AGENDA CITY OF BERLIN

PARKS & RECREATION COMMISSION MEETING

Wednesday October 1st, 2025 4:30 PM

COUNCIL CHAMBERS, BERLIN CITY HALL, 2ND FLOOR MEETING IS OPEN TO THE PUBLIC & CITY HALL IS HANDICAPPED ACCESSIBLE

- 1. Call to Order/Roll Call
- 2. General Public Comments.
- 3. Approval of Minutes. RECOMMENDATION: Approve minutes from September 3rd, 2025 Meeting.
- 4. Approval of Revenues and Expenditures. RECOMMENDATION: Approve the revenues and expenditures as presented.
- 5. Request for Trunk or Treat Event at Riverside Park by Robert Frost of the Amvets of Redgranite, Post 13. RECOMMENDATION: Listen to request presentation with action as appropriate.
- 6. Presentation on smoke free parks/outdoor areas by Lauren Olson, Deputy Health Officer of Green Lake County Health Department and Johanna Brotz, Commercial Tobacco Prevention and Treatment Coordinator with Fond du Lac County Health Department/East Central Alliance for Nicotine Prevention. RECOMMENDATION: Listen to request presentation with action as appropriate.
- 7. Updates to City of Berlin Ball Field Use Agreement. RECOMMENDATION: Recommend approval of the City of Berlin Ball Field Use Agreement to the Common Council.
- 8. Review of amended Parks and Recreation Fees. RECOMMENDATION: Recommend approval of the amended City of Berlin Fee Schedule (Parks and Recreation Fees) to the Common Council.
- 9. New Business
- 10. Old Business
- 11. Adjourn

Please note, upon reasonable notice, efforts will be made to accommodate the needs of the disabled individuals through appropriate aids and services. For additional information to request services, contact the municipal Clerk at 920-361-5400.

Note: It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance in the above stated meeting to gather information: no action will be taken by any other governmental body except by the governing body notified above.

CITY OF BERLIN PARKS & RECREATION COMMISSION

MEETING

MINUTES for WEDNESDAY September 3, 2025 4:30 PM

COUNCIL CHAMBERS, BERLIN CITY HALL, 2ND FLOOR

1. Call to Order / Roll Call

Meeting called to order at 4:30 PM

Present: Tim Bending, Bobbie Erdmann, Kayla Reeves, Bruce Tetzke, Dr.Emmett Durtschi

Absent: Kamie Jorgensen

City Officials Present: Jessi Balcom, Scott Zabel

2. General Public Comments

- Smoking in the parks concerns presented by city residents Rebecca Elliman & Madelyn Bologna
- Request for City Ordinance to avoid smoking or vaping in the parks especially during events
- Health Department willing to help create a city ordinance for no smoking in city parks

3. Approval of Previous Meeting Minutes

On a motion by Bobbie Erdmann and a second by Bruce Tetzke, the minutes from August 20th, 2025 Meeting were approved.

4. Approval for Revenues and Expenditures.

On a motion was made by Tim Bending to approve and seconded by Dr. Emmett Durtschi, - Revenue and Expenditures Report was approved as presented.

5. ABC Group Request for Tree Lighting Presentation in Nathan Strong Park

On a motion was made by Bobbie Erdmann to approve and seconded by Bruce Tetzke, - To approve Tree Lighting Presentation in Nathan Strong park.

- Requested by Harry Kwidzinski
- Previously Tree Display was voted in top 10 places to visit in Wisconsin
- Start around October 1.
- Approximately 200+ Trees available
- Trees lit until January 1, 2026
- Trees down by January 4, 2026
- Amended to include additional Trees in Firefighter's Park as well as Forsyth Park

6. Ministerial Group Request for Nativity Scene in Firefighter's Park

On a motion was made by Bobbie Erdmann to approve and seconded by Tim Bending, - To approve Nativity Scene in the Firefighter's park.

- Requested by Keith Krause
- · Representing St. John's Church
- Looking to replace the trailer running gear to transport to park
- Set up in park prior to Christmas Parade November 25, 2025
- Taken down by January 15, 2026

7. 2026-2030 Capital Improvement Plan review

No action needed.

- · Presented by Jessi Balcom
- Future Budget plans for the next 5 years
- Budgeting tool for the Council
- Determining the best way to prioritize and determine funding for future City projects
- Plans created by Robert W. Baird & Co.

8. New Business

 Adding Presentation regarding a potential no smoking ordinance in parks to a future meeting agenda.

9. Old Business

Nothing at this time.

10. Adjourn

On a motion by Bruce Tetzke to adjourn meeting and a second by Dr. Emmet Durtschi. The meeting adjourned at 5:02 pm.

Respectfully Submitted by - Secretary Tim Bending

Consolidated Statement of Activity -Revenue & Expense City of Berlin WI For 12/31/2025

