



**Village of Weston, Wisconsin**  
**PARK AND RECREATION COMMITTEE MEETING**

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Regular meeting of the Village of Weston Park and Recreation Committee, composed of five (5) members, will convene at the **Yellowbanks Park**, Shelter #2 (west side), 3903 Northwestern Avenue, Weston on **Monday, June 27, 2016, at 5:15 p.m.**, to consider the following matters:

- A. Opening of Session.
  - 1. Park and Recreation Committee called to order by Park Chair Ostrowski
  - 2. Roll call (if a quorum is not present the meeting shall thereupon adjourn, which may be to a specified date).
  - 3. Request for silencing of cellphones and other electronic devices.
  - 4. Comments from the public on matters pertaining to committee business.
- B. Presentations.
- C. Consent Items.
  - 5. Approval of previous meeting minutes from: May 23, 2016.
- D. Business Items for consideration, discussion, and action.
  - 6. Discussion ADA Requirements.
  - 7. Discussion Yellowbanks Master Plan.
  - 8. Discussion Pool Closing Protocol.
  - 9. Discussion and Recommendation to Board of Trustees on Teen Night Age Limits.
  - 10. Discussion former Crane Meadows driving range property.
- E. Reports.
  - 11. Aquatic Center Manager – Brad Mroczenski
  - 12. Parks Director – Shawn Osterbrink
- F. Report from Administrator on matters related to Parks and Recreation.
- G. Remarks from Committee; discuss items to be included for the next Park Committee agenda.
- H. Set next meeting date for **Monday, August 22, 2016**.
- I. Announcements.
- J. Adjourn.

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**This notice was posted at the Municipal Center, and on the Village's website at [www.westonwi.gov](http://www.westonwi.gov), and was emailed to local media outlets (Print, TV, and Radio) on 6/23/2016 @ 4:00 p.m.** A quorum of members from other Village governmental bodies (boards, commissions, and committees) may attend the above noticed meeting in order to gather information. Should a quorum be other government bodies be present, this would constitute a meeting pursuant to State ex rel. Badke v. Greendale Village Bd., 173 Wis.2d 553,494 N.W.2d 408 (1993). Wisconsin State Statutes require all agendas for Committee, Commission, or Board meetings be posted in final form, 24 hours prior to the meeting. Any posted agenda is subject to change up until 24 hours prior to the date and time of the meeting. Any person who has a qualifying disability, as defined by the Americans with Disabilities Act, requiring that meeting or material to be in an accessible location or format, must contact the Weston Municipal Center at 715-359-6114 so any necessary arrangements can be made to accommodate each request.

**Village of Weston, Wisconsin  
PARK & RECREATION COMMITTEE MEETING**

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**June 27, 2016**

**APPROVAL OF PREVIOUS MEETING MINUTES  
FROM MAY 23, 2016  
AGENDA ITEM – C.5.**



**Village of Weston, Wisconsin**  
**MEETING MINUTES OF THE PARK & RECREATION COMMITTEE MEETING**  
**Monday, April 25, 2016, at 5:15 p.m.**

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**A. Opening of Session.**

1. Meeting called to order by Trustee Ostrowski at 5:15 p.m.
2. Recording Secretary Meliska took attendance and roll call.  
Roll call indicated 3 Park & Recreation members present.

Trustee	Present
Ostrowski, Kevin	YES
Clark, Katrina	YES
Esker, Rodger	YES
Lewitzke, Lindsey	NO
Porlier, Mark	YES

Village Staff in attendance: Osterbrink, Mroczenski and Trustee White, along with 19 members in the audience.

3. **Request for silencing of cellphones and other electronic devices.**  
Ostrowski requested the silencing of cellphones.
4. **Correspondence and comments from the public.**

**B. Presentations**

5. Donald Mezei (5704 Hidden River Circle) - Mezei came to give information on the property the Village will be pursuing, has a small pond. He has been watching over the pond. He gave information on how to maintain the pond etc.
6. Pack 435 – Gaga Ball Pit Request – Boy Scouts from Pack 435 came to present their idea about putting a Gaga Ball Pit in one or a few of the Village Parks. Each pack member talked about different topics related to the Gaga Pit, such as the timeline, materials, cost, maintenance, tools, pictures, etc.

