd boat launch she is afraid it will go back to the same issues. Trailers that are parked on the road don't want to pay the fee. The parking design on the 2nd proposal is far better than the first. She has a concern for the safety of trail users with an increase in boat launch.

Mike Hartman feels if new regulations are set for river, he would like to see a noise ordinance. He stated trailers are parked all along Fox River Drive and concerned with safety as cars travel really fast. He felt that if something could be done to protect people from the dam that would be great.

Bob Rader stated the Fox River is a great asset and attraction to the City. If the boat launch capacity is increased, then you will get more people. What is the long term plan for river? He believes the answer is not to increase Bomier, but add an additional ramp south of the dam.

Mike Wallace commented that the no wake zone would make the river narrower for the recreational boater. He believes a time limit would increase congestion. Feels it is a good idea of improving what is there. Currently there are no boat bumpers and metal pieces sticking out of the dock, the bathroom stinks and taking care of what you have would be a big service.

Cara, WDNR Conservation Warden, spoke on some of the issues brought up. She doesn't know if increasing the size of the boat launch will increase traffic. Most launches have much larger parking lots, which Bomier will never have. The change in parking would make it easier for boaters to go in and out and help with backups. Regardless of what is

done, there will still be issues with danger of the dam. She does agree that another launch near Little Rapids would be great. A solution to the parking issue might be to post the road as a no parking zone and if the parking lot full it would force boaters to go to a different launch. There are options regarding the implementation of a no or slow wake zone. She feels the safety concerns at Bomier are not related to how big the launch is and expanding the launch would not necessarily increase boat traffic, but as it sits, Bomiers is not boater friendly.

Sue Schinkten asked Cara to comment on the river being narrow and erosion. Cara does receive a lot of calls on erosion but the WDNR does not address erosion. The issue of the river being narrow is not unique to De Pere, and there are actually areas that are much narrower.

Bill Volpano wanted clarification if Cara thought the boat launch should be doubled, but keep the parking the same. Cara stated that she feels the parking limits the number of boats that launch and currently the stalls are not wide or long enough.

Tracy Guiou stated she is concerned about an expert on the water talking about problems on the road. Just because Cara would not use the launch if that lot is full, that does not mean others feel the same. She feels there would be safety issues if the road is relocated between the trail and the lot and feels additional data needs to be obtained in order to make decisions regarding the safety concerns and traffic issues.

Larry Lueck clarified that Tracy does have a problem with people parking on the road.

Dean Raasch made a motion to go back to regular order at 8:02, seconded by Bill Volpano. Upon vote, the motion passed.

George Brown stated that Marty needs some type of direction to go in, which is not necessarily tied to either option.

Discussion followed.

Dean Raasch commented on the width of the road for parking and restricting parking on the road. He stated that doubling the launch does not necessarily mean double the parking, just doubling the access to river. Also, increasing parking will not necessarily stop parking on street, possibly restricting parking on the street during certain hours would be better. The existing parking at the launch is set up to pull into stall after launching and back-up to the launch to retrieve the boat and angle parking would be better.

Larry Lueck stated the problem is that there is no specific goal to accomplish. Now we have a wide open slate and not enough data regarding what any of these changes might do. Maybe a study should be done regarding what impacts a double launch would have. Other launches have parking stalls that allow for drive in and out access, which is better. He likes Option 2, but wonders if there is a better design? Larry likes the gazebo and bench and would like to keep bathroom by trail. He stated maybe losing stalls might not be bad thing.

Ryan Jennings commented that it is probably most important to get the current ramp more functional and adding a 2nd ramp is not the best thing to do. The current launch should be expanded so it functions as it should. Regardless there will still be parking on the street. The primary goal should be the ease of getting on and off the river and it would be nice if we could achieve this and not move the street.

Sue Schinkten questioned what the long term plan for area is. Also asked if there is any property the City owns south of Bomier, but the City would have to acquire property Bill Volpano feels it is best to improve the launch that is there or consider another site. If the City doesn't own property, it might be best to approach Lawrence or Rockland and build an additional site to use the river near Little Rapids. He stated parking at Bomier is a big problem.

Dean Raasch commented on the need to improve the safety and usability of the existing site. Also, if moving the street in the ROW allows for better improvement it has to be considered. It would be admirable if the street was not moved, but it should not be off the table.

George Brown commented that the board needs to give Marty some direction in what way to proceed. He feels Marty should work with designers to enhance existing facility but to modernize it to a point where a two lane launch is more user friendly. Maybe some of the green space could be used to accommodate single spaced parking for the Fox River Trail. An ADA accessible kayak and canoe launch is a really big hit and single stall parking is also needed for this. Moving the street should be the last resort.

Bill Volpano made a motion to give Marty the direction to enlarge the launch and the parking as indicated on the alternative plan, seconded by Larry Lueck. George Brown clarified the motion by Bill Volpano, to give Marty the direction to enhance the existing facility and make it better within the framework we have, use the green space that we have and if we can do this without moving the road it would be better. Dean Raasch amended the motion to refer to Option 2, the alternative design being a better option and improving that design. George Brown further amended the motion to add without moving the road. Upon vote, the motion passed.

George Brown wanted to clarify that no plan has been approved and designers will come back with a better option.

Sue Schinkten made a motion to take a 2 minute recess, seconded by Ryan Jennings. Upon vote, the motion passed.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bill Volpano, Board Member
SECONDER:	Larry Lueck, Alderperson
AYES:	Jennings, Lueck, Raasch, Brown, Schinkten, Volpano, McMorro
EXCUSED:	Randy Soquet

6. Consider Location of Band Shell in Voyageur Park.

The meeting was called back in session at 8:40 pm.

Marty provided an overview of the site options and reminded the board that there is a donation of \$25,000 for the naming rights of the band shell.

Discussion from the board followed.

Larry Lueck made a motion to open the meeting for public comment at 8:45 pm, seconded by Dean Raasch. Upon vote, the motion passed.

Keith VandenAvond from the De Pere Chamber of Commerce Board and Amy Hobbins President of the De Pere Chamber of Commerce Board spoke. Amy stated there was a Chamber Board meeting yesterday and there was a strong consensus they would support Option B. They would like to offer the opportunity to form a committee to do some research to see what it would take to get a really great stage for the City. Discussion followed.

Sue Schinkten made a motion to go back to regular order at 9:00 pm, seconded by Dean Raasch. Upon vote, the motion passed.

Discussion from the board followed regarding the size and cost of the band shell.

Bill Volpano made a motion to further pursue the idea of the Chamber doing research on the project and report back to the board in 30 days, seconded by Ryan Jennings. The motion was amended by Dean Raasch to state that only \$125,000 would be available from City. The motion was further amended by Sue Schinkten to include that it is Option B. Upon vote, the motion passed.

Larry Lueck clarified that the Board is not endorsing Option B, but the proposal for the work will include Option B.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bill Volpano, Board Member
SECONDER:	Ryan Jennings, Alderperson
AYES:	Jennings, Lueck, Raasch, Brown, Schinkten, Soquet, Volpano, McMorrow

7. Consider Cooperative Effort with Brown County to Manage Fairgrounds Property.

Marty spoke with the Board requesting the ability for the City to work with Brown County to pursue a potential plan to work with the County to manage the Fairgrounds property. This was brought up a number of years ago but staff thinks it is worth exploring again.

Discussion with the board followed.

Sue Schinkten made a motion to allow staff to meet with the County and pursue a potential plan, seconded by Dean Raasch. Upon vote, the motion passed.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Sue Schinkten, Board Member
SECONDER:	Dean Raasch, Alderperson
AYES:	Jennings, Lueck, Raasch, Brown, Schinkten, Volpano, McMorrow
EXCUSED:	Randy Soquet

8. Consider Proposed Budget for 2018 Park, Recreation and Forestry Department.

Marty provided a budget breakdown to the board. He stated the 2018 budget is at a 0% increase in the operational budget, which he was asked to do. The 0% increase was due to a tremendous amount of staff turnover which had a huge impact. There are a lot of capital projects for the year and Marty provided a summary of the large capital projects. Ryan Jennings questioned funding for the Fox River Trail. Marty stated that the mayor is including that in the budget.