Run: 9/25/2025 at 3:44 PM

	Y-T-D Actual	Y-T-D Budget	Variance
Revenues 100-52-46720-000 Parks & Playgrounds 100-52-46721-000 Swimming Pool Outdoor 100-52-46722-000 Concession Stand 100-52-46723-000 Campground Fees 100-52-46724-000 Ball Field Usage Fees 100-52-48500-000 Donations to Parks Total Revenues	5,405.00 29,148.50 13,280.25 15,598.55 0.00 100.00 63,532.30	7,000.00 40,000.00 25,000.00 22,500.00 500.00 0.00 95,000.00	(1,595.00) (10,851.50) (11,719.75) (6,901.45) (500.00) 100.00 (31,467.70)
Expenses 100-52-55200-112 Parks Overtime 100-52-55200-120 Parks Wages 100-52-55200-130 Parks Health & Life Insurance 100-52-55200-133 Parks Other Employee Benefits 100-52-55200-220 Parks Utilities 100-52-55200-340 Parks Operating Supplies 100-52-55200-345 Parks Property Services - Vehicles 100-52-55200-353 Parks Flower Beds & Fertilizer 100-52-55200-360 Parks Other Repairs & Maintenance 100-52-55200-380 Parks Equipment & Structures 100-52-55200-391 Parks Uniforms 100-52-55200-415 Parks Sales Tax 100-52-55200-501 Parks Social Security 100-52-55200-502 Parks MedicareE SS 100-52-55200-510 Parks Insurance Premiums 100-52-55200-650 Parks WRF 600 100-52-55200-860 Parks Urban Tree Grant Project 100-52-55200-860 Parks Capital Equipment Total Expenses	0.00 67,165.00 14,275.60 0.00 15,405.43 17,532.87 3,379.57 4,654.87 653.45 10,202.34 123.00 105.51 3,814.45 892.08 0.00 2,864.82 0.00 0.00	0.00 93,821.00 28,694.00 725.00 25,000.00 20,000.00 6,300.00 6,500.00 3,000.00 12,000.00 1,400.00 5,817.00 1,360.00 5,800.00 3,871.00 0.00 0.00 214,788.00	0.00 26,656.00 14,418.40 725.00 9,594.57 2,467.13 2,920.43 1,845.13 2,346.55 1,797.66 377.00 1,294.49 2,002.55 467.92 5,800.00 1,006.18 0.00 0.00 73,719.01
Excess Revenue Over (Under) Expenditures	(77,536.69)	(119,788.00)	(105,186.71)

Page:

Consolidated Statement of Activity -Revenue & Expense City of Berlin WI For 12/31/2025

Page:

Run: 9/25/2025 at 3:45 PM

	Y-T-D Actual	Y-T-D Budget	Variance
Revenues	0.00	050.00	(050.00)
100-54-46726-000 SWimming Pool Classes	0.00	250.00	(250.00)
Total Revenues	0.00	250.00	(250.00)
Expenses			
100-54-55300-110 Recreation Salaries	7,372.01	11,703.00	4,330.99
100-54-55300-120 Recreation Wages	0.00	0.00	0.00
100-54-55300-130 Recreation Health & Life Insurance	3,122.77	7,144.00	4,021.23
100-54-55300-133 Recreation Other Employee Benefits	0.00	0.00	0.00
100-54-55300-220 Recreation Utilities	1,038.07	2,000.00	961.93
100-54-55300-290 Recreation Other Contractual Services	0.00	0.00	0.00
100-54-55300-312 Recreation Tickets and Transportation	0.00	0.00	0.00
100-54-55300-320 Recreation Publication Fees	0.00	0.00	0.00
100-54-55300-321 Recreation Dues	0.00	200.00	200.00
100-54-55300-330 Recreation Conferences and Training	105.00	500.00	395.00
100-54-55300-340 Recreation Operating Supplies	464.56	200.00	(264.56)
100-54-55300-360 Recreation Other Repairs & Maintenance	0.00	0.00	0.00
100-54-55300-380 Recreation Equipment & Structures	0.00	0.00	0.00
100-54-55300-415 Recreation Sales Tax	0.00	50.00	50.00
100-54-55300-501 Recreation Social Security	395.06	726.00	330.94
100-54-55300-502 Recreation MedicareE SS	92.35	170.00	77.65
100-54-55300-510 Recreation Insurance Premiums	0.00	2,200.00	2,200.00
100-54-55300-650 Recreation WRF 600	493.03	813.00	319.97
100-54-55320-210 Media Outreach Program Professional	0.00	1,000.00	1,000.00
Services			
Total Expenses _	13,082.85	26,706.00	13,623.15
Excess Revenue Over (Under) Expenditures	(13,082.85)	(26,456.00)	(13,873.15)

City of Berlin Park and Recreation Commission Request Form

Name: Robert Frost	
Address: 146 W Noyes St.	
Organization Name (If Applicable): Son	is of the Amvets of Redgranite, Post 13
Phone Number: 920-289-0596	
Date and Time of Request: October 25	th , 8-3 pm.
Please Pick an Option Below	That Best Describes Your Request
X Park Request (please specify below)	Petting Zoo

Additional Information: I am requesting the use of the parking lot between the Veteran's Memorial and Veteran's Gazebo at Riverside Park to hold a Trunk or Treat sponsored by the Amvets of Redgranite, Post 13. Set up will begin at 8:00 am. Approximately 20 cars will park, be decorated for Halloween, and give out candy to kids. The group will also set up a pop-up shelter/tent with a table that has information on the Amvets of Redgranite, Post 13 group. The event will end at 2pm with clean up to be completed by 3pm. If approved, I will fill out the City of Berlin Special Event Permit and pay the \$20 permit fee.

Other

Long Term Campground Stay

The Park and Recreation Commission has the right to refuse any request that does not follow the park policies or city ordinances.



CITY OF BERLIN PARK & RECREATION COMMISSION STAFF REPORT

TO:

Park & Recreation Commissioners

FROM:

Jessi Balcom, City Administrator

AGENDA ITEM:

Smoking in Public Parks

MEETING DATE:

October 1, 2025

BACKGROUND

Smoking in the parks was a concern presented by residents to the Parks and Recreation Commission at the Parks and Recreation Commission meeting on September 3, 2025.

Lauren Olson, Deputy Health Officer of Green Lake County Health Department and Johanna Brotz, Commercial Tobacco Prevention and Treatment Coordinator with Fond du Lac County Health Department/East Central Alliance for Nicotine Prevention, will give a presentation on smoke free parks/outdoor areas.

Enclosed please find sections of the City's Municipal Code regarding smoking/parks.

Chapter 50 PARKS AND RECREATION¹

ARTICLE I. IN GENERAL

Sec. 50-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Park means and includes all grounds, structures and watercourses which are or may be located within any area dedicated to public use as a park, parkway, recreation facility or conservancy district in the city. City parks shall include the following:

- (1) Riverside Park.
- (2) Nathan Strong Park.
- (3) Longcroft Park.
- (4) Forsyth Park.
- (5) Berlin Firefighters Park.
- (6) Volunteers Park.
- (7) Mound Street Park.
- (8) Berlin Locks Park.
- (9) Walkush Street Conservancy Park.

(Code 1989, § 12-1-1(a); Ord. No. 09-11, 11-8-2011)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 50-2. Violation; penalty.

