

*****ATTACHMENTS*****

CITY OF SHEBOYGAN

REQUEST FOR PUBLIC WORKS COMMITTEE CONSIDERATION

ITEM DESCRIPTION: A resolution authorizing the Department of Public Works to turn off power to the City of Sheboygan Municipal Armory/Auditorium due to the hazardous conditions present within the building that pose dangers to maintenance employees and others needing to access the building.

REPORT PREPARED BY: David H. Biebel, Director of Public Works

REPORT DATE: November 20, 2019

MEETING DATE: November 26, 2019

FISCAL SUMMARY:

Budget Line Item: N/A
Budget Summary: N/A
Budget Expenditure: N/A
Budgeted Revenue: N/A

STATUTORY REFERENCE:

Wisconsin Statutes: N/A
Municipal Code: N/A

BACKGROUND / ANALYSIS: Currently, due to high water levels in both Lake Michigan and the Sheboygan River, if electricity is left on, there is risk to the safety of maintenance employees who may need to access the Armory to deal issues.

STAFF COMMENTS: The Armory has ongoing structural problems, and it is very likely that during this period of high water levels, maintenance employees will need to enter the building. In the interest of safety, turning off power will reduce the danger to anyone needing to access the Armory.

ACTION REQUESTED: Motion to recommend the Common Council adopt Res. No. 116-19-20 authorizing the Department of Public Works to turn off the power to the City of Sheboygan Municipal Armory/Auditorium due to the hazardous conditions present within the building that pose dangers to the maintenance employees and others needing to access the building.

ATTACHMENTS:

- I. Res. No. 116-19-20

III

AA.

Res. No. 116 - 19 - 20. By Alderpersons Wolf and Sorenson.
November 18, 2019.

A RESOLUTION authorizing the Department of Public Works to turn off power to the City of Sheboygan Municipal Armory/Auditorium due to the hazardous conditions present within the building that pose dangers to maintenance employees and others needing to access the building.

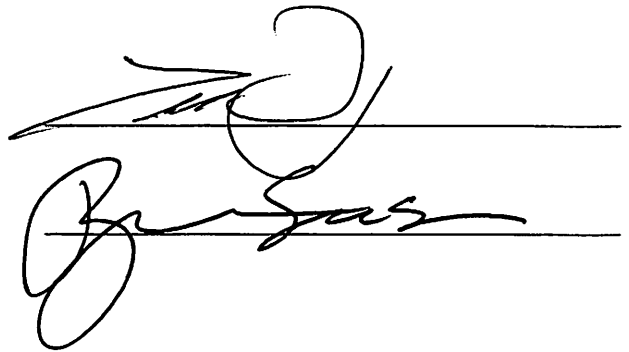
WHEREAS, there are currently very high water levels in both Lake Michigan and the Sheboygan River; and

WHEREAS, if the electricity is left on at the City of Sheboygan Municipal Armory/Auditorium (the "Armory"), there is a concern that the high water levels coupled with the presence of running electricity creates a risk to the safety of maintenance employees or others who may need to access the Armory to deal with any other issues at the Armory; and

WHEREAS, given the ongoing structural issues at the Armory, it is likely that during this period of high water levels, maintenance employees or others will need to enter the Armory.

NOW, THEREFORE, BE IT RESOLVED: In the interest of safety, the Department of Public Works is authorized to turn off power to the Armory to reduce the danger to anyone who needs to enter the Armory to deal with any issues at the Armory.

Public Works



I HEREBY CERTIFY that the foregoing Resolution was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated _____, 20____. _____, City Clerk

Approved _____, 20____. _____, Mayor

VIII

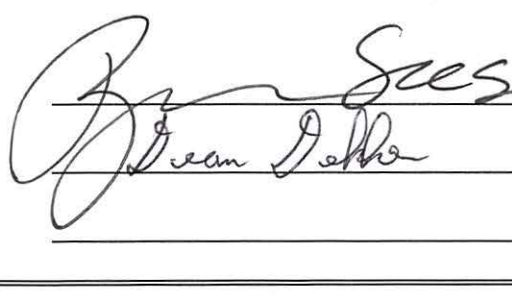
5.2

R. C. No. 184 - 19 - 20. By PUBLIC WORKS COMMITTEE. November 18, 2019.

Your Committee to whom was referred Res. No. 106-19-20 by Alderpersons Wolf and Sorenson authorizing entering into an Agreement with Making Spirits Bright, Inc. for use of Evergreen Park and the Quarryview Center for the annual Making Spirits Bright drive-through holiday lights display; recommends adopting the Resolution with amended agreement.

reg
Wolf/Sorenson to
Adopt Res.
Before action was
taken
Wolf/Savaglio to
refer to Public Works


Betty Kelly


Jean Deke
Committee

I HEREBY CERTIFY that the foregoing Committee Report was duly accepted and adopted by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated _____ 20____. _____, City Clerk

Approved _____ 20____. _____, Mayor

III

4.2

Res. No. 106 19 - 20. By Alderpersons Wolf and Sorenson.
November 4, 2019.