Bill Volpano made a motion to approve budget, seconded by Sue Schinkten. Upon vote, the motion passed.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bill Volpano, Board Member
SECONDER:	Sue Schinkten, Board Member
AYES:	Jennings, Lueck, Raasch, Brown, Schinkten, Volpano, McMorrow
EXCUSED:	Randy Soquet

III. Public Comment Period

IV. Future Agenda Items

V. Staff Updates

1. Update on Positions at Community Center/Recreation Dept.

Paula Rahn introduced John McDonald the new Recreation Supervisor and Collin Volpintesta who was the intern for the summer.

2. Donations for Summer Events

Marty stated they received a lot of small donations under \$250 that they are grateful for.

VI. Adjournment

Sue Schinkten made a motion to adjourn the meeting at 9:27, seconded by Dean Raasch.

Any person wishing to attend this meeting who, because of disability, requires special accommodations should contact the Clerk-Treasurer's office at 339-4050 by Noon, the previous day so that arrangements can be made.

Board Members

Alderspersons

Mayor Michael J. Walsh

Larry Delo, City Administrator

Judy Schmidt-Lehman, City Attorney

Definitely De Pere

Marty Kosobucki

John Zegers, WDP High School District

De Pere Rapides Youth Soccer

Ken Peterson, De Pere City Band

Matt Kriese, Brown County

Ella Buboltz, Teen Advisor

De Pere Youth Hockey

Tod Maki, De Pere Select Soccer

Shana Ledvina, City Clerk

City Hall 1st and 2nd Floor

De Pere Area Chamber of Commerce

Brown County Library – De Pere

TV & Radio Stations

Ben Villaruel, Unified School District

De Pere Baseball

Bob Tease, Celebrate De Pere

Lydia McMorrow, Teen Advisor

Notice is hereby given that a majority of the Members of the Common Council of the City of De Pere may attend this meeting to gather information about a subject (s) over which they have decision making responsibility.

***All items marked with an asterisk will be forwarded to the Common Council.**

Respectfully submitted,
Debbie Zierson

City of De Pere, Wisconsin

**Request For Board of Park Commissioners Action**

MEETING DATE: September 21, 2017

DEPARTMENT: Parks, Recreation & Forestry

FROM: Marty Kosobucki

SUBJECT: Consider revised design options for Bomier Boat Launch.

You will find several design options included in your packet, related to Bomier Boat Launch. Three of the plans are from our consultant, and are similar in nature. One option is simply a staff sketch and a represents a different approach. In all the options, we took the following into consideration based on the Board of Park Commissioner comments.

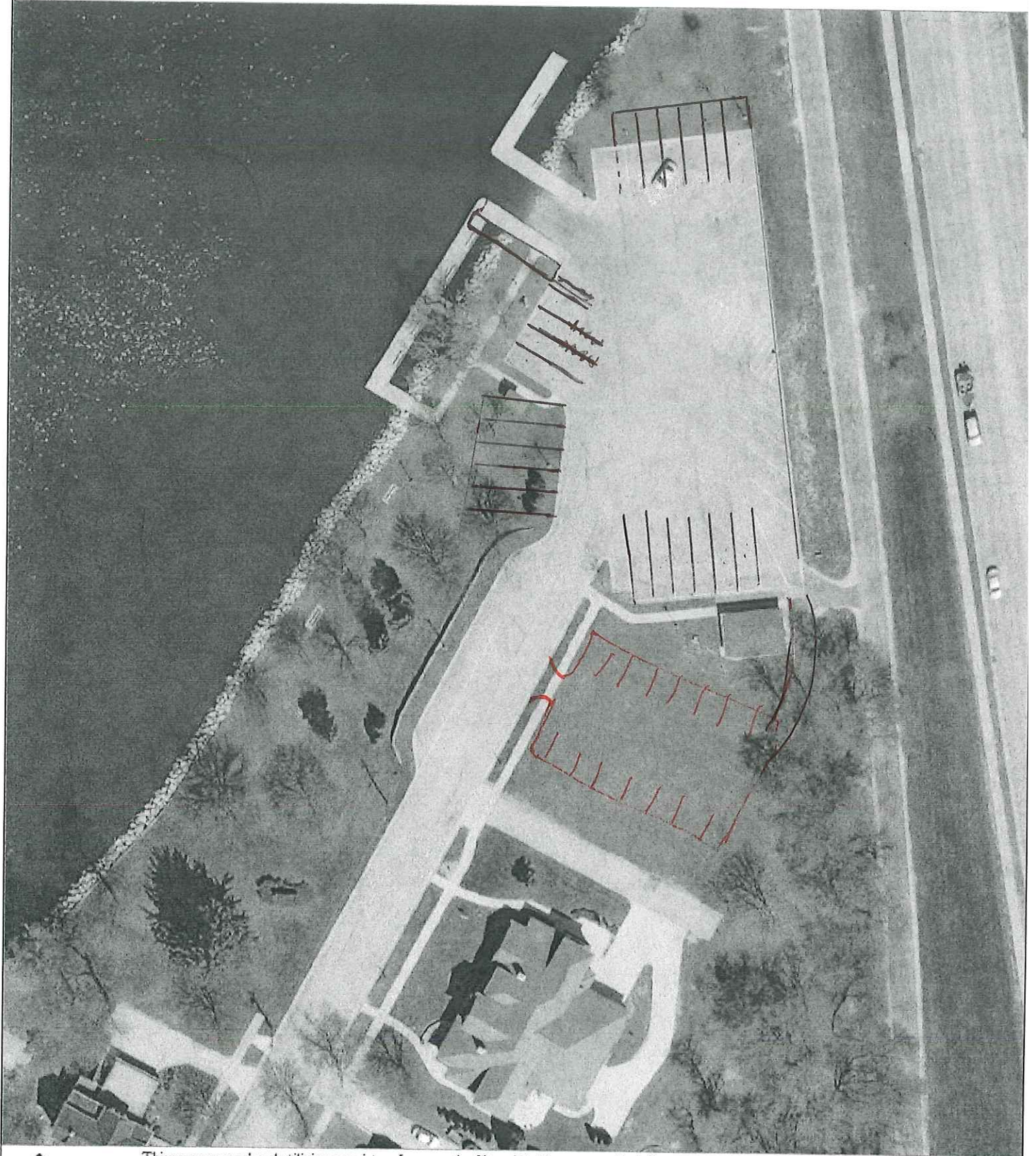
- Try to not move the street, which is located between the restroom building and the condominiums.
- Attempt to leave the restroom building in its current location.
- Use all available space.
- Develop a plan that allows for the best use of the space, and creates a functional boat launch.

In following these criteria, we also attempted to create a reasonable blend of single car parking as well as trailer parking, and attempted to create ample space for navigation for vehicle/trailers.

