

Parks, Buildings and Grounds Commission MEETING AGENDA



February 13, 2023 - 5:30 PM
Mayor's Conference Room
3805 S. Casper Dr.

Published 2/4/2023

AGENDA

1. **CALL TO ORDER**
2. **ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE**
3. **APPROVAL OF MINUTES**
 - A. December 12, 2022 PBG Meeting Minutes
4. **NEW BUSINESS**
 - A. Recommend to the Common Council the approval of Buena Park Shed Donation
 - B. Mike Harrington - Disc Golf Permits for 2023 Season (Discussion & Action)
5. **ADJOURN**

Supplemental Information:

- The meeting agenda and agenda packet are available online at www.NewBerlin.org. The minutes are published online and are approved at the next regularly scheduled meeting.
- It is possible that action will be taken on any of the items on the agenda and that the agenda may be discussed in any order.
- You may provide comments to the City Clerk via email at CitizenComments@NewBerlin.org. Comments will be forwarded to the Mayor and members of the governing body. Emailed comments are not read during the meeting.
- The City of New Berlin strives to host inclusive, accessible meetings that enable all individuals to engage and participate fully. Any person who has a qualifying disability under the Americans with Disabilities Act that requires that the meeting be accessible, please contact City Clerk Rubina R. Medina at (262) 786-8610 or via email at CityClerk@NewBerlinWI.gov at least 48 hours before the scheduled meeting time. Efforts will be made to accommodate the needs of disabled individuals through appropriate aids and/or services.
- It is also possible that members of and possibly a quorum of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to in the above notice.



CITY OF NEW BERLIN
PARKS, BUILDINGS & GROUNDS COMMISSION - MINUTES
Monday, December 12, 2022

Regular Meeting

Mayor's Conference Room

5:30 PM

Please note: Minutes are unofficial until approved by the Parks, Buildings & Grounds Commission at the next regularly scheduled meeting.

All votes were taken via a voice roll call vote.

CALL TO ORDER

Mayor Ament called the meeting to order at 5:33PM

ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE

Present: Mayor Ament, Alderman Horbinski and Commissioner Rafael

Absent: Commissioner Wicikowski

Commissioner Ferrante arrived at 5:45PM

Staff: Josh Radomski, Director of Public Works

APPROVAL OF MINUTES

ITEM: September 12, 2022 PBG Meeting Minutes

MOTION: Motion to Approve the September 12, 2022 Parks, Buildings & Grounds Commission Meeting Minutes as presented

VOTE: Motion by: Commissioner Rafael
Second by: Alderman Horbinski
Motion Passed 3-0

NEW BUSINESS

ITEM: Resolution 22-30- A Resolution Transferring Funds from the Safety Building Foundation CIP Account to the Malone Park Lighting CIP Account

MOTION: Motion to approve and recommend Common Council the approval of Resolution 22-30, a Resolution Transferring Funds from the Safety Building Foundation CIP Account to the Malone Park Lighting CIP Account

VOTE: Motion by: Alderman Horbinski
Second by: Commissioner Rafael
Motion Passed 3-0

ITEM: Award of Contract in the Amount of \$467,893 with a 10% Contingency for a Total Construction Cost of \$514,593 to J Miller Electric, Inc.

MOTION: Motion to approve and Recommend to the Common Council Award Contract in the Amount of \$467,893 with a 10% Contingency for a Total Construction Cost of \$514,593 to J Miller Electric, Inc.

VOTE: Motion by: Mayor Ament
Second by: Commissioner Rafel
Motion Passed 3-0

ITEM: Project Updates

ADJOURN

MOTION: **Motion to Adjourn 5:47PM**

VOTE: Motion by Commissioner Ferrante
Second by: Alderman Horbinski
Motion Passed 4-0

Respectfully Submitted,

ACCESS and DONATION AGREEMENT

This Agreement is made and entered into this ____ day of _____, 2023, by and between the City of New Berlin, a Wisconsin municipal corporation, with its principal office and place of business located at 3805 South Casper Drive, New Berlin, Wisconsin, 53151 (hereinafter referred to as the "City") and the New Berlin Pumas Select Baseball Corporation, a Wisconsin corporation, duly organized and validly existing under the laws of the State of Wisconsin, with its principal office located at 15395 West Kingsway Drive, New Berlin, Wisconsin, 53151 (hereinafter referred to as the "Pumas").