A RESOLUTION authorizing entering into an Agreement with Making Spirits Bright, Inc. for use of Evergreen Park and the Quarryview Center for the annual Making Spirits Bright drive-through holiday lights display.

RESOLVED: That the appropriate City officials are hereby authorized to enter into an Agreement with Making Spirits Bright, Inc. for use of Evergreen Park and the Quarryview Center for the annual Making Spirits Bright drive-through holiday lights display, a copy of which is attached hereto.

Public Works
adopt with
amended
agreement





I HEREBY CERTIFY that the foregoing Resolution was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated _____ 20____. _____, City Clerk
Approved _____ 20____. _____, Mayor

**AGREEMENT
BETWEEN
CITY OF SHEBOYGAN
AND
MAKING SPIRITS BRIGHT, INC.
FOR USE OF EVERGREEN PARK
AND THE QUARRYVIEW CENTER**

THIS AGREEMENT, hereinafter referred to as the "Agreement," is entered into this _____ day of _____, 2019 (the "Effective Date"), by and between the City of Sheboygan, a municipal corporation existing under the laws of the State of Wisconsin (the "City"), and Making Spirits Bright, Inc., ("MSB") a Wisconsin non-stock corporation with its principal office at 3034 N. 20th Street, Sheboygan, Wisconsin 53081.

RECITALS

(i) For over 100 years, Rotary Clubs have recognized the needs of families in Sheboygan County and have been contributors to, and supporters of, organizations who address those concerns. The motto of Service Above Self is exemplified annually by the projects that the Rotarians support and the grants provided to individuals and organizations as a result of successful fundraisers.

(ii) The Sheboygan County Rotary Clubs have combined their efforts in developing and providing the Making Spirits Bright annual drive-through holiday lights display in Evergreen Park and the Quarryview Center during the holiday season.

(iii) The Sheboygan County Rotary Clubs are partnering with the Sheboygan County Food Bank by asking all who attend this family fun event to bring food pantry items as their admission to the park.

(iv) The Sheboygan County Rotary Clubs have established MSB as a non-stock not for profit corporation for the purposes of developing, promoting, organizing, planning and staging the annual event.

(v) The Sheboygan County Rotary Clubs, through MSB, are again requesting permission to utilize Evergreen Park and the Quarryview Center for the holiday light display event and asking that the parks be closed to vehicular traffic (other than light display patrons) to ensure safety for the event.

(vi) The City is willing to grant such permission subject to certain terms and conditions.

(vii) The parties recognize and understand that Evergreen Park is also utilized in the wintertime for cross country skiing, and that a system of ski trails has been established for outdoor winter recreation by the public.

(viii) This Agreement is intended to authorize MSB to successfully set up, operate and take down their holiday light display while minimizing to the extent possible, impact upon cross country skiing in the park and the grooming of the ski trail system.

NOW, THEREFORE, in consideration of the recitals and mutual agreements herein set forth, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

1. The Parties recognize that in April 2015, the Parties entered into an Agreement for the Use of Evergreen Park and Quarryview Center ("2015 Agreement"). The 2015 Agreement was set for an initial term commencing in mid-October 2015 and ending January 10, 2016. The 2015 Agreement automatically renewed for successive one-year terms through January 10, 2020. The Parties wish to conduct the 2019-2020 administration of the holiday light display event under this Agreement rather than the April 2015 Agreement.

2. The City agrees to make Evergreen Park available to MSB for its drive-through holiday light display between the Effective Date of this Agreement and January 16, 2020¹ and the Quarryview Center available to MSB between the Effective Date of this Agreement and December 31, 2019, subject to the following:

(a) MSB has, prior to the effective date of this Agreement, remitted \$1,500 to the City for the use of Evergreen Park and the Quarryview Center for the 2019-2020 administration of the holiday light display event. For the avoidance of doubt, for all future administrations of the holiday light display covered by this Agreement, MSB shall remit payment of \$1,500 per year for the use of Evergreen Park and the Quarryview Center

¹ This time period shall include the setup and removal of all lights and other elements included in the holiday light display.

on or before the March 1 preceding the event commencing in that calendar year.