**C. Consent Business Items**

7. **Approval of previous meeting minutes from: April 25, 2016.**  
*Motion by Esker, second by Clark.*

Yes Vote: 4    No Vote: 0    Abstain: 0    Not Voting: 1    Result: PASS

Ostrowski, Kevin	YES
Clark, Katrina	YES
Esker, Rodger	YES
Lewitzke, Lindsey	NO
Porlier, Mark	YES

**D. Business Items for consideration, discussion, and action.**

8. **Discussion and Recommendation to Board of Trustees on Gaga Ball Pit Request.**

Osterbrink described the Gaga Ball Pit in more details. He provided some attachments that included information about the game, along with the cost of materials. If this is something the Village would like to pursue for the year of 2017, the approximate cost that would need to be budgeted would be \$1,000.00.

*Motion by Esker, second by Clark to recommend to the Board of Trustees that the village installs a Gaga Ball pit.*

Yes Vote: 4    No Vote: 0    Abstain: 0    Not Voting: 1    Result: PASS

Ostrowski, Kevin	YES
Clark, Katrina	YES
Esker, Rodger	YES
Lewitzke, Lindsey	NO
Porlier, Mark	YES

**9. Discussion and Recommendation to Board of Trustees on RC Track Proposal.**

Osterbrink discussed the different “issues” there would be with the RC Track. There were thoughts on having the track at Yellowbanks or Machmueller, but Osterbrink mentioned those 2 parks may not be the best choice. The Prohaska property was brought up for a potential location.

*Motion by Porlier, second by Esker to table agenda item number D9.*

Yes Vote: 4    No Vote: 0    Abstain: 0    Not Voting: 1    Result: PASS

Ostrowski, Kevin	YES
Clark, Katrina	YES
Esker, Rodger	YES
Lewitzke, Lindsey	NO
Porlier, Mark	YES

**10. Discussion and Recommendation to Board of Trustees on Kennedy Park Bench request.**

Osterbrink discussed the request which was brought to him by a Trustee who had a resident approach them. The resident who made the request may be interested in donating one of the benches – a memorial bench.

*Motion by Esker, second by Porlier to recommend to the Board of Trustees the installation of two permanent park benches at Kennedy Park.*

Yes Vote: 4    No Vote: 0    Abstain: 0    Not Voting: 1    Result: PASS

Ostrowski, Kevin	YES
Clark, Katrina	YES
Esker, Rodger	YES
Lewitzke, Lindsey	NO
Porlier, Mark	YES

**E. Reports**

**11. Aquatic Center Manager – Brad Mroczenski**

Stared filling the pool. Staffing is adequate – enough staff to fill the schedule. Starting on Thursday, June 1<sup>st</sup> with staff – Pre-Season meetings.

**12. Parks Director – Shawn Osterbrink**

Working on Aquatic Center stuff. There are a few different contractors onsite doing some maintenance – door, door trim, etc at the Aquatic Center. Little behind on mowing – summer staff started today – 2 of them. Flower will be in Wednesday for Schofield Avenue/ Parks.

**F. Report from Administrator on matters related to Parks & Recreation.**

A lot of cars at Yellowbanks for the Disc Golf Tournament. There has been a lot of people at the Canoe Kayak Launch.

**G. Remarks from Committee; discuss items to be included for the next Park Committee agenda.**

**H. Set next meeting date for Monday, June 27, 2016**

**I. Announcements**

**J. Adjourn.**

Meeting was adjourned 6:18 p.m.

Heather Meliska, Recording Secretary

**Village of  
Weston, Wisconsin  
PARK & RECREATION COMMITTEE MEETING**

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**June 27, 2016**

**AGENDA ITEM – D.6.**



**Village of Weston, Wisconsin  
AGENDA ITEM COVERSHEET  
Requested for Official Consideration and Review**

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REQUEST FROM: **SHAWN OSTERBRINK, DIRECTOR OF PARKS, RECREATION & FORESTRY**

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ITEM DESCRIPTION: **ADA REQUIREMENTS**

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DATE/MTG: **PARK AND RECREATION COMMITTEE; MONDAY, JUNE 27, 2016**

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POLICY QUESTION:

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RECOMMENDATION TO:

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LEGISLATIVE ACTION:

- |   |                                    |                                       |
|---|------------------------------------|---------------------------------------|
| <input type="checkbox"/> Acknowledge/Approve  | <input type="checkbox"/> Ordinance | <input type="checkbox"/> Proclamation |
| <input type="checkbox"/> Administrative Order | <input type="checkbox"/> Policy    | <input type="checkbox"/> Reports      |
| <input type="checkbox"/> <b>Expenditure</b>   | <input type="checkbox"/> Procedure | <input type="checkbox"/> Resolution   |
- 
- 

FISCAL IMPACT ANALYSIS:

- Budget Line Item: \_\_\_\_\_
  - Budget Line Item: \_\_\_\_\_
  - Budgeted Expenditure: \_\_\_\_\_
  - Budgeted Revenue: \_\_\_\_\_
- 
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STATUTORY / RULEMAKING / POLICY REFERENCES:

- WI Statue: \_\_\_\_\_
  - WI Administrative Code: \_\_\_\_\_
  - Case Law / Legal: \_\_\_\_\_
  - Municipal Code: \_\_\_\_\_
  - Municipal Rules: \_\_\_\_\_
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PRIOR REVIEW: **No prior review.**

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BACKGROUND:

The village has received a request to discuss ADA requirements and accessibility in our Village Parks. This particular group utilized Yellowbanks Park which the Village received from the county back in 1993. Currently the parking lot to the west does not have access and the restrooms are not considered accessible either. The committee needs to discuss accessibility at all of our parks. I have attached some information that Keith provided that came out of the last MPO meeting.

- Supplemental Briefer for Agenda Items under Consideration?
- Attachments: ADA information from MPO meeting.

# **ADA Compliance For Local Governments in Wisconsin**

On June 9, 2016 the United States Department of Justice (US DOJ) entered into a settlement agreement with the City of Milwaukee. The 36 page agreement committed the City to at least \$3.6 million in future costs to include training for City employees who engage with the public; hiring of an ADA Coordinator; notification to the public of their rights under the ADA; sidewalk compliance; establishment of a grievance procedure; improvements in law enforcement, emergency management, and communication systems; plus inventory of and improvements to physical facilities and polling locations. The agreement provides a good summary of current US DOJ ADA expectations, standards, and focus areas.

The Americans with Disabilities Act (ADA) itself is a Federal civil rights law that prohibits discrimination against people with disabilities. Under this law, people with disabilities are entitled to equal rights, privileges, advantages, and opportunities when participating in civic activities.

Title II of the ADA applies to all State and local governments, including towns and townships, school districts, water districts, special purpose districts, and other small local governments and instrumentalities. It prohibits discrimination on the basis of disability in all services, programs, and activities provided by the local government. Thus, people with disabilities must have an equal opportunity to participate in and benefit from the local government's services, programs, and activities.

The ADA requires State and local governments with 50 or more employees to take the following measures. Local governments with less than fifty employees are still subject to the overall ADA requirements, but are not specifically required to take these actions. However doing so will make it easier for the local government to comply with other ADA requirements.

## **a. Designate an individual to coordinate ADA compliance**

Responsibilities for the ADA coordinator may include conducting the self-evaluation and developing the transition plan (see below), handling requests for auxiliary aids and services, providing information about accessible programs and services, and serving as a local resource. The ADA coordinator may also have responsibility for working with other staff to ensure that new facilities or alterations meet ADA requirements. In some communities, this individual also receives and resolves ADA complaints.

## **b. Develop a transition plan**

A local government with 50 or more employees must develop a transition plan. The plan should include timelines for completing deficiencies identified through a self-evaluation of the local government's facilities and programs. Interested parties, including people with disabilities and organizations representing people with disabilities, must at a minimum have an opportunity to participate in the development of the plan by submitting comments. A copy of the plan and a copy of the self-evaluation must be available for public inspection for three years after completion. A local government with less than 50 employees is still required to conduct the self-evaluation, but is not specifically required to develop a written transition plan. However they must still work to correct all deficiencies.

## **c. Develop a grievance procedure**

Locals with fifty or more employees must have an ADA grievance procedure. A grievance procedure provides people who feel they have been discriminated against because of their disability, or others who feel they have been discriminated against because they have a friend or family member with a disability,

with a formal process to make their complaint known to the local. This procedure encourages prompt and equitable resolution of the problem at the local level without having to force individuals to file a Federal complaint or a lawsuit.