WHEREAS, the City operates Buena Park; and

WHEREAS, the Pumas operate baseball programming at Buena Park in the City of New Berlin and is further desirous of supporting baseball in the City through the construction of a utility shed to provide benefit to the users of their baseball programming; and

WHEREAS, the Pumas have, from time to time, entered into agreements with the City to allow for the use of baseball diamonds, specifically at Buena Park, for their baseball programming for youth.

NOW, THEREFORE, based upon the mutual promises and covenants set forth herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties do hereby consent and agree as follows:

1. The recitals set forth above are incorporated herein as those fully set forth.
2. The City does hereby grant permission to the Pumas to enter Buena Park to construct a utility shed based upon the terms and conditions as otherwise set forth herein.
3. The Pumas agree that the design and specifications, as well as location for the shed, shall be consented to by the City, and that all necessary approvals and permits for such work shall be obtained prior to the commencement of construction. The construction shall take place upon a schedule mutually consented to by the parties.
4. The Pumas agree that the shed will be constructed in the location as noted on the attached Exhibit A, and that the shed will be 8' x 8' in size, with a height of 6.5' and will be built with the materials and as per the designs set forth in Exhibit B. Such shed shall be constructed on a concrete pad with specifications as approved by the City.
5. The Pumas agree that all necessary approvals and permits for such work shall be obtained prior to commencement of construction.
6. The Pumas shall furnish all supplies and materials necessary to construct the concrete pad and shed, which shall be solely at the expense of the Pumas. The Pumas shall obtain Lien Waivers from any material suppliers or construction contractors utilized for the construction

of the concrete pad and the shed at the time of the completion of the construction; and said Lien Waivers shall be supplied to the City for its records.

7. The Pumas agree to maintain the safety of the construction area and to restrict access of persons not involved in the construction process, and to appropriately guard the construction area so as to maintain the safety of park users.

8. The Pumas agree to obtain waivers and consents in a form acceptable to the City to the extent that any construction is conducted by volunteers. In the event a participant is under the age of 18, the Pumas shall obtain consent of such persons' parent or legal guardian before such persons are allowed to participate in any construction activity.

9. In the event the Pumas retain a construction contractor to install the concrete pad and the shed, said contractor shall be acceptable to the City and shall carry insurance with limits acceptable to the City, listing the City as an Additional Insured on a primary and non-contributory basis.

10. The Pumas, as well as any construction contractor or subcontractors they may retain, shall indemnify and save the City harmless from and against any and all liabilities, claims, demands, damages, causes of actions, expenses, fees, including actual attorney fees, fines, penalties, suits, proceedings, actions of any kind and every kind or nature, arising or growing out of, or in any way connected, with the Pumas use, occupancy, management or control of the premises or the Pumas construction operations, conduct or activities on the property except as caused exclusively by the sole negligence of the City, its agents, servants or employees.

11. Upon completion of the construction, the Pumas agree to turn over custody and control of the shed to the City; however, the City consents to the use by the Pumas of the shed. The Pumas agree not to store any hazardous materials within the shed and to keep it secured so that unauthorized persons will not have occupancy to it. This occupancy of the shed by the Pumas shall continue for such time as the City has consented to the Pumas use of the baseball diamond at Buena Park said rights of access will terminate if the Pumas fail to continue to utilize the baseball diamond at Buena Park through the consent of the City.

12. The Pumas acknowledge that with regard to the construction of the concrete pad and shed on the property, any persons participating in such activities will not be considered employees of the City and the direction of such persons shall be the sole responsibility of the Pumas. The Pumas acknowledge that the value of the improvements to be constructed hereunder shall not exceed the sum of \$25,000.00.