ATTACHMENTS:

- 20170822075250687 (PDF)
- C_00_SiteBaseplan_021-alt1 (PDF)
- C_00_SiteBaseplan_021-alt2 (PDF)
- C_00_SiteBaseplan_021-alt 3 (PDF)

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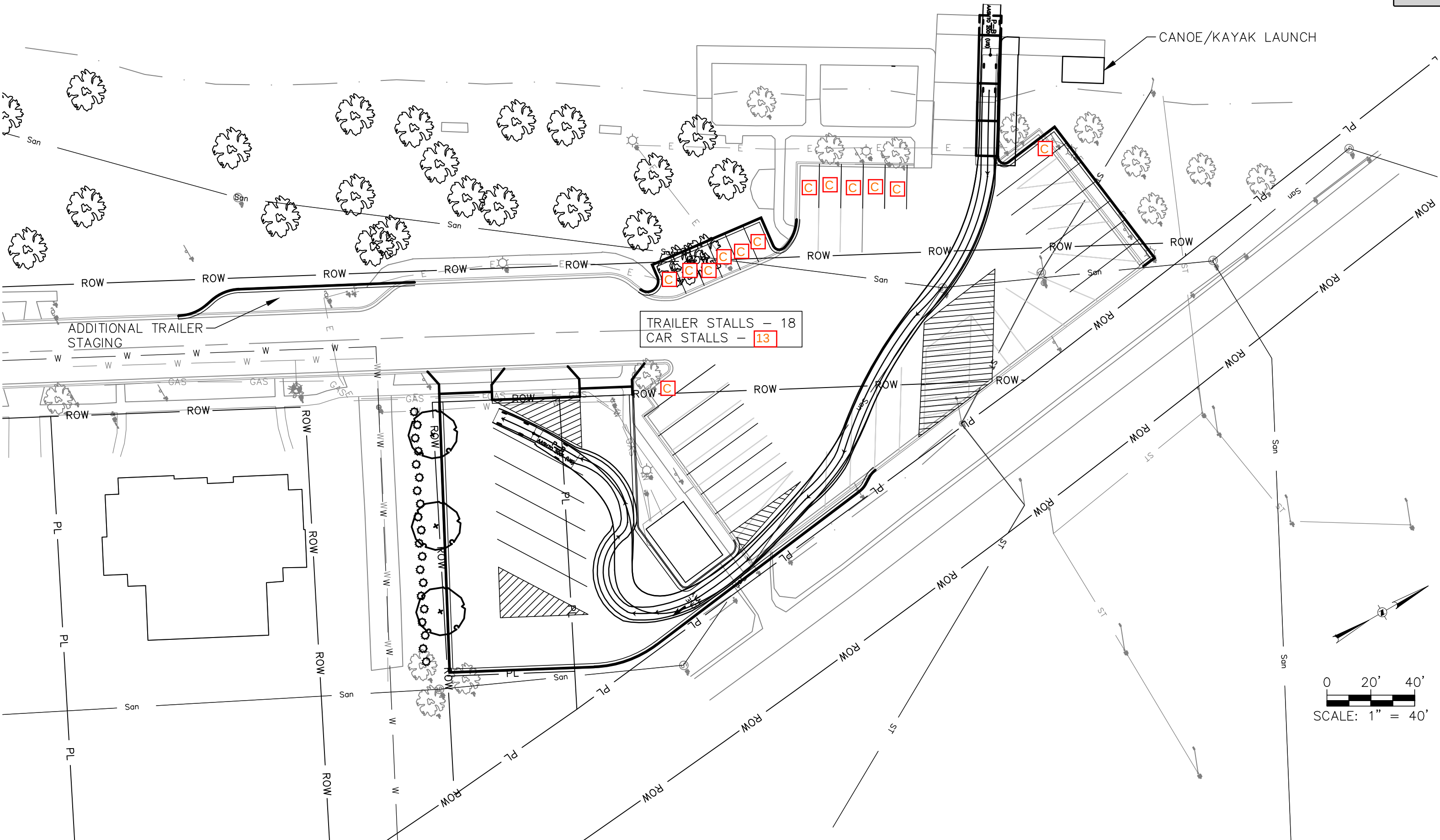


This map was produced utilizing a variety of sources the City of De Pere reasonably believes are reliable, including GIS data, some of which was under development at the time this map was produced. The City of De Pere makes no warranty, either expressed or implied, including no warranty as to fitness for a particular use, of the information contained in or comprising this map.

Map of De Pere, WI Provided By The De Pere Planning/GIS Department 2010



08/29/2017
Scale 1:720



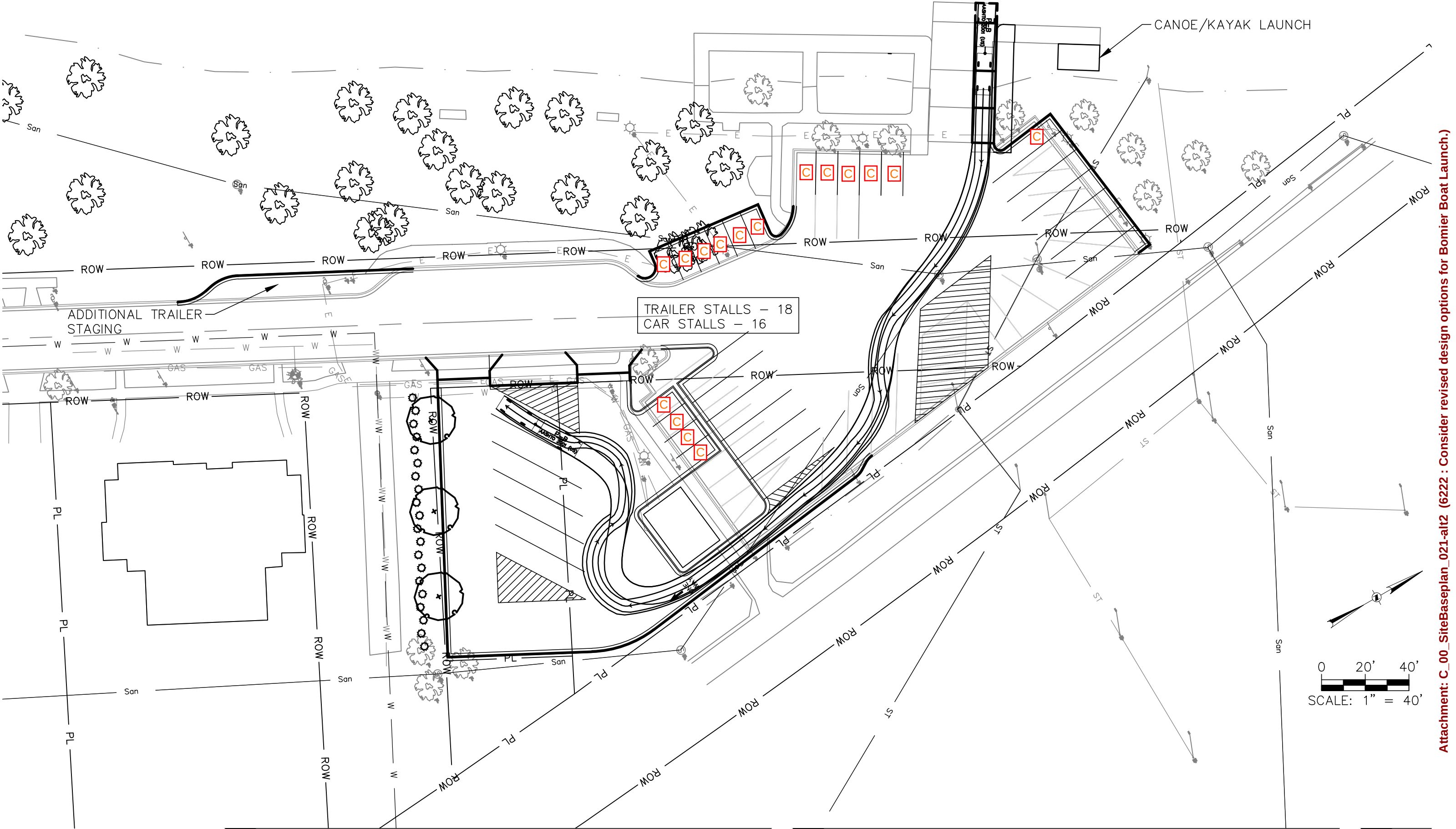
Attachment: C_00_SiteBaseplan_021-alt1 (6222 : Consider revised design options for Bomier Boat Launch.)