The US DOJ maintains an excellent technical assistance center. This includes a wide variety of information and guidance on a great many items of interest to local governments. Below are some links.

**Good Starting Point for US DOJ technical guidance**

<https://www.ada.gov/ta-pubs-pg2.htm>

**Link to the Settlement Agreement between the United States of America and the City of Milwaukee**

[https://www.ada.gov/milwaukee\\_pca/milwaukee\\_sa.html](https://www.ada.gov/milwaukee_pca/milwaukee_sa.html)

**Link to the US DOJ Announcement of the Settlement Agreement**

<https://www.justice.gov/opa/pr/justice-department-reaches-agreement-milwaukee-ensure-civic-access-people-disabilities>

**Link to article on the US DOJ settlement with the City of Milwaukee**

<http://www.jsonline.com/news/milwaukee/city-reaches-34-million-ada-settlement-with-feds-b99741858z1-382426111.html>

**ADA Update: A Primer for State and Local Governments | PDF** An illustrated guide to help State and local government officials understand the requirements of the 2010 ADA regulations. (2015)

**Title II Technical Assistance Manual | Supplement**

A 56-page manual that explains in lay terms what State and local governments must do to ensure that their services, programs, and activities are provided to the public in a nondiscriminatory manner. (1993)

**The ADA and City Governments: Common Problems | PDF**

A 9-page document that contains a sampling of common problems shared by city governments of all sizes, provides examples of common deficiencies and explains how these problems affect persons with disabilities. (2000)

**ADA Guide for Small Towns | PDF**

A 21-page guide that presents an informal overview of some basic ADA requirements and provides cost-effective tips on how small towns can comply with the ADA. (2000)



U.S. Department of Justice  
Civil Rights Division  
Disability Rights Section



U.S. Department of Transportation  
Federal Highway Administration

# Department of Justice/Department of Transportation Joint Technical Assistance<sup>1</sup> on the Title II of the Americans with Disabilities Act Requirements to Provide Curb Ramps when Streets, Roads, or Highways are Altered through Resurfacing

Title II of the Americans with Disabilities Act (ADA) requires that state and local governments ensure that persons with disabilities have access to the pedestrian routes in the public right of way. An important part of this requirement is the obligation whenever streets, roadways, or highways are *altered* to provide curb ramps where street level pedestrian walkways cross curbs.<sup>2</sup> This requirement is intended to ensure the accessibility and usability of the pedestrian walkway for persons with disabilities.

An alteration is a change that affects or could affect the usability of all or part of a building or facility.<sup>3</sup> Alterations of streets, roads, or highways include activities such as reconstruction, rehabilitation, *resurfacing*, widening, and projects of similar scale and effect.<sup>4</sup> Maintenance activities on streets, roads, or highways, such as filling potholes, are not alterations.

Without curb ramps, sidewalk travel in urban areas can be dangerous, difficult, or even impossible for people who use wheelchairs, scooters, and other mobility devices. Curb ramps allow people with mobility disabilities to gain access to the sidewalks and to pass through center islands in streets. Otherwise, these individuals are forced to travel in streets and roadways and are put in danger or are prevented from reaching their destination; some people with disabilities may simply choose not to take this risk and will not venture out of their homes or communities.

Because resurfacing of streets constitutes an alteration under the ADA, it triggers the obligation to provide curb ramps where pedestrian walkways intersect the resurfaced streets. See *Kinney v. Yerusalim*, 9 F 3d 1067 (3rd Cir. 1993). This obligation has been discussed in a variety of technical assistance materials published by the Department of Justice beginning in 1994.<sup>5</sup> Over the past few years, state and local governments have sought further guidance on the scope of the alterations requirement with respect to the provision of curb ramps when streets, roads or highways are being resurfaced. These questions have arisen largely due to the development of a variety of road surface treatments other than traditional road resurfacing, which generally involved the addition of a new layer of asphalt. Public entities have asked the Department of Transportation and the Department of Justice to clarify whether particular road surface treatments fall within the ADA definition of alterations, or whether they should be considered maintenance that would not trigger the obligation to provide curb ramps. This Joint Technical Assistance addresses some of those questions.