13. The Pumas warrant that they carry public liability insurance and shall keep said insurance in full force and effect, at their sole cost, with liability limits of not less than \$1 Million per occurrence and \$2 Million in the aggregate, as well as \$1 Million with respect to damage to property. Said policy or policies of insurance shall provide that 30 days' written notice shall be given to the City prior to cancellation or amendment of the terms of said policy. Clauses in such policy which indicate that the insured or insurer will endeavor to notify the City of such changes are unacceptable. The Pumas shall provide satisfactory evidence to the City at the time this Agreement is executed that such coverage is in full force and effect, and the City shall be named

as an Additional Insured under such policy or policies on a primary and non-contributory basis as evidenced by a Policy Endorsement.

14. This Agreement shall be governed and construed in accordance with the laws of the State of Wisconsin.

15. This Agreement contains the complete understanding of the parties with respect to the subject matter set forth herein, and may only be amended in writing in an agreement signed by both parties.

16. All work on the site shall be completed in accordance with the applicable State Statutes and Administrative Code Regulations and County and City Ordinances.

IN WITNESS WHEREOF, this Agreement is signed as of the date first above written.

CITY:

City of New Berlin

PUMAS:

New Berlin Pumas

Select Baseball Corporation

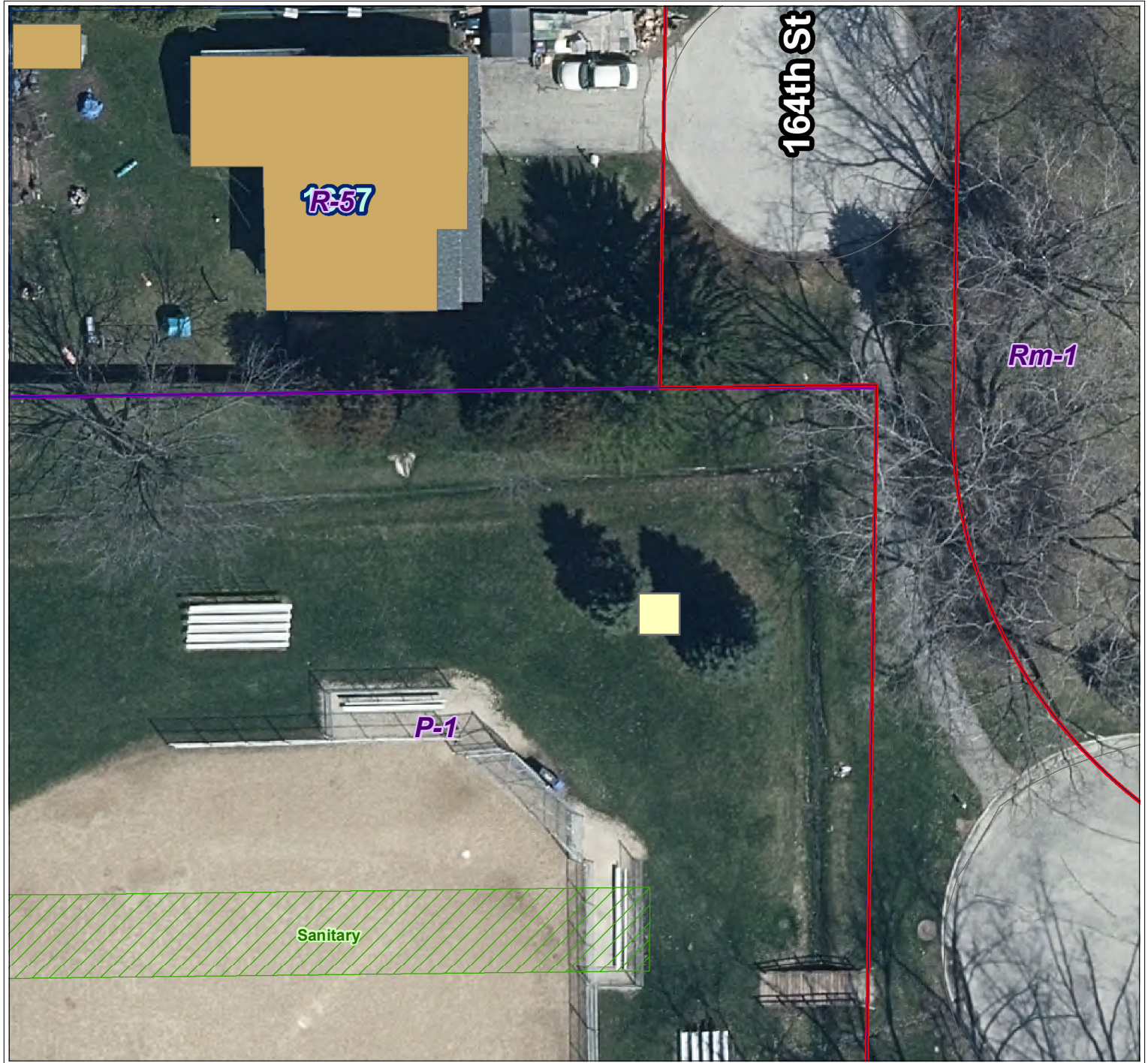
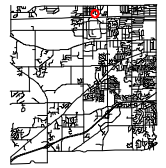
By: _____
David Ament, Mayor