PROJECT NUMBER: 2017-2021
DATE: 09-08-2017
SCALE: AS NOTED
REFERENCE SHEET:

PROJECT TITLE: BOMIER BOAT LAUNCH EXPANSION
SHEET TITLE: ALTERNATIVE 1

ADD, CB, RFI #



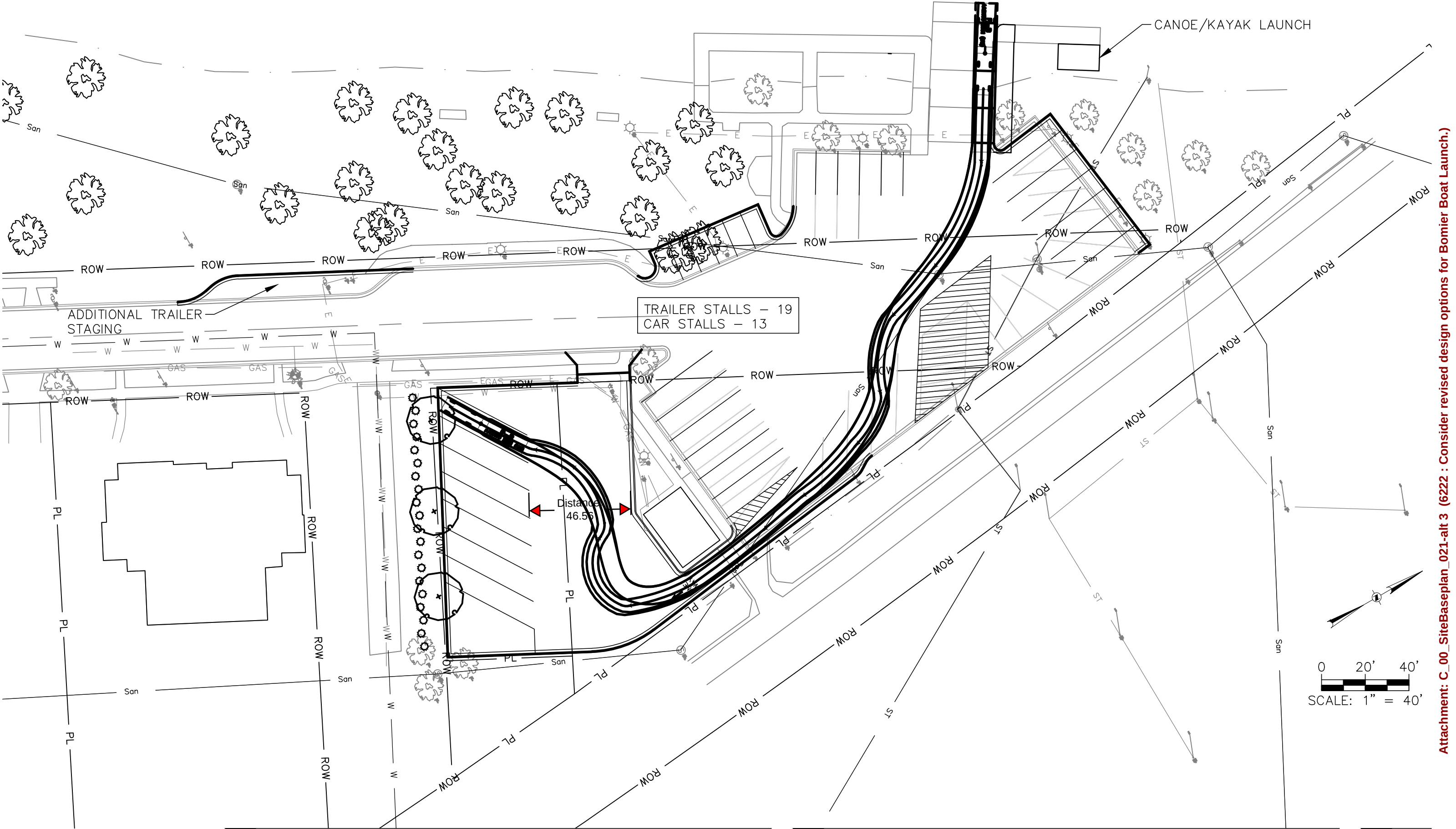
Attachment: C_00_SiteBaseplan_021-alt2 (6222 : Consider revised design options for Bomier Boat Launch.)



PROJECT NUMBER: 2017-2021
DATE: 09-08-2017
SCALE: AS NOTED
REFERENCE SHEET:

PROJECT TITLE: BOMIER BOAT LAUNCH EXPANSION
SHEET TITLE: ALTERNATIVE 2

ADD, CB, RFI #



Attachment: C_00_SiteBaseplan_021-alt 3 (6222 : Consider revised design options for Bomier Boat Launch.)



PROJECT NUMBER: 2017-2021
DATE: 09-08-2017
SCALE: AS NOTED
REFERENCE SHEET:

PROJECT TITLE: BOMIER BOAT LAUNCH EXPANSION
SHEET TITLE: ALTERNATIVE 3

City of De Pere, Wisconsin

**Request For Board of Park Commissioners Action**

MEETING DATE: September 21, 2017

DEPARTMENT: Parks, Recreation & Forestry

FROM: Don Melichar

SUBJECT: Approval to Accept Donation from Wochinske Foundation.*

This memo is to seek the Board of Park Commissioner's approval for the De Pere Parks, Recreation and Forestry Department to accept a donation of \$2500 from the Wochinske Foundation to be placed in the Recreation Scholarship fund.

This is the eighth year that Jim and Kathy Wochinske have donated to this fund. In total they have contributed \$16,000 to the Recreation Scholarship fund. They appreciate that the City offers this for our residents and truly enjoy contributing to this great program.

Thank you for your consideration in this matter. If you have any questions, concerns or comments, please do not hesitate to contact me.

City of De Pere, Wisconsin

**Request For Board of Park Commissioners Action**

MEETING DATE: September 21, 2017

DEPARTMENT: Parks, Recreation & Forestry

FROM: Marty Kosobucki

SUBJECT: Approval to Accept \$500 Donation Toward the Southwest Park
Playground Project from the Pink Flamingos.*

We received a generous donation from the Pink Flamingos to be used toward our Southwest Park Playground project. Mary Meyer, who is leading the fundraising effort will be working through winter on the fundraising for the playground expansion.

City of De Pere, Wisconsin

**Request For Board of Park Commissioners Action**

MEETING DATE: September 21, 2017

DEPARTMENT: Parks, Recreation & Forestry

FROM: Marty Kosobucki

SUBJECT: Approval to Accept Donation of \$250 for the Recreation Scholarship Fund from the Pink Flamingos.*

We have received a generous donation from the Pink Flamingos toward our Recreation Scholarship Fund. The fund allows us to help needy families throughout the City of De Pere participate in a wide variety of recreational programming. On average we help 30-40 families every year.

City of De Pere, Wisconsin

**Request For Board of Park Commissioners Action**

MEETING DATE: September 21, 2017

DEPARTMENT: Parks, Recreation & Forestry

FROM: Marty Kosobucki

SUBJECT: Approve Brown County Ice Management Quarterly Report.

ATTACHMENTS:

- Brown County Ice Management Report 5-31-17 (PDF)

Brown County Ice Management Report

As of May, 31, 2017

Financial Reports Attached:

The ice came out of DePere on May 1st. Once we were able to get the ice melted we did see that we had some frost forming under the floor. The ice sheet will remain out until October 1st, when Hockey season begins again. Users at this time have their ice scheduled at Cornerstone in the same slots they would have had at DePere. We have been checking the frost that is currently in the floor to make sure it drops out prior to putting the ice back in for the fall. The frost problem continues to heave in February again this season. Biggest problem being under the Header pipes.

The WAHA Bantam Festival was also held at DePere in April as was the Cheese Cup Hockey Tournament

DePere Youth Hockey returned some growth this season after dropping the previous year. So income is up.

Mechanically, no major issues, we did have another pump failure on one of the old pumps that were not replaced during the refrigeration replacement. We also replace one of the original roll up doors on the Zamboni garage that was damaged.

Marty and I have designated a few items that need to be placed on the capital budget for replacement such as the Bleacher heaters and the Bleachers themselves. We'll look at working on some of those items this coming year.

Respectfully submitted,


Don Carlson, Manager

Brown County Ice Management.