## Where must curb ramps be provided?

Generally, curb ramps are needed wherever a sidewalk or other pedestrian walkway crosses a curb. Curb ramps must be located to ensure a person with a mobility disability can travel from a sidewalk on one side of the street, over or through any curbs or traffic islands, to the sidewalk on the other side of the street. However, the ADA does not require installation of ramps or curb ramps in the absence of a pedestrian walkway with a prepared surface for pedestrian use. Nor are curb ramps required in the absence of a curb, elevation, or other barrier between the street and the walkway.

## **When is resurfacing considered to be an alteration?**

Resurfacing is an alteration that triggers the requirement to add curb ramps if it involves work on a street or roadway spanning from one intersection to another, and includes overlays of additional material to the road surface, with or without milling. Examples include, but are not limited to the following treatments or their equivalents: addition of a new layer of asphalt, reconstruction, concrete pavement rehabilitation and reconstruction, open-graded surface course, micro-surfacing and thin lift overlays, cape seals, and in-place asphalt recycling.

## **What kinds of treatments constitute maintenance rather than an alteration?**

Treatments that serve solely to seal and protect the road surface, improve friction, and control splash and spray are considered to be maintenance because they do not significantly affect the public's access to or usability of the road. Some examples of the types of treatments that would normally be considered maintenance are: painting or striping lanes, crack filling and sealing, surface sealing, chip seals, slurry seals, fog seals, scrub sealing, joint crack seals, joint repairs, dowel bar retrofit, spot high-friction treatments, diamond grinding, and pavement patching. In some cases, the combination of several maintenance treatments occurring at or near the same time may qualify as an alteration and would trigger the obligation to provide curb ramps.

## **What if a locality is not resurfacing an entire block, but is resurfacing a crosswalk by itself?**

Crosswalks constitute distinct elements of the right-of-way intended to facilitate pedestrian traffic. Regardless of whether there is curb-to-curb resurfacing of the street or roadway in general, resurfacing of a crosswalk also requires the provision of curb ramps at that crosswalk.

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<sup>1</sup> The Department of Justice is the federal agency with responsibility for issuing regulations implementing the requirements of title II of the ADA and for coordinating federal agency compliance activities with respect to those requirements. Title II applies to the programs and activities of state and local governmental entities. The Department of Justice and the Department of Transportation share responsibility for enforcing the requirements of title II of the ADA with respect to the public right of way, including streets, roads, and highways.

<sup>2</sup> See 28 CFR 35.151(i)(1) (Newly constructed or altered streets, roads, and highways must contain curb ramps or other sloped areas at any intersection having curbs or other barriers to entry from a street level pedestrian walkway) and 35.151(i)(2) (Newly constructed or altered street level pedestrian walkways must contain curb ramps or other sloped areas at intersections to streets, roads, or highways).

<sup>3</sup> 28 CFR 35.151(b)(1).

<sup>4</sup> 2010 ADA Accessibility Standards, section 106.5.

<sup>5</sup> See 1994 Title II Technical Assistance Manual Supplement, Title II TA Guidance: The ADA and City Governments: Common Problems; and ADA Best Practices Tool Kit for State and Local Governments: Chapter 6, Curb Ramps and Pedestrian Crossings under Title II of the ADA, available at [ada.gov](http://ada.gov).

## **Glossary of Terms for DOJ/FHWA Joint Technical Assistance on the ADA Title II Requirements to Provide Curb Ramps When Streets Roads or Highways are Altered Through Resurfacing**

This glossary is intended to help readers understand certain road treatments referenced on page 2 of the DOJ/FHWA Joint Technical Assistance on the ADA Title II Requirements to Provide Curb Ramps When Streets Roads or Highways are Altered Through Resurfacing. The definitions explain the meaning of these terms from an engineering perspective and are provided in the order in which they appear in the Technical Assistance document.

### **Treatments that are considered alterations of the road surface**

**Reconstruction** – Reconstruction refers to removing all or a significant portion of the pavement material and replacing it with new or recycled materials. This may include full-depth reclamation, where the pavement surface is demolished in place and new pavement surface is applied. In addition, reconstruction may also include grinding up a portion of the pavement surface, recycling it and placing it back, and then adding a wearing surface, such as in cold in-place asphalt recycling. Reconstruction often includes widening or geometrical changes to the roadway profile.