By: _____

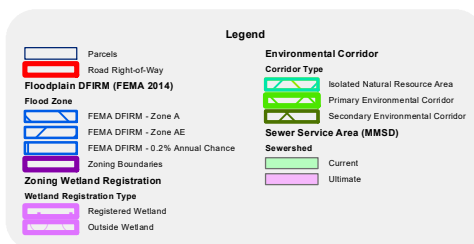
By: _____
Rubina Medina, Clerk

By: _____

UA-2202792 Buena Park Shed Donation 16301 Coachlight Drive



City of New Berlin
Department of Community Development
3805 S Casper Dr.
New Berlin WI 53151
(262) 797-2445
www.newberlin.org



0 10 20 Feet



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Exh. A



provenpowersheds.com 262-672-6776

Proven Power Inc ~ Wade Kaiser - Sales Manager
S65 W22065, National Ave, Waukesha, WI, 53189
262-672-6776

provenpower@shedsdelivered.com



BBB Rating: A+
As of 12/21/2022
[Click for Profile](#)



Exh. B

Structure Details

Style: Utility Gable

Sidewall Height: 6' 5" Sidewall Height

Size: 8x8

Base: Pressure Treated Skids

Siding: LP® SmartSide® Cedar Texture Panel (50 Year) Painted or Stained

Roof Pitch: 4/12 -Pitch

Roof Overhang: Standard Roof Overhang

Siding Color: Canyon Brown

Trim Color: Canyon Brown

Roof Color: Evergreen 875

Roof Material: Metal

Doors & Ramps

DWD 5'

Color: Canyon Brown

5' Treated Wood Ramp

Hinges: Standard Hinges

Flooring & Interior

Flooring: 3/4" LP LEGACY® Premium Sub Flooring

Floor Joist: 2x4 Treated 12" OC

Vents

8"x16" Screened Vent

Color: Black

8"x16" Screened Vent

Color: Black

Roof Pitch Ridge Vent (allow heat and moisture to escape)