1:23 PM

06/29/17

Accrual Basis

De Pere Ice Arena
Balance Sheet Prev Year Comparison
As of May 31, 2017

	May 31, 17	May 31, 16
ASSETS		
Current Assets		
Checking/Savings		
1015 · Nicolet Bank	58,610.78	33,818.22
Total Checking/Savings	58,610.78	33,818.22
Other Current Assets		
1300 · Prepaid Expenses	4,253.74	3,760.70
1403 · Due from LIVE BARN	2,584.87	0.00
Total Other Current Assets	6,838.61	3,760.70
Total Current Assets	65,449.39	37,578.92
Fixed Assets		
1600 · Equipment	79,104.23	79,104.23
1610 · Accumulated Depreciation	-48,074.33	-35,363.45
Total Fixed Assets	31,029.90	43,740.78
TOTAL ASSETS	96,479.29	81,319.70
LIABILITIES & EQUITY		
Liabilities		
Current Liabilities		
Accounts Payable		
20000 · Accounts Payable	0.00	2,090.30
Total Accounts Payable	0.00	2,090.30
Other Current Liabilities		
2105 Sales Tax Payable	58.21	268.50
2701 · Payable to/(Receivable fr) BCIM	9,683.16	7,529.55
2702 · Payable to City of De Pere	10,696.78	6,086.99
Total Other Current Liabilities	20,438.15	13,885.04
Total Current Liabilities	20,438.15	15,975.34
Total Liabilities	20,438.15	15,975.34
Equity		
3900 · Unrestricted Net Assets	65,344.36	57,960.12
Net Income	10,696.78	7,384.24
Total Equity	76,041.14	65,344.36
TOTAL LIABILITIES & EQUITY	96,479.29	81,319.70

Attachment: Brown County Ice Management Report 5-31-17 (6192 : Approve Brown County Ice Management Quarterly Report)

1:23 PM

06/29/17

Accrual Basis

De Pere Ice Arena

Profit & Loss Prev Year Comparison

June 2016 through May 2017

	Jun '16 - May 17	Jun '15 - May 16
Ordinary Income/Expense		
Income		
4003 · Advertising Revenue	1,650.00	382.50
4004 · Figure Skating	71,292.50	65,420.03
4004b · Kick-Synch	12,380.50	11,050.00
4005b · Ice Rental-Deacons	12,801.83	8,938.07
4007 · Ice Rental-Private		
4007i · De Pere High School	27,387.50	25,060.83
4007j · DePere Youth Hockey	59,337.82	50,333.33
Total 4007 · Ice Rental-Private	86,725.32	75,394.16
4007a · Non Contracted Ice	7,107.22	4,669.50
4008 · Ice Rental-SNC	5,468.75	6,715.00
4011 · Men's League	10,123.75	9,832.93
4012 · Misc	127.51	6,562.50
4013 · Open Skate/Open Hockey	687.61	674.28
4016 · Vending	19,589.43	21,431.33
Total Income	227,954.42	211,070.30
Expense		
5000 · Building Expense		
5000a · Repairs and Maintenance	20,815.14	15,641.41
5004 · Service Contracts	6,508.31	6,802.52
5005 · Zamboni	906.11	973.09
Total 5000 · Building Expense	28,229.56	23,417.02
5001 · Insurance Expense	14,400.00	14,400.00
5300 · Office Expense		
5300a · Bank Service Charges	128.70	130.20
5300d · Office Supplies	482.40	520.00
5300f · Telephone Expense	2,229.77	2,333.28
5300 · Office Expense - Other	250.00	452.34
Total 5300 · Office Expense	3,090.87	3,435.82
5400 · Payroll		
5400a · FICA Employer	4,363.96	4,121.92
5400c · Medicare Expense	1,055.10	996.05
5400d · Regular Earnings	34,030.45	32,214.64
5400e · Salaries	36,400.48	34,275.80
5400g · Payroll Processing Fees	650.00	650.00
Total 5400 · Payroll	76,499.99	72,258.41
5500 · Program Expense		
5500a · Advertising and Promotion	2,000.00	300.00
5500 · Program Expense - Other	115.00	0.00
Total 5500 · Program Expense	2,115.00	300.00
5600 · Utilities	59,023.88	59,692.72
5700 · Vending Expense	10,490.68	10,086.96
6000 · Depreciation Expense	12,710.88	12,710.89
Total Expense	206,560.86	196,301.82
Net Ordinary Income	21,393.56	14,768.48
Other Income/Expense		
Other Expense		
7000 · Split with City of De Pere	10,696.78	7,384.24
Total Other Expense	10,696.78	7,384.24
Net Other Income	-10,696.78	-7,384.24
Net Income	10,696.78	7,384.24

Attachment: Brown County Ice Management Report 5-31-17 (6192 : Approve Brown County Ice Management Quarterly Report)

City of De Pere, Wisconsin

**Request For Board of Park Commissioners Action**

MEETING DATE: September 21, 2017

DEPARTMENT: City Attorney

FROM: Judith Schmidt-Lehman

SUBJECT: Request of Ald. Boyd to Amend Private Park Vendor Permit Ordinance to Allow for Administrative Application Approval

ATTACHMENTS:

- Park Board-Mayor-CC Mobile Food Vending on Riverwalk2017-8-17-17-150-005-05 (PDF)

CITY OF DE PERE

MEMO

To: George Brown, Chair
 Members of the Board of Park Commissioners
 Michael J. Walsh, Mayor
 Members of the Common Council

From: Judith Schmidt-Lehman, City Attorney *Judy*

RE: Request to Amend City Ordinance Regulating Vending in Parks

Date: August 17, 2017

At the June 20, 2017 Common Council meeting, Alderperson James Boyd requested that the City consider amending the Private Vendor Permit ordinance [§30-2(i) De Pere Municipal Code (DPMC)] to allow for administrative approval or permit requests for mobile food vendors on the City's Riverwalk. This memo outlines the steps necessary to accomplish Ald. Boyd's request.

I. OVERVIEW

Two city ordinances would require changes under Alderperson Boyd's request: the Private Vendor Permit (applicable in city parks) and the Mobile Food Establishment ordinance (regulates food trucks on property and city rights of way). Copies of both ordinances are attached for your convenience. Additionally, much of the Riverwalk is constructed upon property the City leases from the Fox River Navigational System Authority (FRNSA). Whether commercial use of the leased property is allowed under that lease will need to be clarified.

These issues are discussed more fully below.

A. Private Vendor Permit Ordinance

The private vendor permit ordinance was adopted in 2005 as a way of standardizing the selection of vendors used in the parks. The ordinance creates a controlled competitive environment in which the Park Board determines what services it wishes to provide in which park(s) and by which vendor(s). The selection process is designed to provide a level field for any person wanting to vend and provide an opportunity for the Park Board to select proposals that are beneficial to the city. In a nut shell, the process entails:

1. A public notice by the Park Board of its intent to receive proposals for persons wishing to engage in vending at city parks.
2. Selection by the Board of Park Commissioners of vending operations requested under the RFP process.
3. An annual permit of \$500.00 per vending site approved.
4. Liability insurance coverage and compliance other site maintenance and various other requirements.

B. Mobile Food Establishment (Food Truck) Ordinance [§106-4(c) (DPMC)]

In November 2015, the Council adopted the Food Truck Ordinance, which allows mobile food establishments to sell food, under a number of regulations, from city right-of-way and, with

Vending in Parks Ordinance Change
 August 17, 2017
 Page 1 of 2

The vendor of the mobile food establishment shall not operate in a congested area where such operation impedes or inconveniences public use. No vendor shall engage in the licensed business on any public park, playground, school, library or other public premises. (italics added)

Attached is a map of the area the City's currently leases with FRNSA for much of the Riverwalk infrastructure. The lease does not specifically allow or prohibit the use of the leased property for city sponsored commercial purposes. Rather, one area of the lease can be interpreted to support a city sponsored commercial use, while another provision can be interpreted to not. Therefore, if any part of the leased premises is to be considered available for administratively approved mobile food vending, discussion with FRNSA concerning the intent of the Lease will be required.