Any person violating the provisions of this chapter shall be subject to the penalties provided in section 1-16, which shall be distinct from and may be in addition to any parks ban imposed pursuant to violation of a parks behavioral policy as may be established by the parks and recreation commission.

(Ord. No. 05-23, 8-8-2023)

Secs. 50-3-50-70. Reserved.

State law reference(s)—Authority regarding parks, etc., generally, Wis. Stats. § 62.22(1).

¹Cross reference(s)—Parks and recreation commission, § 2-526 et seq.; parks and recreation director, § 2-316 et seq.; planning, ch. 52; streets, sidewalks and other public places, ch. 58; vegetation, ch. 78.

PART II - CODE OF ORDINANCES Chapter 50 - PARKS AND RECREATION ARTICLE II. PARK REGULATIONS

ARTICLE II. PARK REGULATIONS

Sec. 50-71. Purpose.

The purpose of this article is to protect the parks, parkways, recreational facilities and conservancy areas within the city from injury, damage or desecration.

(Code 1989, § 12-1-1(a))

Sec. 50-72. Regulations.

The following regulations shall apply to parks within the city:

- Littering. No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any city park.
- (2) Sound devices. No person shall operate or play any amplifying system in any city park unless specific authority is first obtained from the parks and recreation director.
- (3) Bill posting, Graffiti. No person shall post, paste, fasten, paint or attach any placard, bill, notice, sign, advertising matter, or graffiti upon any structure, tree, rock, ground, or any other natural object in any city park, except for the posting of park regulations and other signs authorized by the parks and recreation director.
- (4) Throwing stones and missiles. No person shall throw stones or other missiles in or into any city park.
- (5) Removal of park equipment. No person shall remove benches, seats, tables or other park equipment from any city park unless otherwise authorized by the parks and recreation director.
- (6) Trapping. No person shall trap in any city park unless specific written authority is first obtained from the common council upon the recommendation of the parks and recreation commission.
- (7) Fires. No person shall start, tend or maintain a fire in any city park except in personal outdoor cooking appliances and fireplaces in compliance with section 26-2, designated park fireplaces, or designated firepits in a designated campground. Personal grills shall be used only in designated picnic areas. The use of personal grills is permitted provided lawns and vegetation are not endangered. Unburned fuel and ashes shall be disposed of in such a manner as to prevent fire or damage to any park property.
- (8) Protection of park property.
 - a. No person shall kill, injure, disturb or attempt to injure or disturb waterfowl, birds or animals, wild or domestic, within any city park except as permitted by this chapter.
 - b. No person shall climb any tree or remove flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove or in any manner injure, deface, write upon or ill use any tree, shrub, flower, flower bed, turf, soil, sand, fountain, ornament, building, structure, apparatus, bench, table, official notice, sign or other property within any city park.
- (9) Motorized vehicles. Except for authorized maintenance vehicles, no person shall operate an unlicensed or licensed motorized vehicle outside of areas specifically designated as parking areas, or areas where the operation of such vehicles is specifically permitted within a city park. Motor vehicles are restricted

- to the roads, drives and parking areas within a park. No motor vehicles of any nature may be used on the seeded areas except vehicles which have parks and recreation commission authorization for shows, rides or exhibits, and then only for the purpose of loading and unloading.
- (10) Snowmobiles. No person shall operate a snowmobile in a city park except on designated trails.
- (11) Speed limit. No person shall operate any vehicle in a city park in excess of 15 miles per hour unless otherwise posted.
- (12) Glass beverage bottles. No person shall bring into, carry onto or possess while in any city park glass bottles or glass containers, including those containing or normally used for containing soda water, fermented malt beverages or alcohol.
- (13) Reckless driving. No person shall operate a motor vehicle in a reckless manner in any city park.
- (14) Parking. No person shall park any motor vehicle in any city park except in a designated parking area.
- (15) Horses and carriages. No person shall ride a horse or drive a horse-driven vehicle in any city park except on roads or designated bridle paths when approval is obtained from the parks and recreation commission, or as otherwise expressly authorized as part of a reservation of park space permit granted pursuant to section 50-74. It shall be unlawful for any person to ride a horse or drive a horse-driven vehicle in a careless, negligent or reckless manner which may endanger the safety and well-being of others, and shall be allowed only during daylight hours. No person shall ride a horse which cannot be held under such control that such horse may be easily turned or stopped. Pedestrians shall have the right-of-way when crossing a bridle path, and whenever groups of people are visible within 300 feet, horses shall be ridden at a slow gait.
- (16) Removal of tree protectors. No person shall remove any device for the protection of trees or shrubs within a city park.
- (17) Golf and sports activities. No golfing or practicing golf in city parks or recreation areas shall be allowed except with the use of a whiffle ball. All sporting activities shall be held in areas designated for such purpose.
- (18) Bows and arrows. No person shall use or shoot any bow and arrow in any city park except as otherwise authorized under another section of this Code.
- (19) Fees, charges and deposits. The common council, upon recommendation by the parks and recreation commission, shall have the authority to establish such fees, charges and deposits (whether refundable or nonrefundable) as deemed necessary for the use of any city park facility, shelter or land area. Such fees, charges and deposits shall be designated in a fee schedule on file with the city clerk-treasurer's office. It shall be unlawful to use such facilities or areas without payment of such fee or charge when required.
- (20) Pets. Pets, including animals of any species, are prohibited in all city parks, except as follows:
 - a. Dogs and cats, properly leashed and under control, may be walked on the pedestrian bridge walkway located in Longcroft Park.
 - b. Dogs and cats, properly leashed and under control, shall be allowed in Riverside Park, except no dogs or cats shall be allowed in the following areas:
 - In shelter houses or other buildings in the park.
 - 2. On any athletic field in the park.
 - 3. Within 20 feet of any playground equipment in the park.

