



Recreation Commission MEETING AGENDA

August 26, 2024 - 6:00 PM
New Berlin Activity & Recreation Center
15321 W. National Avenue

Published 8/23/2024

AGENDA

1. **CALL TO ORDER**
2. **ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE**
3. **APPROVAL OF MINUTES**
 - A. July 29, 2024 Meeting Minutes
4. **NEW BUSINESS**
 - A. Discussion and possible action to recommend to Common Council to approve an amendment terminating the September 22, 2015 agreement with NBAA.
 - B. Discussion and possible action to recommend to Common Council approval of the fee schedule for ARC tournaments, camps, clinics, and hourly court rentals.
 - C. NBAA Update
5. **ADJOURN**

Supplemental Information:

- The meeting agenda and agenda packet are available online at www.NewBerlinWI.gov
- The minutes are published online and are approved at the next regularly scheduled meeting.
- Action may be taken on any of the agenda items and the agenda may be discussed in any order.
- You may email comments to the City Clerk at CitizenComments@NewBerlinWI.gov. The comments will be forwarded to the mayor and governing body members. The emailed comments are not read during the meeting.
- The City of New Berlin is committed to hosting inclusive, accessible meetings. We strive to enable all individuals, regardless of their abilities, to engage and participate fully. If you have a qualifying disability under the Americans with Disabilities Act that requires the meeting to be accessible, please contact the Office of the City Clerk at (262) 786-8610 or via email at ClerksOffice@NewBerlinWI.gov at least 48 hours before the scheduled meeting time. We will make every effort to accommodate your needs through appropriate aids and/or services.
- It is also possible that members of and possibly a quorum of other municipal governmental bodies may attend the above-stated meeting to gather information; any governmental body will take no action at the above-stated meeting other than the governmental body specifically referred to in the above meeting notice.



Recreation Commission MEETING MINUTES

July 29, 2024 - 6:00 PM
New Berlin Activity & Recreation Center
15321 W. National Avenue

Please note: Minutes are unofficial until approved at the next scheduled meeting.

MINUTES

1. CALL TO ORDER

Alderman Harenda called the meeting to order at 6:04PM

2. ROLL CALL; DECLARATION OF QUORUM; PUBLIC NOTICE

Alderman Harenda took the roll call as follows:

Present: Alderperson Harenda, Commissioner Oelschlaeger, Commissioner Prei, Commissioner Henry

Excused: Commissioner Kara Woida, Joseph Izzo, Brian Johnson

Staff Present: Recreation Manager Katie Roth, Community Relations Specialist Joelle Erickson

3. APPROVAL OF MINUTES

A. June 24, 2024 Meeting Minutes

MOTION: Motion to Approve Minutes

VOTE: Motion by: Commissioner Prei
Second by: Commissioner Henry
Motion Passes 4-0

4. NEW BUSINESS

A. Election of Chairperson for Recreation Commission

MOTION: Motion to Elect Alderman Harenda as Chairperson for Recreation Commission

VOTE: Motion by: Commissioner Oelschlaeger
Second by: Commissioner Prei
Motion Passes 4-0

B. Election of Vice Chairperson for Recreation Commission

MOTION: Motion to Elect Commissioner Prei as Vice Chairperson for Recreation Commission

VOTE: Motion by: Alderman Harenda
Second by: Commissioner Oelschlaeger
Motion Passes 4-0

C. Election of Secretary for Recreation Commission

MOTION: Motion to Elect Commissioner Oelschlaeger as Secretary for Recreation Commission

VOTE: Motion by: Commissioner Prei
Second by: Alderman Harenda

Motion Passes 4-0

D. NBAA Update

- Merging into the Recreation Department with the City of New Berlin
- Maintaining their 501c3

E. All Star Health Update

- Mequon and Thiensville working with them - exploring opportunities

F. Hickory Grove Update

- Renovation contract approved
- Community Center will be razed next year

G. Large Room Rentals Update

- No more large room rentals at Community Center - too many issues cause by renting parties
- All will move to Hickory Grove after renovations

H. Update on the Fall Recreation Guide.

- Trees on the Move is donating/sponsoring the Christmas Tree for tree lighting
- The Tree lighting will not be at the City Center this year - it will be held at the Recreation Center
- Bucks clinic added with partnership
- Looking into more Adaptive activities

5. OLD BUSINESS

none

6. ADJOURN

MOTION: Motion to Adjourn at 6:45PM

VOTE: Motion by: Commissioner Oelschlaeger
Second by: Commissioner Prei
Motion Passes 4-0

***Respectfully Submitted,
Dave Oelschlaeger, Secretary***



REQUESTED ACTION STATEMENT

TO: Common Council
Mayor Dave Ament
Recreation Commission

FROM: Gregory Kessler, AICP – Director of Community Development 

RE: Requested Action Statement to approve an amendment to September 22, 2015, agreement with NBAA.