Assuming either the FRNSA leased areas are avoided or if lease ambiguities are resolved in favor of allowing mobile food vendors on FRNSA leased property, how city ordinances might be revised is dependent upon the intended scope of the change. If the desired change is to affect only the Riverwalk, both the park vending and food truck ordinances are easily amended to allow for this activity only on the Riverwalk. If the requested changes are intended to be more widespread onto other park property, possible ordinance amendments may need to consider a revamping or elimination of the park vending permit process.

If you have any questions in advance of the Park Board meeting, please feel free to call me at 339-4042.

Vending in Parks Ordinance Change
August 17, 2017
Page 2 of 2

Sec. 30-2. - Park regulations.

(i) *Private vendor permits.*

- (1) *Intent and purpose.* It is hereby declared to be the policy of the City of De Pere and its board of park commissioners to enhance the use and enjoyment of city park and recreational areas by allowing the private vending of goods and services within such areas along the terms and conditions of this policy. This policy shall not apply to:

- a. Goods or services offered for sale or provided by the city;
- b. Goods or services offered for sale by bona fide city service clubs or charitable organizations in conjunction with authorized use of city park locations.

(2) *Procedure.*

- a. *Notice of permit availability.* The board of park commissioners shall provide notice to the public on a yearly basis of its intent to receive proposals from persons wishing to engage in vending at any city park.
- b. *Request for permit.* Any person wishing to submit a proposal for a vending permit shall submit a written proposal to the board of park commissioners. Such proposal shall identify:
 - Name of applicant
 - Type of vending activity sought
 - Location where vending sought
 - Proposed hours of operation
- c. *Selection process.* The board of park commissioners shall review each proposal submitted. The board may grant not more than one vendor permit per vending activity for each city park. The board may reject any or all proposals.

(3) *Regulations.*

- a. *Annual permit.* The fee for an annual permit shall be as set by resolution of the common council which shall be paid to the city clerk-treasurer within ten days of notice of permit approved from the board. Such permit shall be issued by the park, recreation and forestry department on April 15 of each year, or thereafter when applied for, and shall expire on April 14 following its issuance. The permit shall specify the location authorized and the hours of operation allowed under the permit.
- b. *Liability insurance.* To hold a valid permit, the vendor must have in force adequate liability insurance and must agree to indemnify, defend, and hold the city, its employees and agents harmless against all claims, liability, loss, damage, or expense incurred by the city as the result of any injury to or death of any person or damage to property caused by or resulting from the activities for which the license is granted. As evidence of liability insurance, the applicant shall furnish a certificate of insurance, on a form acceptable to the city, evidencing the existence of commercial general liability insurance (including contractual liability) naming the City of De Pere, its employees and agents as additional insureds, with minimum limits of \$1,000,000.00 in the aggregate. The certificate of insurance shall provide 30 days' written notice to the city upon cancellation, or nonrenewal or material change in the policy. If food is to be vended, such insurance shall also include products liability insurance and comply with all requirements above.
- c. *Alcohol.* There shall be no sale of alcoholic beverages.
- d. *Revocation/suspension of permit.* Revocation or suspension of permit may be ordered by the board of park commissioners upon cause after notice to the permittee and hearing before the board. In lieu of revocation or suspension, the board of park commissioners may place reasonable conditions or restrictions on the license for the remainder of the vending

year in order to effectuate the provisions of this chapter and ensure compliance by the license holder. No condition imposed may be contrary to or inconsistent with any ordinance, regulation or statute regulating vending activities. If any permit holder fails or neglects to comply with the conditions or restrictions imposed by the board of park commissioners, her/his permit may be suspended or revoked as provided above.

- e. *Change of address.* A vendor to whom a vending permit has been issued under this subsection shall inform the director of park, recreation and forestry, or his/her designee of any change of address of the primary vendor named on the permit, in writing, if the address change occurs during the time period for which the vending license was issued.
- f. *Maintenance of area.* Vendors must maintain their vending areas in a clean and hazard-free condition.
- g. *Vendor only.* It is unlawful for any vendor licensed under section 9-13 to permit any other person to vend at the permitted site.
- h. *Park amenities.* No vendor shall be permitted to use any of the amenities, such as benches, flower planters, trees, bus shelters, kiosks, light poles or any other utility poles for display of merchandise or to attach any ropes or other vending equipment to any of the aforementioned.
- i. *Obstruction of fire hydrants.* No vending equipment shall be permitted within a ten-foot radius of a fire hydrant.
- j. *Signage.* Vending equipment and displays, including signage, shall be directed away from the street. In addition, merchandise shall be displayed in a manner in which attention to it is not focused from the street and which does not require or encourage prospective buyers to enter or walk upon the street in order to examine it.
- k. *Vendor on site.* Except for permits issued for vending machines or other self-serve outlets, a vendor shall be present within the vending site at all times during which items are displayed or sold.
- l. *Removal of vending equipment.* All vending equipment, including carts, tables, apparatus and merchandise shall be removed from the streets, sidewalks, terrace area or other vending location during times when vending is prohibited.
- m. *Compliance with laws.* All vendors shall comply with all other state, federal and local laws and permit requirements, including but not limited to health department permits, direct seller permits, Wisconsin seller's permit and the like.
- n. *Enforcement.* The director of parks, recreation and forestry, or designee, shall have concurrent authority with the chief of police, or designee, to enforce the above restrictions on vending. They shall further have concurrent authority to remove or cause the removal of any vending equipment or merchandise found on the street, sidewalk, terrace or other vending location in violation of these regulations.
- o. *Utility connections.* Permittee shall pay all costs associated with any electric supply needs.

Sec. 106-4. - Licenses required under this chapter.

(c) *Mobile food establishments.*

(1) *Definitions.*

Edible goods shall include but are not limited to:

- a. Prepackaged and prepared food including, but not limited to ice cream, hot dogs, deserts, and pizza.
- b. On-site prepared food including, but not limited to shaved ice, sandwiches, and tacos.

Ice cream truck or van means a commercial vehicle that serves as a mobile retail outlet for ice cream, popsicles, frozen yogurt and/or other similar frozen treats usually during the summer months, where the vehicle remains stationary only as long as necessary to complete a sales transaction and in no case longer than ten minutes provided that the vehicle does not obstruct a normal traffic lane and is not operated in a manner which obstructs the normal flow of traffic.

Mobile shall mean the state of being in active, but not necessarily continuous movement.

Mobile food establishment means a restaurant or retail food establishment where food is served or sold from a movable vehicle, trailer or cart which periodically or continuously changes location and requires a service base to accommodate the unit for servicing, cleaning, inspection and maintenance or except as specified in the Wisconsin Food Code.

Mobile food vendor means the registered owner of a mobile food establishment or the owner's agent or employee, or any business which sells edible goods from a mobile food establishment within the City of De Pere.

Sell shall mean the act of exchanging a good for profit or in return for a donation.

Service base means an establishment operated under license or permit of an appropriate regulatory authority where food is manufactured, stored, prepared, portioned or packaged, or any combination of these, where such food is intended for consumption at another establishment or place, and where such units are serviced, cleaned, supplied, maintained, and where the equipment, utensils and facilities are serviced, cleaned and sanitized.

Vehicle shall mean any motor vehicle as defined by Wis. Stats. § 340.01(35) or trailer as defined by Wis. Stats. § 340.01(71). Vehicle shall also include any bicycle or other self-propelled device.

Vend shall mean to sell or to transfer the ownership of an article to another for a price in money.

(2) *License required.*

- a. No mobile food vendor and/or mobile food establishment shall vend, sell or dispose of or offer to vend, sell or dispose of goods, wares or merchandise, produce or any other thing at any place whatsoever in the City of De Pere, without having obtained an approved license from the city clerk-treasurer.
- b. All mobile food establishments used for vending food shall be licensed for such use by the City of De Pere Health Department and all other applicable health agencies (hereinafter referred to as city health department). Mobile food establishments shall acquire the appropriate licenses and permits for any additional food items not required under this subsection if deemed necessary by the city health department.
- c. License. Every mobile food vendor shall have a license issued by the city clerk-treasurer to conduct business in the City of De Pere. Each mobile food establishment shall be licensed separately. A mobile food establishment license shall expire on June 30 each year.