- (b) MSB shall complete all event forms reasonably requested by the City's Department of Public Works, pursuant to the deadlines set forth.
- (c) MSB shall indemnify, defend, and hold harmless the City from all claims, actions and suits brought against the City on account of any injuries or damages received or sustained by any party or parties by or from the MSB, its employees, agents, or volunteers, arising from the exercise of the rights and privileges granted herein or on account of any act or omission of the MSB or its employees, agents, or volunteers.
- (d) MSB agrees to provide the City with a certificate of insurance illustrating the existence of a commercial general liability insurance policy providing at least \$2,000,000 in coverage, naming the City as an additional insured.
- (e) MSB agrees to reimburse the City for damages to the park and the Quarryview Center caused by or arising as a result of the use of said parks and park facilities under this Agreement.
- (f) MSB agrees to strictly abide by all rules established by the Department of Public Works for its use of the parks.
- (g) MSB shall work with the City Parks Department to provide room for groomed trails as shown on the map attached to this Agreement as **Exhibit A** throughout its use of Evergreen Park.
- (h) MSB shall leave the area identified as Practice Ski Area on **Exhibit B** available for use by cross country skiers at all times during its occupancy of Evergreen Park.
- (i) MSB shall make best efforts to allow for a 10 foot wide ski trail around the south side of the Area #4 parking lot beginning on January 3 of each year.

- (j) MSB shall have all ski trail areas in Evergreen Park available for grooming by January 17 of each year.
- (k) In recognition of the City's support of MSB, MSB shall recognize the City of Sheboygan as an in-kind donor in any written materials distributed at Making Spirits Bright, including a City logo on the map of Evergreen Park included in the written materials and any other recognition provided to other in-kind donors to MSB.

3. As set forth above, this Agreement shall be for an initial term commencing the Effective Date of this Agreement and ending January 13, 2020 at 5:00 p.m. It shall automatically renew to allow use of Evergreen Park and Quarryview Center on the following schedule, unless notice is provided by either party to the other no later than May 31 of each year:

Evergreen Park

October 5, 2020 through January 11, 2021 at 5:00 p.m.
 October 4, 2021 through January 10, 2022 at 5:00 p.m.
 October 3, 2022 through January 16, 2023 at 5:00 p.m.
 October 1, 2023 through January 15, 2024 at 5:00 p.m.
 October 7, 2024 through January 13, 2025 at 5:00 p.m.

Quarryview Center

November 5, 2020 through December 31, 2020
 November 4, 2021 through December 31, 2021
 November 3, 2022 through December 31, 2022
 November 2, 2023 through December 31, 2023
 November 7, 2024 through December 31, 2024
 November 6, 2025 through December 31, 2025

In no event shall this Agreement be automatically renewed beyond January 13, 2025. The Director of Public Works may, subject to the availability of Evergreen Park, allow MSB to start on an earlier date than that specified in this Section.

4. Termination.

In the event that MSB breaches its obligations under this Agreement, the Director of Public Works may provide a Notice of Intent to Terminate to:

Kenneth R. King
730 S. 8th Street, Unit 506
Sheboygan, WI 53082

Such Notice of Intent to Terminate shall become effective upon ratification by the Common Council of the City.

IN WITNESS WHEREOF, the Parties have duly executed this Agreement as of the date first above written.

MAKING SPIRITS BRIGHT, INC.