Additional Options

Housewrap

Tar Paper

LP Siding: Canyon Brown



FLOORPLAN

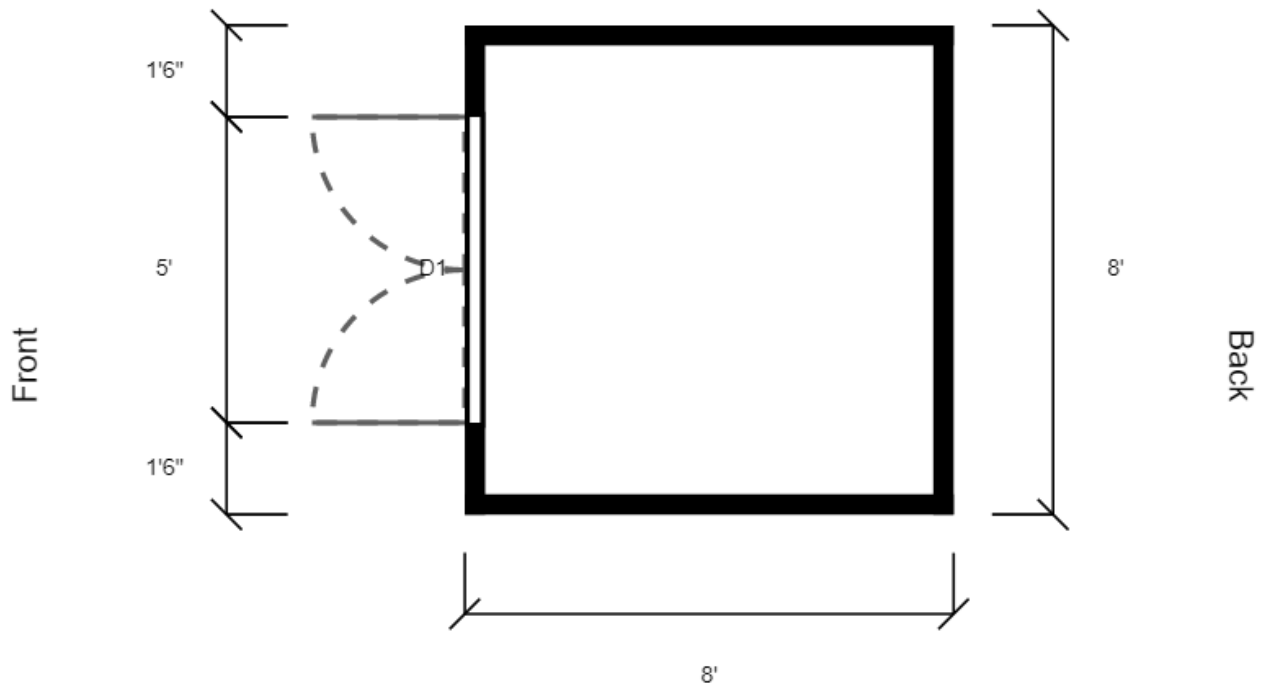
Roof: evergreen 875





provenpowersheds.com 262-672-6776

Left



Right

SYMBOL LEGEND

D1

DWD 5'
Closed Wall

#1670604038824608



City of New Berlin
3805 South Casper Drive P.O. Box 510921
New Berlin, Wisconsin 53151-0921

(262) 786-8610
Fax (262) 786-6121

REQUESTED ACTION STATEMENT

DATE: February 13th, 2023
TO: Parks, Buildings & Grounds Commission
FROM: Josh Radomski, DPW Director
ISSUE: Discussion & possible action of Disc Golf League Permits

REQUESTED:

Approval of Disc Golf League Permits to Mike Harrington DBA the Disc Golf Experience LLC.

Manic Mondays Spring March 27th-June 5th (No 05/29) 6:00 PM-9:00 PM (10 weeks)

Manic Mondays Summer June 12th – August 28th 6:00 PM-9:00 PM (12 weeks)

Tuesday Morning League Spring April 25th -June 27th 9:00 AM - 12:00 PM (10 weeks)

Tuesday Morning League Summer July 11th – September 12th 9:00 AM – 12:00 PM (10 weeks)

Discin' In The Dark (Mondays) September 11th-November 27th 6:00 PM - 9:00 PM (12 weeks)

Saturday Snow Throwers December 2nd-March 16th 2020 9:00 AM - 12:00PM (16 weeks)

Abominable Snowman Mondays December 4th – February 26th (No 12/25) 6:00 PM – 9:00 PM (12 weeks)

FISCAL IMPACT:

City to receive \$25 per week of league. Applicant charging \$6 per person per day to participate in league at Disc Golf Course in Valley View Park. (15-35 participants per week estimated by applicant)

RATIONALE:

Mr. Harrington has applied for disc golf league permits and plans to charge individuals a per day fee to participate in his league. Chapter 184-8 of the Municipal Code does not allow for solicitation on any park or parkway without the Commission's approval. The Athletic field Guidelines also indicates (under Chapter IV Conditions of Use - item G.) "No individual may utilize publicly owned athletic facilities for personal profit unless approved by the Commission. This includes but is not limited to clinics, lessons, tournaments or the sale of athletic items or concessions."

RECOMMENDATION:

Recommend Parks, Buildings & Grounds Commission approval of disc golf league permits to Mike Harrington DBA the Disc Golf Experience.