- d. License fee. The license to operate a mobile food establishment shall be as determined by resolution of the common council. If an applicant requests a license under this subsection from an existing City of De Pere based business that sells food based products, the license, as determined by resolution of the common council, shall be less than the fee for a non-City of De Pere based business.
 - e. License renewal. Upon renewal of license, each applicant must provide a new application, such renewal fee as is determined by resolution of the common council and any new permitting documentation upon the license renewal. License renewal from an existing City of De Pere based businesses shall be as determined by resolution of the common council, which shall be less than the renewal fee for a non-City of De Pere based business. If the applicant fails to submit the application and renewal fee within 30 calendar days after the expiration of the license, the applicant shall reapply as a new applicant.
 - f. Transfer of license. A license issued under this subsection shall be not transferable from person to person. A license is valid for one vehicle only and shall not be transferrable between vehicles.
 - g. Surrender of license; alteration of license; failure to display license. On the expiration of a license issued under this subsection, the license holder shall surrender the license to the city clerk-treasurer. No person shall alter or change in any manner any license issued under the provisions of this subsection, and such alteration or the failure of the holder of the license to display the license in a conspicuous place on the mobile unit or his or her person or to exhibit the license upon demand of any officer or customer or prospective vendee shall be cause for revocation of such license.
- (3) *License application process.*
- a. *Application.* Any person desiring to operate a mobile food establishment shall apply for a license on a form provided by the city clerk-treasurer and pay the proper license fee for each mobile food establishment managed by the person. The application shall be forwarded to the police department for review. If the police department approves the application and all other requirements of section 106-2 are met, the clerk-treasurer shall issue the license to the applicant.
 - b. *Application denial.* An applicant of a mobile food establishment may be denied where:
 - 1. The circumstances of a pending criminal charge against the applicant substantially relate to the licensed activity.
 - 2. The applicant has been convicted of any felony, misdemeanor or other offense, the circumstances of which substantially relate to the circumstances of the particular job or licensed activity.
 - 3. The applicant made a false statement on the application.
 - 4. The applicant is under 18 years old.
 - 5. Any other reason provided under section 106-2 of this chapter.
 - c. *Appeal.* If the license is denied, the applicant may appeal as provided in section 106-2(g).
- (4) *License suspension or revocation.* A license issued under this paragraph may be suspended or revoked as provided in section 106-2(l).
- (5) *Insurance.*
- a. *Liability insurance.* The license holder under this subsection shall have in force liability insurance for each mobile food establishment.
 - b. *Proof of insurance.* As evidence of liability insurance, the licensee shall furnish a certificate of insurance, on a form acceptable to the city, evidencing the existence of adequate liability insurance naming the City of De Pere, its employees and agents as additionally insured in

an amount not less than \$1,000,000.00. Whenever such policy is cancelled, not renewed, or materially changed, the insurer and the licensee shall notify the City of De Pere by first class mail.

(6) *Sanitation requirements.*

- a. Mobile food establishments shall comply with all regulations of the Wisconsin Food Code and the city health department including, but not limited to the time, temperature, plumbing, operation and maintenance for mobile food establishments.
- b. Mobile food establishments shall comply with all regulations of the Wisconsin Food Code and city health department regarding preparation facilities, serving areas and operation areas.
- c. The licensees of the mobile food establishment or employee(s) thereof shall abide by the request of the city health department for annual inspections of the establishment at a location designated by the health department.
- d. Authorities of the city health department may require that mobile food establishments found to violate sanitation and health requirements to have follow-up inspections to verify compliance.
- e. Service base.
 - i. All mobile food establishments shall have a mobile service base to store and prepare food and all supplies. No food items are allowed to be stored or prepared in a private residence or garage unless approved by the city health department.
 - ii. Mobile food establishments shall be inspected prior to preparing or cooking any food on site.
 - iii. All mobile food units shall be cleaned and serviced as often as necessary from the service base.
 - iv. The service base shall be inspected and approved by the city health department prior to operating the mobile food establishment.
 - v. All mobile food establishments shall return to its service base at least once every 24 hours for service and maintenance.

(7) *Conduct of business.*

- a. *Regulations generally.* The following regulations shall apply to mobile food establishments during the regular order of business:
 1. In addition to those areas identified in paragraph c. of this subsection, properly licensed mobile food truck establishments may vend from city street right-of-way under the terms and conditions of this section.
 2. A licensee shall not falsely or fraudulently misrepresent the quantity, character or quality of any article offered for sale or offer for sale any unwholesome or tainted edible goods, nor intentionally misrepresent to any prospective customer the purpose of his or her solicitation, the name of the business of his or her principal, if any, the source of supply of the goods, ware or merchandise which he or she sells or offers for sale or the disposition of the proceeds of his or her sales.
 3. A licensee shall not use the license provided by the city after expiration or revocation of the license.
 4. A licensee shall keep the premises in a clean and sanitary condition and the edible goods offered for sale well covered and protected from dirt, dust and insects. All food vendors shall comply with requirements of state and local authorities.

5. A licensee may vend, sell or dispose of, or offer to sell, vend, or dispose of goods, wares, or merchandise in the City of De Pere between the hours of 6:00 a.m. and 9:00 p.m. All sales within the portion of the Main Street District of De Pere, as defined and displayed in Exhibit A under this subsection, shall be allowed between the hours of 6:00 a.m. and 3:00 a.m.
 6. No mobile food establishment shall conduct business at a stationary location for a duration exceeding four hours per location per day. No mobile food establishment shall be left unattended during operation.
 7. All persons conducting business on a sidewalk or terrace must maintain within 25 feet of their sales location, a clean, sanitary and hazard-free condition, and shall not discharge any material onto the street, sidewalk, gutters or storm drain. Each person conducting business on a sidewalk or terrace under the provisions of this chapter shall carry a minimum 30-gallon container for placement of such litter by customers or other persons.
 8. A vehicle or other on-street unit which is operated for the purpose of selling food from the unit shall be operated only by a person who has obtained a license or by the employee of the person who obtained a license under this subsection.
 9. No person may sell or vend any item upon any premise(s) if there is placed signage prohibiting the activity.
 10. All business activity relating to the mobile food establishments in the public street right-of-way shall be conducted from the curbside of the vehicle at all times. No sales shall be made from a vehicle except from the curbside of said vehicle, unless otherwise authorized by the owner of private property.
 11. No food service shall be prepared, sold, or displayed outside of the mobile food establishment.
 12. No person shall provide or allow any dining area to the mobile food establishment, including but not limited to tables and chairs, booths, stools, benches or stand up counters.
 13. Signage may only be permitted when placed on the mobile food establishment. No separate freestanding signs are permitted.
 14. Any special or civic event organizer desiring to hold five or more mobile food establishments on the property where the event will be held shall notify the city health department at least ten business days prior to the event.
- b. *Vehicle regulations.*
1. Any vehicle or other on-street units used for vending food in any public street must be designed and constructed specifically for the purpose of vending the product or products to be vended.
 2. Amplified music or other sounds from any vehicle or unit used for the purpose of vending products in the public streets shall comply with chapter 146 of this Code.
 3. All mobile food establishments shall be entirely self-contained in regards to gas, water, electricity, and equipment(s) required for operation of the unit.
 4. All mobile food vehicles must have valid license plates and registration as provided by Wis. Stats. ch. 341.
 5. No vehicle or unit may violate any traffic or parking statute or ordinance when stopping to make sales.
 6. No flashing or blinking lights, or strobe lights are allowed on a mobile food establishment or related signage when the establishment is parked and engaged in

serving customers. All lighting is subject to review by the city engineer and shall be removed if deemed to be in conflict with safe travel.

7. All mobile food establishments shall comply with all federal, state, and local regulations regarding vehicle size requirements.