CITY OF SHEBOYGAN

By: _____

By: _____
Michael J. Vandersteen
Mayor

Date: _____

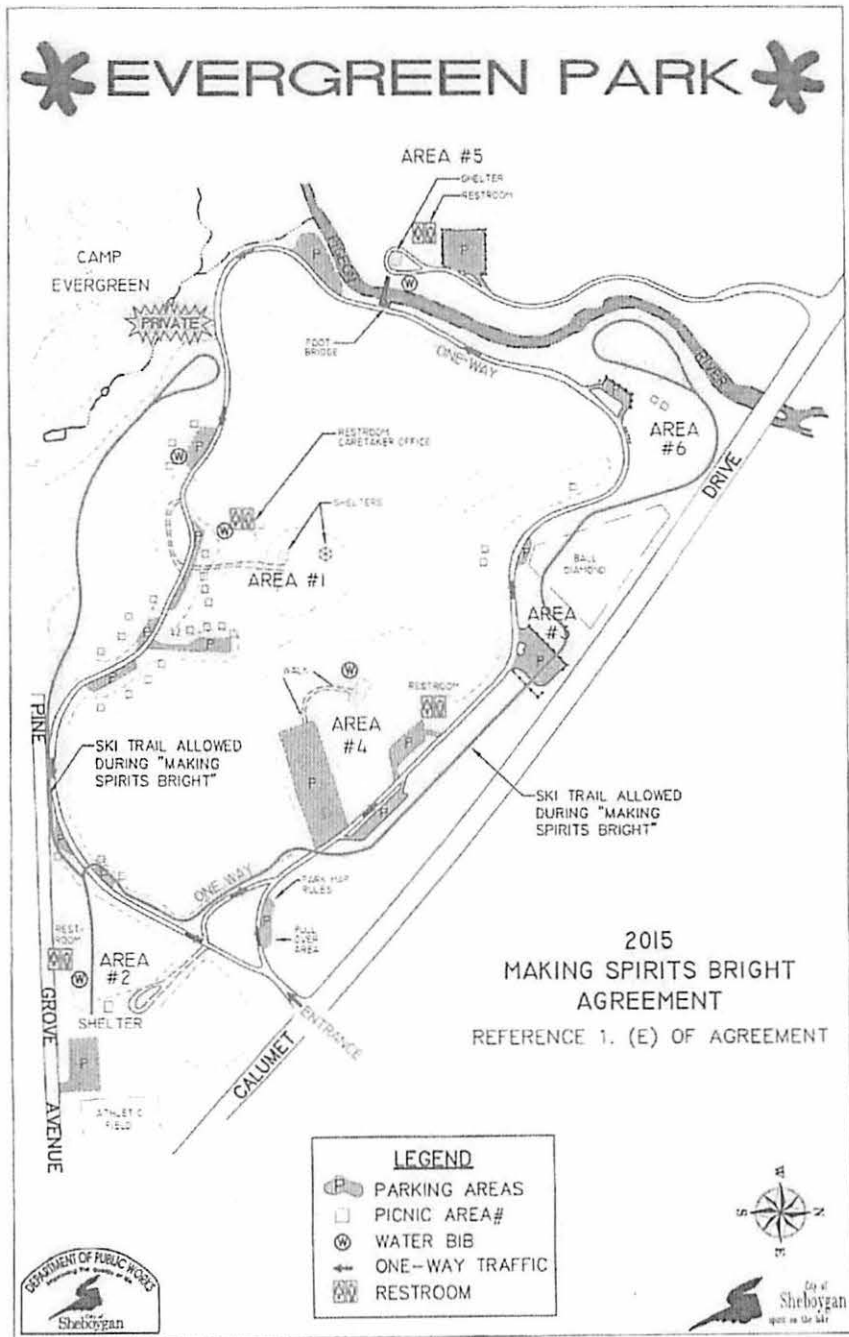
Date: _____

ATTEST:

Meredith DeBruin
City Clerk

Date: _____

EXHIBIT A



CITY OF SHEBOYGAN

REQUEST FOR PUBLIC WORKS COMMITTEE CONSIDERATION

ITEM DESCRIPTION: Report of Committee to whom was referred Res. No. 106-19-20 authorizing entering into an Agreement with Making Spirits Bright, Inc. for use of Evergreen Park and the Quarryview Center for the annual Making Spirits Bright drive-through holiday lights display; recommends adopting the Resolution with amended agreement.

REPORT PREPARED BY: Joseph L. Kerlin, Superintendent of Parks and Forestry

REPORT DATE: November 5, 2019

MEETING DATE: November 26, 2019

FISCAL SUMMARY:

Budget Line Item: N/A
Budget Summary: N/A
Budgeted Expenditure: N/A
Budgeted Revenue: N/A

STATUTORY REFERENCE:

Wisconsin Statutes: N/A
Municipal Code: N/A

BACKGROUND / ANALYSIS: Making Spirits Bright was initiated in 2012 by the Sheboygan County Rotary Clubs to provide a quality, exciting, family event and to collect much needed food pantry items. This event is held in the City of Sheboygan's Evergreen Park.

STAFF COMMENTS: This proposed agreement is an update to the current 2015 agreement. The Department of Public Works is in full support of this event and the wonderful service that it provides to Sheboygan County.

ACTION REQUESTED: Motion to recommend the Common Council receive R.C. No. 184-19-20 and adopt Res. No. 106-19-20 authorizing entering into an Agreement with Making Spirits Bright, Inc. for use of Evergreen Park and the Quarryview Center for the annual Making Spirits Bright drive-through holiday lights display; recommends adopting the Resolution with amended agreement.

ATTACHMENTS:

- I. R.C. No. 184-19-20
- II. Res. No. 106-19-20
- III. Making Spirits Bright Agreement with the City