- 4. In any other area designated by sign at the direction of the parks and recreation commission.
- c. Dogs and cats, properly leashed and under control, shall be allowed on the Berlin Locks property, except in areas designated by sign at the direction of the parks and recreation commission.
- d. Dogs and cats used to assist physically or visually challenged persons shall be allowed in all areas of all city parks.
- e. Animals expressly authorized as part of a reservation of park space permit granted pursuant to section 50-74.
- (21) Firearms; hunting. Possessing or discharging of any firearm or weapon of any kind is prohibited in all city parks, unless otherwise permitted under another section of this Code, and as follows:
 - a. The prohibition against discharge of firearms or weapons in city parks does not apply and may not be enforced if the actor's conduct is justified or, had it been subject to a criminal penalty, would have been subject to a defense described in Wis. Stats. § 939.45.
 - b. The prohibition against possession of firearms or weapons in city parks does not apply to any of the following:
 - 1. A person who is employed in this state by a public agency as a law enforcement officer and to whom Wis. Stats. § 941.23(1)(g)2. to 5. and (2)(b)1. to 3. applies.
 - 2. A qualified out-of-state law enforcement officer, as defined in Wis. Stats. § 941.23(1)(g), to whom Wis. Stats. § 941.23(2)(b)1. to 3. applies.
 - 3. A former officer, as defined in Wis. Stats. § 941.23(1)(c), to whom Wis. Stats. § 941.23(2)(c)1. to 7. applies.
 - 4. A licensee, as defined in Wis. Stats. § 175.60(1)(d), or an out-of-state licensee, as defined in Wis. Stats. § 175.60(1)(g), if the gun or firearm is a handgun, as defined in Wis. Stats. § 175.60(1)(bm).
- (22) Fish cleaning. Cleaning of fish in shelters, toilet facilities or picnic areas is prohibited in all city parks, except in designated areas.
- (23) Controlled substances. Possessing, using or dispensing of a controlled substance in violation of the Uniform Controlled Substances Act is prohibited in all city parks.
- (24) Camping. Overnight camping is prohibited in any city park except Riverside Park. Camping in Riverside Park is allowed only in designated areas, following payment of the required camping fee as established by the parks and recreation commission. Camping outside of designated areas in Riverside Park is only permitted with the express authorization of the parks and recreation commission.
- (25) Utility installation and construction. Any private construction which may, in any manner, encroach upon or affect the parks and parkways within the city shall be under the direction and jurisdiction of superintendent of streets, and no such installation, repair or construction shall commence without written permission from the parks and recreation commission.
- (26) Regulation of alcohol beverages. The possession or consumption of alcohol beverages or fermented malt beverages or wine within a city park shall be regulated pursuant to chapter 6, article IV of this Code.
- (27) Alcohol beverages within Riverside Park and Berlin Locks Park. No person shall possess or consume any wine, fermented malt beverage or alcohol beverage in any city park, except Riverside Park and the Berlin Locks Park.

- (28) Alcohol beverages in open containers near public parks. No person shall possess or consume any wine, fermented malt beverage or alcohol beverage along any sidewalk or roadway surrounding any city park. Alcohol beverages not opened and in original containers on sidewalks shall not be deemed a violation of this section.
- (29) Turf protection. Except as authorized by the parks and recreation director, no person shall dig into the turf of any city-owned park or recreational property for any purpose, or remove any trees or flowers. Absent authorization by the parks and recreation director, the use of metal detectors and digging for buried objects on city parks or recreational property, except beaches where no vegetation is present, shall be prohibited.
- (30) Feeding of migratory waterfowl. The feeding of migratory waterfowl, or the placement, depositing, scattering or distributing of any type of food, including but not limited to corn, wheat or other grains, bread, popcorn, scraps or any substance likely to be eaten by migratory waterfowl, in a location accessible to migratory waterfowl, shall be entirely prohibited in city parks, except that during the months of April, May, June, July, August and September, feeding of migratory waterfowl by hand shall be allowed, provided the feed is not placed more than 30 feet away from the person doing the feeding and the person makes all reasonable efforts to clean up the unconsumed feed before moving a distance greater than 30 feet from the deposited feed. For purposes of this provision, "migratory waterfowl" shall have the meaning set forth in section 46-152.

(Code 1989, §§ 12-1-1(b), 12-1-3; Ord. No. 206-00, 12-19-2000; Ord. No. 11-11, 11-8-2011; Ord. No. 03-16, 6-14-2016; Ord. No. 02-17, 2-14-2017; Ord. No. 05-23, 8-8-2023)

Sec. 50-73. Park hours.

- (a) City parks. Subject to certain exceptions as set forth in subsection (b) of this section, all city parks shall be closed from 12:00 midnight to 7:00 a.m. the following day. Persons launching or transporting watercraft from park property may do so only within park hours.
- (b) Riverside Park. Persons, groups, campers or organizations wishing to use Riverside Park between the hours of 12:00 midnight and 7:00 a.m. shall first obtain a written permit from the police department by telephoning the police department or by personal appearance at the police department.
- (c) Closing and opening dates. The chief of police or the parks and recreation commission shall have full authority to open and close any park, beach, facility or area because of weather conditions, physical condition, construction or, when, in the interest of public safety, it is deemed necessary.
- (d) Shelter houses. All shelter houses in Riverside Park shall be closed to the use of the general public from November 1 through May 1 of each year. During such period of time, no person shall use any of the facilities, shelter house areas, park tables or equipment in such park.

(Code 1989, § 12-1-4)

Sec. 50-74. Reservation of park space.

(a) Policy. The city-owned park and park facilities and shelter areas within the city are primarily for the nonexclusive use of the residents and visitors of the city; however, under proper circumstances, exclusive use thereof may be permitted, with the exception of the Berlin Locks Park and the Walkush Street Conservancy Park, which parks shall not be permitted for exclusive use. This section is intended to regulate exclusive use of municipally-owned parks, park facilities, park shelters, or parts thereof, in the city so that the general welfare of the city is protected.