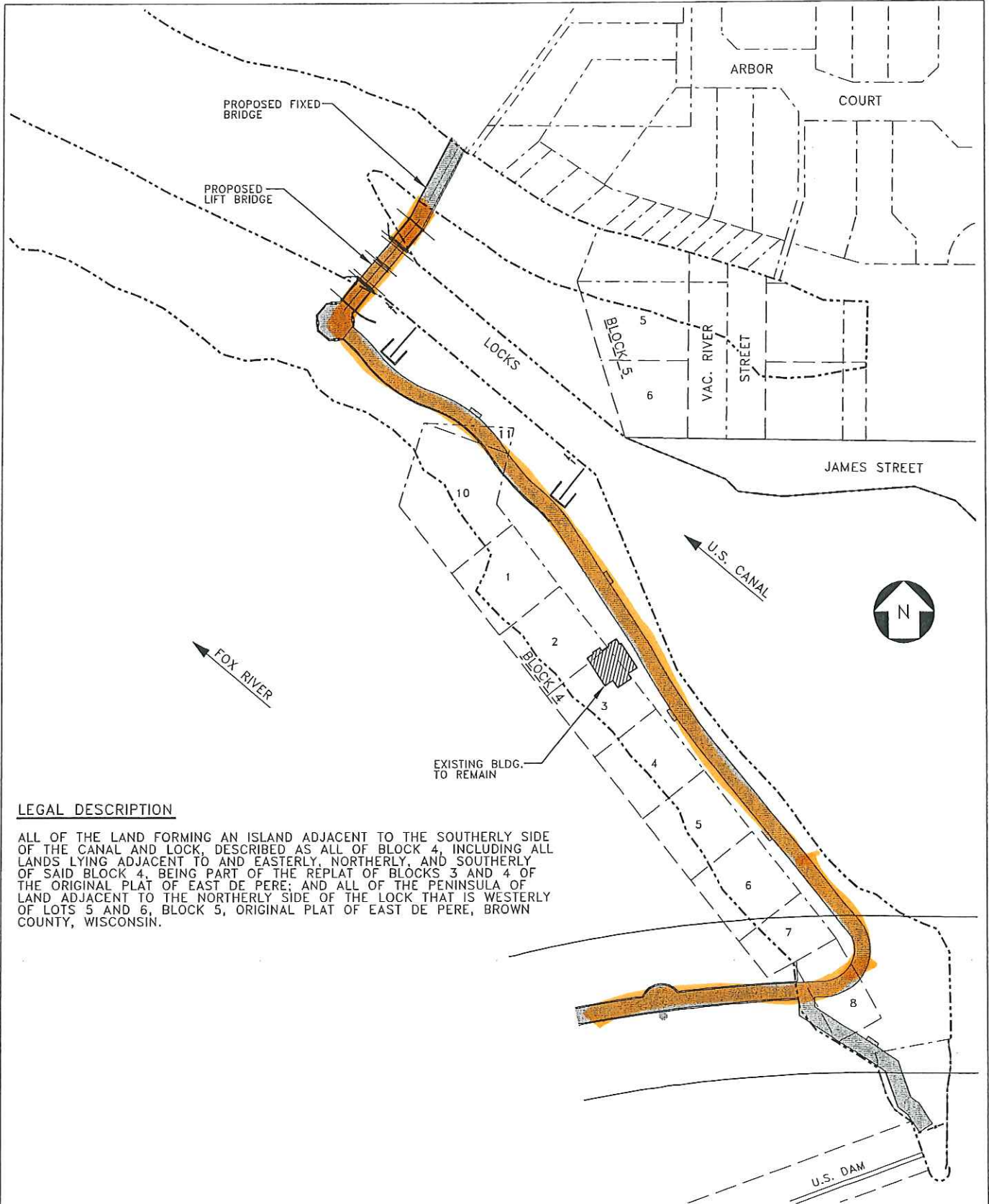
c. *Zoning restrictions.*

1. The vendor of the mobile food establishment shall not operate in a congested area where such operation impedes or inconveniences public use. No vendor shall engage in the licensed business on any public park, playground, school, library or other public premises.
2. No mobile food establishment or pedestrian desiring to conduct business at the mobile food establishment shall obstruct an adjacent path or lane of travel. A path or lane of travel includes, but is not limited to sidewalks, motor vehicle lanes, bicycle lanes and other designated parking areas.
3. No more than two mobile food establishments shall be allowed to conduct business on private property except as provided in paragraph (7)a.13. or paragraph (7)d.2. of this subsection (c).
4. No mobile food vendor shall be located on any private property without written permission from the property owner. A copy of the written permission shall be kept in the mobile food unit at all times. The mobile food vendor shall comply if asked to leave the private property by the property owner or a city official.
5. No mobile food establishment shall conduct business within 500 feet of any fair, festival, special event or civic event that is permitted by the City of De Pere unless the licensee has obtained written permission from the event sponsor.
6. A mobile food establishment shall be located on a paved surface at all times unless it is part of a city sanctioned special event.
7. No person may conduct business on a sidewalk or curbside in any of the following places:
 - i. Within 20 feet of the intersection of the sidewalk with any other sidewalk.
 - ii. Within ten feet of the extension of any building entrance or doorway to the curb line.
 - iii. Within 150 feet of a public entrance of any business which is a licensed or permitted restaurant by the city health department, during the hours the particular business is open for sale, unless written permission is granted by the business.
 - iv. Within 150 feet of a city park where food concessions are sold, during the hours that concessions are being sold, unless written permission is granted by the parks department.
8. A mobile food establishment may be permitted in all zoning districts except within any residential zoning district, unless authorized by a conditional use permit issued under chapter 13 of this Code. The subsection shall not apply to ice-cream trucks or vans.

d. *Exemptions.*

1. Upon application and approval from the board of public works, the licensee may periodically and infrequently extend the hours of service of the mobile food establishment outside the designated zone displayed in Exhibit A from 6:00 a.m. to 3:00 a.m. for business purposes only. This exemption shall not be applicable in any residential zoning district.

2. Upon application and approval from the board of public works, the owner of private property may allow more than two mobile food establishments to conduct business on said property during the normal hours of operation.
 3. For events holding a special event permit, a mobile food establishment may conduct business on publicly owned property as allowed by the event permit holder.
- (8) *Penalties.* A licensee or vendor who violates any provision of this subsection or any regulation, rule, or order made hereunder shall be subject to a forfeiture of not less than \$1.00 nor more than \$1,000.00 for each offense.

**LEGAL DESCRIPTION**

ALL OF THE LAND FORMING AN ISLAND ADJACENT TO THE SOUTHERLY SIDE OF THE CANAL AND LOCK, DESCRIBED AS ALL OF BLOCK 4, INCLUDING ALL LANDS LYING ADJACENT TO AND EASTERLY, NORTHERLY, AND SOUTHERLY OF SAID BLOCK 4, BEING PART OF THE REPLAT OF BLOCKS 3 AND 4 OF THE ORIGINAL PLAT OF EAST DE PERE; AND ALL OF THE PENINSULA OF LAND ADJACENT TO THE NORTHERLY SIDE OF THE LOCK THAT IS WESTERLY OF LOTS 5 AND 6, BLOCK 5, ORIGINAL PLAT OF EAST DE PERE, BROWN COUNTY, WISCONSIN.

PROJECT NO.: 20072028.00

DATE: JAN. 07, 2008

BY: MHP

PROJECT MGR.: MJL

SCALE: 1" = 100'

FILE: EXHIBIT.DGN



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EXHIBIT A
Page 2 of 2

1/1

City of De Pere, Wisconsin

**Request For Board of Park Commissioners Action**

MEETING DATE: September 21, 2017
DEPARTMENT: Parks, Recreation & Forestry
FROM: Marty Kosobucki
SUBJECT: Turkey Trot

Special event using Voyageur Park.

City of De Pere, Wisconsin

**Request For Board of Park Commissioners Action**

MEETING DATE: September 21, 2017

DEPARTMENT: Parks, Recreation & Forestry

FROM: Marty Kosobucki

SUBJECT: Band Shell Update

Representatives from Chamber have met with the City of Wausau that recently constructed a large band shell and will be meeting with Oshkosh over the next month.