DATE: August 19, 2024

REQUESTED ACTION: Requested Action Statement to approve an amendment terminating the September 22, 2015 agreement with NBAA.

FISCAL IMPACT: Based on historical data, it is anticipated that revenues generated from the four sports—baseball, softball, soccer, and basketball—will be approximately \$100,000 annually. Program costs are currently under review and will be managed to ensure they remain within the revenue generated. Additionally, the city will redirect approximately \$20,000 per year, previously allocated to the NBAA for umpires and referees, into the Recreation budget to support these programs.

SOURCE OF FUNDS: Not applicable

RATIONALE / BACKGROUND:

With the opening of the Activity and Recreation Center (ARC) and the addition of new Recreation personnel, the City of New Berlin is well-positioned to incorporate the management of four key sports—baseball, softball, soccer, and basketball—previously operated by the New Berlin Athletic Association (NBAA) into its recreational programming. Youth sports remain a vital part of our community's recreational offerings, and we are committed to continuing this important tradition. Should the transition be approved, the City looks forward to maintaining our long-standing positive relationship with the NBAA and collaborating on future endeavors to support the community's recreational needs.

AMENDMENT TO AGREEMENT

This Amendment to Agreement is made and entered into this _____ day of _____, 2024 (hereinafter the "Amendment"), by and between the City of New Berlin, a Wisconsin municipal corporation (hereinafter referred to as the "City"), and the New Berlin Athletic Association, a non-stock corporation duly organized and validly existing under the laws of the State of Wisconsin (hereinafter referred to as "NBAA").

R E C I T A L S

WHEREAS, the City entered into an Agreement with NBAA dated September 22, 2015, which outlines support by the City of NBAA regarding youth recreation programming in the City (hereinafter the "2015 Agreement"); and

WHEREAS, the City will be performing the recreation programming formerly managed and performed by NBAA, effective upon the execution of this agreement and at that time all financial support by the city for NBAA will cease.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties do hereby covenant and agree as follows:

1. The athletic activities, programming and supervision as described in Exhibit A of the 2015 Agreement will no longer be performed by NBAA effective _____, 2024. Said activities, programming and supervision will now be assumed by the City and its agents and employees. The City shall have the complete authority to determine what programming will be offered to the community moving forward. This date is hereinafter referred to as the Effective Date.

2. NBAA's responsibility to organize and administer said athletic programs will terminate as of the Effective Date.

3. Upon the Effective Date, the City shall no longer have any ongoing financial support responsibilities for NBAA, and NBAA and the City agree that all financial commitments by the City in support of NBAA prior to the date of this Amendment have been satisfied. Therefore, there are no further obligations of the City to NBAA with regard to financial support.

4. Since NBAA will no longer be providing athletic programming, NBAA will no longer have any rights to utilize City property for such purposes, including, but not limited to, the Hickory Grove Center and other City property. This would include property which the City has obtained the rights to use from the New Berlin School District. NBAA shall have no rights to the utilization of such leased property upon the Effective Date,

5. NBAA and the City agree that the fees which the City was responsible to pay NBAA for its expenses related to umpire and referee fees in Paragraph 9 of the 2015 Agreement have been fully satisfied and the City shall have no further responsibility to make any payments to NBAA with respect to this or any other matters.

6. NBAA agrees that it has no outstanding expenses for which it is seeking reimbursement from the City, and the City's responsibility for payment of such expenses has been satisfied.

7. NBAA agrees that it will continue to keep liability insurance to cover liability for activities and programming which it has provided prior to the date of this Amendment. Said liability insurance shall have limits of not less than \$1 Million per occurrence and \$2 Million in the aggregate. Said policy shall name the City as an Additional Insured, and must require a notification to the City of the cancellation or material modification to the policy not less than 30 days prior to such change. Evidence of this coverage must be provided in a form acceptable to the City.

8. NBAA agrees to provide the City with a list of its coaches, referees and umpires to assist the City in its ongoing operations of these athletic programs. NBAA further agrees to provide the City with copies of any files it may have regarding background checks for its coaches, umpires or referees.

9. Since NBAA received financial support from the City, it acknowledges that it must retain its records for a period of not less than 7 years from the date of that NBAA ceases to provide athletic programming as required under the Wisconsin Public Records Law.

10. The City shall have no responsibility to retain any staff as City employees for the benefit of NBAA, which responsibilities under the 2015 Agreement is hereby rescinded.

11. All other responsibilities under the 2015 Agreement shall terminate except as otherwise provided for in this Amendment upon the Effective Date.

12. The City and the NBAA agree to work cooperatively to ensure a seamless transfer of this programming and the responsibilities each party previously had under the 2015 Agreement.

13. The City agrees to indemnify and hold harmless NBAA for liability which might pass on to NBAA as a result of the acts or omission of the City in providing athletic programming subsequent to the date of this Amendment subject to the immunities and limitations of liability which appear under Wisconsin Statutes Secs. 893.80 and 895.52.