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- (b) Application required; issuer of permits. A person may reserve the use of a city park facility, shelter, land area, or an entire park by filing a written application with the parks and recreation director for a permit for exclusive use of such park facility, shelter, land area or entire park. Park facilities, shelters, or land areas shall generally be available for reservation on a first-requested, first-reserved basis. Reservations may be made as early as two years prior to a proposed exclusive use, but not earlier. Further, in the case of two or more applications received on the same day for proposed exclusive uses intending to occur at the same time and same park or park facility, preference shall be granted to uses having a longer history of occurring on the same date (or general time period in question), and same park or park facility, in prior years.
- (c) Application process. Applications for the exclusive use of a city park, land area, shelter or facility shall be filed with the parks and recreation director at least 45 days prior to the date on which the proposed exclusive use is requested, unless such time period is waived by the city, and shall set forth the following information regarding the proposed exclusive use:
 - (1) The name, address and telephone number of the applicant.
 - (2) If the exclusive use is proposed for a group, firm, organization, partnership or corporation, the name, address and telephone number of the headquarters of such group, firm, organization, partnership or corporation, and the responsible and authorized heads or partners thereof.
 - (3) The name, address and telephone number of the person who will be responsible for the use of the park, area or facility.
 - (4) The date and hours when the exclusive use is requested.
 - (5) The anticipated number of persons to use the park, area or facility.
 - (6) Identification of any animals intended to be present during the exclusive use, along with a description of the purpose for inclusion of such animals, the applicant's plan to ensure the safety and care of the animals, the applicant's plan to ensure the safety of participants and the general public, the applicant's plan for ensuring that the animals are not unreasonably disruptive or annoying to surrounding property owners or the general public as a result of noise or smells, the applicant's plan for cleaning up after the animals and the applicant's plan for restoring any damage to the park that may be caused by the animals.
 - (7) Any additional information which the parks and recreation director or commission finds reasonably necessary to a fair determination as to whether a permit should be issued.
- (d) Decision; appeal. Except for applications for exclusive uses during which animals are intended to be present, the parks and recreation director shall decide to issue or not issue the permit within ten days of receiving the application, which decision may be appealed by the applicant to the parks and recreation commission. Applications for exclusive uses during which animals are intended to be present shall be directly submitted to the parks and recreation commission for review and determination; however renewal applications may be issued directly by the parks and recreation director, without parks and recreation commission approval, if there are no substantive changes in the exclusive use applied for from the previous permit granted and the applicant meets all the same conditions for approval from that previous permit.
- (e) Reasons for denial. Applications for the reservation of park space or shelters may be denied for any of the following reasons:
 - (1) The application is for a use which would involve a violation of federal or state law or any provision of this Code.
 - (2) The granting of the permit would conflict with another permit already granted or for which an application is already pending.
 - (3) The application does not contain the information required by subsection (c) of this section.

- (4) The application is made earlier than two years prior to the scheduled exclusive use contrary to subsection (b) of this section, or less than the required days in advance of the scheduled exclusive use as set forth in subsection (c) of this section.
- (5) The application was received on the same day as an application for a proposed exclusive use intending to occur at the same time and same park or park facility, and for which such other conflicting use is entitled to preference pursuant to subsection (b) of this section.
- (6) The law enforcement requirements of the exclusive use will require such a large number of persons as to prevent adequate law enforcement to the park, park facility or shelter area involved, or to the rest of the city.
- (7) The exclusive use will reasonably create a substantial risk of injury to persons or damage to property.
- (8) The exclusive use is so poorly organized that participants are likely to engage in aggressive or destructive activity.
- (9) The time period requested for the exclusive use is unreasonably excessive.
- (10) The granting of the permit would be prohibited by any state statute, regulation and/or contract or lease which the city is a party to governing the applicable park.
- (11) The facilities available at the requested site are not adequate to support to proposed event.
- (12) If any animals are intended to be present, then if:
 - a. The purpose of the inclusion of such animals is contrary to public's interest; or
 - The applicant has not submitted a reasonable plan for, or is not reasonably capable of, ensuring the safety and care of the animals; or
 - c. The applicant has not submitted a reasonable plan for, or is not reasonably capable of, ensuring the safety of participants and the general public; or
 - d. The applicant has not submitted a reasonable plan for, or is not reasonably capable of, ensuring that the animals are not unreasonably disruptive or annoying to surrounding property owners or the general public as a result of noise or smells; or
 - e. The applicant has not submitted a reasonable plan for, or is not reasonably capable of, cleaning up after the animals; or
 - f. The applicant has not submitted a reasonable plan for, or is not reasonably capable of, restoring any damage to the park or other public property that may be caused by the animals.
- (f) Indemnification. The applicant for any permit for exclusive use of any city park facility, shelter, land area or an entire park shall agree on the application to release, hold harmless and indemnify the city from and against any and all liability for property damage or injury incurred by the applicant, employee, agent, customer or other third party related to or arising out of the permitted use. Also, the city may require the permittee to file evidence of good and sufficient sureties, insurance in force or other evidence of adequate financial responsibility, running to the city and such other third parties as may be injured or damaged, in an amount depending upon the likelihood of injury or damage as a direct and proximate result of the exclusive use sufficient to indemnify the city and such third parties who may be injured or damaged by such exclusive use caused by the permittee, its agents or participants. A refundable security deposit may be required to be deposited with the city for such purpose. Liability insurance coverage amounts shall be as set forth in the schedule of required insurance on file with the city clerk-treasurer, and all other surety or financial responsibility amounts shall be as reasonably determined by the parks and recreation commission based on the individual circumstances of the application, upon consultation with the city attorney.

- (g) Exemption. An exclusive use permit is not required for the exclusive use of a city park or park facility which use is sponsored by the city.
- (h) Permit revocation. The parks and recreation commission and/or the chief of police, after having granted an exclusive use permit, may revoke such permit if it is deemed that such revocation is justified by an actual or potential emergency due to weather, fire, riot, other catastrophe or likelihood of a breach of the peace, or by a major change in the conditions forming the basis of the issuance of the permit. Further, a breach of any alcohol license or other permit/license granted to the applicant for the same use shall be reason for revocation of an exclusive use permit granted under this section.
- (i) Form of permit. Each exclusive use permit shall be in a form prescribed by the parks and recreation commission, and shall designate the park, park facility or shelter area involved, the date, hours and purpose of the exclusive use and the name of the person, group, firm, organization, partnership or corporation to which the permit is issued.
- (j) Cleanup. Any person reserving city park facilities shall be completely responsible, after the event, for cleaning up the park facilities to the satisfaction of city officials. Inadequate cleaning shall result in the permit holders being billed for the costs of such cleanup and/or forfeiture of any deposit.