14. NBAA agrees to indemnify and hold the City its officers, employees and assigns harmless as against any claims demands, actions, costs, expenses including actual attorney fees which the City may incur relating to the operations of NBAA under the 2015 Agreement or which arise from the youth athletic programming provided by NBAA prior to the Effective Date.

15. This Amendment shall be governed and construed in accordance with the laws of the State of Wisconsin.

16. This Amendment contains the complete understanding of the parties with respect to the subject matter of this Amendment and may only be amended in a written instrument executed by authorized representatives of both parties. The parties signing this Amendment represent and warrant that they have been authorized by the governing body of their respective organizations to execute this Amendment on their behalf.

[Signature Page to Follow]

Dated this _____ day of _____, 2024.

CITY:

City of New Berlin

NBAA:

New Berlin Athletic Association

By:

David Ament, Mayor

By:

Brian Johnson, President



REQUESTED ACTION STATEMENT

TO: Common Council
Mayor Dave Ament
Recreation Commission

FROM: Gregory Kessler, AICP – Director of Community Development 

RE: Requested Action Statement to approve a fee schedule for ARC tournaments, camps, clinics and hourly court rentals.

DATE: August 22, 2024

REQUESTED ACTION: Requested Action Statement to approve a fee schedule for ARC tournaments, camps, clinics and hourly court rentals.

FISCAL IMPACT: Please see the attached proposed fee schedule. Annual revenue projections are uncertain and difficult to estimate, as the ARC has only been operational since March of this year. We currently lack trend data to accurately forecast future revenues.

SOURCE OF FUNDS: Not applicable

RATIONALE / BACKGROUND:

One of the primary objectives for the Activity and Recreation Center (ARC) is to offer gym space and facility rentals for tournaments, camps, clinics, and hourly use by patrons. The attached fee schedule outlines the proposed rates for these services.

Before the Department of Community Development (DCD) – Recreation staff can begin soliciting such events, the city must first adopt the proposed fee structure. Following the adoption of these fees, staff will collaborate with the City Attorney to develop a standard template of facility use agreements, addressing insurance and risk management considerations, subject to the City Attorney's review and approval.

Once these agreements are established, future events will be issued permits (like our park shelter rental permits) and scheduled in real-time on the ARC's dynamic calendar. No further approvals would be necessary unless they deviated from the terms outlined in the attached fee schedule.

Special Events Fees

-Tournaments, Camps, Clinics-

Basketball Courts

Indoor Basketball Courts—New Berlin ARC

Camps/Clinics/Other Events Hourly User Fee: \$125/hr/court

Tournament User Fee: \$1250/day, plus an additional \$250 tournament fee

Additional Fees

Concessions Area: \$500/day

(permit to sell concessions available through New Berlin Clerks Department)

*A damage deposit may be imposed on any event/activity as deemed necessary and appropriate by the Department.

Volleyball Courts

Indoor Volleyball Courts—New Berlin ARC

Camps/Clinics/Other Events Hourly User Fee: \$125/hr/court

Tournament User Fee: \$1250/day, plus an additional \$250 tournament fee

Additional Fees

Concessions Area: \$500/day

(permit to sell concessions available through New Berlin Clerks Department)

*A damage deposit may be imposed on any event/activity as deemed necessary and appropriate by the Department.

Pickleball Courts

Indoor Pickleball Courts—New Berlin ARC

(Courts are rented in sets of 3, with a 3 court minimum)

Camps/Clinics/Other Events Hourly User Fee: \$125/hr/court

Tournament User Fee: \$1250/day, plus an additional \$250 tournament fee

Additional Fees

Concessions Area: \$500/day

(permit to sell concessions available through New Berlin Clerks Department)

*A damage deposit may be imposed on any event/activity as deemed necessary and appropriate by the Department.

Hourly Court Rentals

-Every day users-

Court Rentals-Courts will be available to rent in 1-hour time blocks when not scheduled for Open Play or other Recreation Department programs. 2-hour maximum per day, must be 18 years or older to rental courts. All members of your party must sign a waiver before going on a court.

Basketball Courts

Indoor Basketball Courts—New Berlin ARC

New Berlin Residents Hourly User Fee: \$65/hr/court

Non- Residents Hourly User Fee: \$75/hr/court

Volleyball Courts

Indoor Volleyball Courts—New Berlin ARC

New Berlin Residents Hourly User Fee: \$65/hr/court

Non- Residents Hourly User Fee: \$75/hr/court

Pickleball Courts

Indoor Pickleball Courts—New Berlin ARC

New Berlin Residents Hourly User Fee: \$30/hr/court

Non- Residents Hourly User Fee: \$40/hr/court

*Private instruction is allowed for court rentals.

COURT 1

COURT 2

COURT 3