(Code 1989, § 12-1-5(a)—(j), 12-1-5(a)(l); Ord. No. 09-11, 11-8-2011; Ord. No. 01-16, 2-9-16; Ord. No. 03-16, 6-14-16)

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Sec. 30-5. Regulation of smoking.

- (a) State statute adopted. The provisions of Wis. Stats. § 101.123, Wis. Stats., relating to the regulation of smoking and clean indoor air, except provisions relating to penalties to be imposed, are adopted by reference and made a part of this section as if fully set forth in this section. Any act required to be performed or prohibited by any statute incorporated in this section by reference is required or prohibited by this section. Any future amendment, revisions or modifications of the statutes incorporated in this section are intended to be made a part of this section.
- (b) Smoking prohibited upon city property. In recognition of a need to protect the health and comfort of the public and city employees from the detrimental effects of smoking, pursuant to the authority granted to the city by Wis. Stats. § 101.123(2)(c), smoking as defined in Wis. Stats. § 101.123(1)(h) is prohibited by any person within or upon all buildings and enclosed equipment owned, leased or rented by the city.
- (c) Violation; penalty. The penalty for violations of the provisions of this section shall be limited to a forfeiture imposed under section 1-16.

(Code 1989, § 8-1-8)

Sec. 26-4. Careless smoking prohibited; posting of notice.

- (a) No person, by reason of careless, willful or wanton conduct in smoking or the use of lighters or matches in smoking, whether intentional or not, shall set fire to any bedding, carpet, curtain, draperies, furniture, household equipment or other goods or chattels, or to any building.
- (b) A plainly printed notice of the provisions of this section shall be posted in a conspicuous place in every sleeping room of each hotel, roominghouse, lodginghouse, tourist home, tourist court or other place renting rooms for the accommodation of the public within the city. Such printed notices shall also be posted in any place of public assembly where smoking is permitted.
- (c) In the interest of public safety, the fire chief shall post or cause to be posted "No Smoking" signs on any premises or in any building, or any section of such premises or building, where the presence of flammable liquids, varnishes, paints, oils, lacquers, fillers, explosive dust, loose combustible materials or other highly combustible materials, in his opinion, makes the act of smoking a fire hazard. Such signs shall be not less than ten inches by 12 inches in size, and shall be posted conspicuously at intervals of not less than 30 feet. Such signs shall contain the words "No Smoking" printed across the top of such sign in large letters, state the authority by which they are posted in smaller letters, and bear the signature of the fire chief or his duly authorized representative.

(Code 1989, § 5-2-11)

CITY OF BERLIN PARK & RECREATION COMMISSION STAFF REPORT

TO: Park & Recreation Commissioners **FROM**: Jessi Balcom, City Administrator

AGENDA ITEM: Update to Ball Field Use Agreement

MEETING DATE: October 1, 2025

BACKGROUND

Staff have been verifying the accuracy and consistency of the City of Berlin fees across forms and posted information, including Parks and Recreation fees. Staff also met to discuss proposed changes to the current Parks and Recreation Fees.

Attached you will find the current 2023 version of the Ball Field Use Agreement. Staff noticed that language around tournaments regarding procedures, rules, regulations, fees, and deposits was lacking clarity. Staff also noted that tournaments include the use of park shelters, but no park shelter procedures, rules, or regulations were given to renters.

Staff made additions to the Ball Field Use Agreement, highlighted in yellow, to include language specific to tournaments to provide clarity regarding procedures, rules, regulations, fees, and deposits. Staff also added the Reservation Procedures, Rules and Regulations, and After Event Cleaning Checklist from the Park Shelter Use Agreement for consistency in renting park shelters.

2023 version



BERLIN PARKS & RECREATION

108 N. Capron Street, P.O. Box 272, Berlin, Wisconsin 54923 (920) 361-5437 E-mail: parkandrec@cityofberlin.net

BALL FIELD USE AGREEMENT

Date of use:		Type	e of Event		
					····
Sponsoring O	rganization:				
Person Applyi	ng:		Telephone	ə:	
Address:			Г	Return De	posit to: If different than name listed
			/	Name Address City	
Email:	• • •		S	State/zip	
 All City of I 	al dates are requested, pla Berlin ordinances must be	e adhered to.		er. T	Colord Outlow
	s must be approved befor d deposits must be paid t	=			Select Option:
 Deposit be left. Make cheched Litter MUS full deposit All lights m Fees will n Cancellation notice give The Park's 	ing refunded is depender iks out to City of Berlin. T be picked up and the set back. iust be turned off. ot be returned in the ever ons and rescheduling of gen to Parks Manager. Department reserves the lds are wet, questionable, wile: No Fee for youth. Pleat \$50.00 Set up \$200.00 Set up Tourn.	nt upon condition in we core booth must be in the of rain/cancellation ames should be done or in poor playing conservation one field for one time ament fee: includes the core of the condition of the condition one time ament fee: includes the core of the condition of the condition of the condition of the condition of the core of the condition of	n good condition to recondition to recondition to recondition to reconditions advanced and the conditions due to weather the use fee the North Diamond Conditions Con	eive day er.	
<u>LEAGUES:</u>	·	d on scheduled game ames 1 l d games 1 l	Diamond at \$800 🧪 (e day) so (Addition (Addition	•
and the Park & Re harmless, and in employee, agent, o insurance or bond t (Please consult with	ecreation Department as we demnify the city from and customer or other third part from applicant if deemed ned hearth & Recreation Director	vritten on the back of against any and all li y related to or arising cessary.	this page. The undersignability for property damage out of the permitted use.	i <mark>gned he</mark> ge or inj	
Signature of App	olicant	Date	Check # Appre	oved by	Date



BERLIN PARKS & RECREATION

108 N. Capron Street, P.O. Box 272, Berlin, Wisconsin 54923 (920) 361-5437 E-mail: parkandrec@cityofberlin.net

BALL FIELD USE AGREEMENT

Date of use:_		Type of Event:		
Sponsoring O	rganization:	***************************************		
Person Applyi	ing:	Telephone	e:	
Address:			Return De	eposit to: If different than name listed
City:	Zip Co	de:	Address	
Email:			City State/zip	
Rules & Re				
	al dates are requested, please attach date	es to separate piece of paper		
	Berlin ordinances must be adhered to. s must be approved before the start of ga	mes		Select Option:
	nd deposits must be paid to reserve dates			□ YOUTH
	eing refunded is dependent upon conditio		er is left.	□ ADULT
The state of the s	cks out to City of Berlin.			□ LEAGUE
 Litter MUS 	ST be picked up and the score booth mus	t be in good condition to rece	ive full	
deposit ba	ack.			If League, Circle:
	nust be turned off.	8		13 Week
	not be returned in the event of rain/cancell		SAPI	
	ons and rescheduling of games should be en to Parks Manager.	e done with 48 hours advance	9	14-17 Week
	s Department reserves the right to cancel	any games by 1:00 pm the	dav of if	18-21 Week
	are wet, questionable, or in poor playing o		,	
	ents must follow Park Shelter Reservation		Regulations	, <mark>7</mark>
Fee Schedu	<u>ule:</u>			
YOUTH:	No Fee for youth. Please notify Parks	Department of dates.		
ADULT:	\$50.00 Set up one field for one time u			
TOURNAME	NTS (YOUTH AND ADULT): \$200.00 To			
LEACHES.	Klein Diamond, cost of Initial Set-up), League fees are based on scheduled			
<u>LEAGUES:</u>	Tournaments are subject to Park Shel	ter Reservation Procedures	and Rules a	and Regulations, and an
	additional \$100.00 refundable deposit	Land Market Market		
	13 weeks scheduled games 14-17 weeks scheduled games	1 Diamond at \$650 1 Diamond at \$800		nal Diamond \$550) nal Diamond \$650)
	18-21 weeks scheduled games	1 Diamond at \$1000		nal Diamond \$800)
The undersianed	hereby agrees to be responsible for comp	liance to all ordinances, rules	and regula	tions of the City of Berlin and

applicant if deemed necessary.
(Please consult with Park & Recreation Director for details)

Signature of Applicant

OFFICE USE ONLY

Rental Fee \$_____+ Deposit \$___ = ____

Check #____Approved by ____Date ____

the Park & Recreation Department as written on the back of this page. The undersigned hereby agrees to release, hold harmless, and indemnify the city from and against any and all liability for property damage or injury incurred by the applicant, employee, agent, customer or other third party related to or arising out of the permitted use. Further the city may require proof of insurance or bond from

RESERVATION PROCEDURES:

Pavilion rental generally is on a **first-paid**, first-reserved basis. Parks are available for rental from May 15 to October 15. Applicants seeking exclusive use of any Park must apply a **minimum of 45 days** prior to any event. Reservations may be made as early as 2 years prior to a proposed exclusive use, but not earlier. See ordinance #01-16 subsection 50-74 for detail. Precedence is given to yearly city events as well as past ball-diamond usage per teams' use of diamonds.

- 1. All rentals require a \$100 refundable deposit (one deposit required per location rented) and payment of reservation fee (due at time of reservation). Payments should be made payable to "City of Berlin". Deposits will be returned after event upon verification of condition of facility. If you do not receive your deposit within 14 days please call 920-361-5422. In the case of damage to facilities, or if facilities are left in an unacceptable condition, the deposit will not be returned. If moved Tables MUST be placed back in original location. All event materials must be cleaned up and cleaning check list completed for deposit to be returned. Please bring your own cleaning items.
- 2. Resident fees refer to individuals who reside or own and operate a business within City Limits of Berlin.
- 3. Shelter house reservation fee <u>may</u> include picnic tables, serving tables, electricity, water, and use of restrooms, dependent upon pavilion rented. See below for location specific information. The parks department staff will clean tables, sweep and/or wash floors, make sure electrical is in working order, clean/ sanitize and stock restrooms, and empty garbage cans for your use. Extra garbage bags are the responsibility of the applicant. Park restrooms are <u>public</u> and will be used by the public and may get some normal use prior to and/or during your reservations.
- 4. If you notice a problem with a shelter, please contact the Parks Department 361-5437 during the day. On evenings and weekends or if no one is available at the Parks Department, please contact Berlin Police Department at 361-2121, and they will page the park duty person to address your request.
- 5. Cancellations for a full return of rental deposits must be made no later than six (6) weeks before the requested reservation date.

LOCATION SPECIFIC INFORMATION

LOCATION	ADDRESS	ITEMS AVAILABLE	ADDITIONAL INFORMATION
Shelter House #1 (North)	455 River Drive	Electricity, 4 serving tables, 50 picnic tables	
Shelter House #2 (South)	217 W. Cumberland Street	Electricity, 4 serving tables, 20 picnic tables	
North Ball Diamond Shelter House	501 River Drive	Electricity, 3 tables total	Rental does NOT include Ball Diamond. Four additional tables available at \$5/per table.
Veteran's Gazebo	River Drive in Riverside Park	Electricity	
Nathan Strong Gazebo	201 E. Huron Street	Electricity	For Weddings Only

Rules and Regulations for ALL locations:

- 1. Only one (1) Nesco or cooking/heating item per outlet.
- 2. No motor vehicles allowed on grass or out of designated parking areas.
- 3. No glass bottles or containers are allowed in the Parks.
- 4. **Pets are not allowed in any park** with the exception of Riverside Park. Dogs are allowed in Riverside Park provided that they are leashed and owners properly clean up after their pet. Pets are not allowed in or near any of the shelter house facilities or on any athletic fields within Riverside Park.
- 5. Alcohol is not allowed in any park with the exception of Riverside Park. Groups may carry in alcohol for private events. Groups selling alcohol as part of their event must apply for and be approved for a Temporary Class B Liquor License if eligible (must be a non-profit group). Application is available through the City Clerk's office. (361-5400).
- Fires are not allowed in any park except in designated areas.
- 7. Do not tape, tack, or nail any material to any part of the shelter houses.
- 8. Parks are closed from 12:00am to 7:00am.
- 9. No firewood may be brought into the Berlin Parks or Campground Areas.
- 10. Events hosting more than 250 people will be required to have two additional portable restrooms, and are responsible for disposing of any additional garbage that they acquire.
- 11. Events hosting more than 500 people will be required to have four(+) additional portable restrooms and are responsible for disposing of any additional garbage that they acquire. Possible options include dumpster



BERLIN PARKS & RECREATION

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PARK SHELTER USE AGREEMENT

After Event Cleaning Checklist

	Cleaning must be concluded by 12am
	All garbage must be cleaned up and moved out
	Leftover food must be removed and properly disposed of
	Clear and clean all tables and picnic tables (tops and benches)
	of spills, trash, cups, etc.
	Pick up area surrounding shelter house of any litter, garbage,
	etc. and dispose of properly
	Clean up any spills or garbage on the floor
П	All decorations must be removed

By signing this paper, I certify I have completed the after event cleaning checklist

CITY OF BERLIN PARK & RECREATION COMMISSION STAFF REPORT

TO:

Park & Recreation Commissioners

FROM:

Jessi Balcom, City Administrator

AGENDA ITEM:

Amended Fee Schedule (Park and Recreation Items)

MEETING DATE:

October 1, 2025

BACKGROUND

Staff have been verifying the accuracy and consistency of the City of Berlin fees across forms and posted information, including Parks and Recreation fees. Staff also met to discuss proposed changes to the current Parks and Recreation Fees.

Attached you will find an excerpt from the City of Berlin Fee Schedule that includes the current Parks and Recreation fee schedule, and proposed changes. Columns 1 through 5 on this excerpt are currently on the fee schedule. Strike throughs show proposed deletions. Column 6 shows explanations of changes and/or reasons for proposed changes.

City of Berlin Code of Ordinances Fee Schedule Last Updated: September 2024

The state of the s	escription Department Amount Reccommended Fee Schedule Changes	Parke & Recreation See Park Shelter Use Agreement	Barks	lease noify Parks & Recrestion no face.	Parks & Recreation	set-up fees for lamond). Parks & Recreation \$200 + \$100 refundable deposit	13 weeks* =1 diamond \$650, addt. Diamond = \$550 14-17 weeks* = 1 diamond \$800, addt. Diamond = \$650 ament, Parks & Recreation * \$1100 refundabla denosit	- Thursday Parks & Recreation	\$100/day - Resident* \$150/day - Non-Resident* up to 249 guests Parks & Recreation ** \$100 refundable deposit	\$150/day - Resident* \$200/day - Non-Resident* 250+ Guests Parks & Recreation *+ \$100 refundable deposit	\$75/day - Resident" \$100/day - Non-Resident" ** \$100 refundable deposit	(Weddings only) - Weekend up to 249	\$75/day - Resident* \$100/day - Non-Besident*
THE PROPERTY OF THE PROPERTY O	Description	Regulations/Fees, Charges and Deposits; use of city park facility. Parks & Regulations shelter or land area	Ball Diamond Rental (per day) \$50 refundable deposit also required; Additional set up fees \$40#feld/day	e. Please noify Parks	i (per day) ADULT: \$50/field/day set-up fees	es for	ed on scheduled unament,	hursday			Park Rental Fees Nathan Strong Park Gazebo (Weddings only) - Mon - Thurs Parks & Re	Strong Park Gazebo (Weddings only) - Weekend up to 249	
	Category	Park Regulations		Ball Diamond Rental (Ball Field Use RAgreement)		Ball Diamond Rental (Ball Field Use 7) Agreement)	Ball Diamond Rental (Ball Field Use 9 Agreement)	Park Rental Fees F	Park Rental Fees R	ark Rental Fees F	ark Rental Fees N	Nathan Park Rental Fees guests	: -
	Section	50.7 2	50.72	50-72	50-72	6 50-72 A	50-72	50-74 F	50-74 P	50-74 P	50-74 P	50-74 P	0 77

5074	Riversic Park Rental Fees guests	Riverside Park North Diamond Shelter - Weekend up to 249 guests	Parks & Recreation	\$100/day - Resident* \$150/day - Non-Resident* *+ \$100 refundable deposit	Format for clarity/ease of reading, add +\$100 deposit to match form. Change department from Parks to Parks and Recreation.
50-74	Park Rental Fees	Park Rental Fees Veteran's Gazebo Monday- Thursday	Parks & Recreation	\$75/day - Resident* \$100/day - Non-Resident* *+ \$100 refundable deposit	Format for clarity/ease of reading, add +\$100 deposit to match form. Charge department from Parks to Parks and Recreation.
50-74	Park Rental Fees	Park Rental Fees Veteran's Gazebo Weekend and Holidays up to 249 guests	Parks & Recreation	\$100/day - Resident* \$150/day - Non-Resident* *+ \$100 refundable deposit	Format for clarity/ease of reading, add +\$100 deposit to match form. Change department from Parks to Parks and Recreation
50-74	Park Regulations	Park Regulations Reservation of Park Space/required insurance	Parks & Recreation	See Park Shelter Use Agreement	
	Campground Fees	Campground Fees Daily and Weekly Rates	Parks & Recreation	\$30/niaht \$180/week	Channe Parks to Parks and Recreation
	Campground Fees	Wood	Parks & Recreation	\$4 per 8 pieces \$5 per 8 pieces	Add per Campground fees, increase wood from \$4 to \$5 per 8 pieces
	Campground Fees	Showers	Parks & Recreation		Add per Camparound fees
	Campground Fees	Dump Station	Parks & Recreation	%6 per use, \$10 per use, Free to overnight campers	Add per Campground fees, increase from \$8/use to \$10/use