**Rehabilitation** - Rehabilitation refers to significant repairs made to a road or highway surface, including activities such as full slab replacement, filling voids under slabs (slabjacking), widening, and adding additional structural capacity.

**Open-graded surface course** – Open-graded surface course, also known as “open-graded friction course,” involves a pavement surface course that consists of a high-void, asphalt concrete mix that permits rapid drainage of rainwater through the course and off the shoulder of the road. The mixture consists of either Polymer-modified or rubber-modified asphalt binder, a large percentage of one-sized coarse aggregate, and a small amount of fibers. This treatment prevents tires from hydroplaning and provides a skid-resistant pavement surface with significant noise reduction.

**Microsurfacing** – Microsurfacing involves spreading a properly proportioned mixture of polymer modified asphalt emulsion, mineral aggregate, mineral filler, water, and other additives, on a paved surface. Microsurfacing differs from slurry seal in that it can be used on high volume roadways to correct wheel path rutting and provide a skid resistant pavement surface.

**Thin lift overlays** – Thin lift overlays are thin applications of mixtures of hot mix asphalt. Thin lift overlays may also require some milling along curbs, manholes, existing curb cuts, or other road structures to assure proper drainage and cross slopes.

**Cape seal** – A cape seal is a thin surface treatment constructed by applying a slurry seal or microsurfacing to a newly constructed chip seal. It is designed to be an integrated system where the primary purpose of the slurry is to fill voids in the chip seal.

**In-place asphalt recycling** - In-place asphalt recycling is a process of heating and removing around 1-2 inches of existing asphalt and remixing the asphalt with the addition of a binder additive and possible aggregate to restore the wearing surface for placement and compaction. All of this is performed in a train of equipment.

### **Treatments that are considered maintenance of the road surface**

**Crack filling and sealing** – Crack filling and sealing involves placing elastomeric material directly into cracks in pavement.

**Surface sealing** - Surface sealing involves applying liquid sealant to pavement surface in order to stop water penetration and/or reduce oxidation of asphalt products. Sand is sometimes spread over liquid to absorb excess material.

**Chip seals** – Chip Seals involve placing graded stone (chips) on liquid emulsified asphalt sprayed on pavement surface. The surface is rolled to enable seating of chips.

**Slurry seal** – Slurry seals involve spraying a mixture of slow setting emulsified asphalt, well graded fine aggregate, mineral filler, and water on the pavement surface. It is used to fill cracks and seal areas of old pavements, to restore a uniform surface texture, to seal the surface to prevent moisture and air intrusion into the pavement, and to improve skid resistance.

**Fog seals** – Fog seals are a type of surface sealing.

**Scrub sealing** – Scrub sealing is type of surface sealing

**Joint crack seals** – Joint crack seals are usually associated with concrete pavement. This work consists of routing and cleaning existing cracks and joints and resealing to prevent water and non-compressibles from entering into the pavement joints and subgrade materials.

**Joint repairs** – Joint repairs are usually associated with concrete pavement. This work consists of selectively repairing portions of the pavement where the slabs are generally in good condition, but corners or joints are broken. The depth of the patch could be full depth or partial depth.

**Dowel retrofit** – Dowel retrofits are usually associated with concrete pavement. This work involves the installation of dowel bars connecting slabs in existing pavements. Pavement with dowel bar retrofits can have life extensions of as much as 20 years. Its application is almost exclusively on high-speed Interstate highways.

**Spot high-friction treatments** – Spot high-friction treatments involve using epoxy based resin liquids as a binder for an aggregate with high-friction properties. These are used in locations where drivers are frequently braking and the pavement surface has less resistance to slipping.

**Diamond grinding** – Diamond grinding involves using a gang saw to cut grooves in the pavement surface to restore smoothness and eliminate any joint faulting.

**Pavement patching** – Pavement patching involves selectively repairing portions of the pavement where the slabs are generally in good condition, but corners or joints are broken. The depth of the patch could be full depth or partial depth.



U.S. Department of Justice  
Civil Rights Division  
*Disability Rights Section*



U.S. Department of  
Transportation  
**Federal Highway  
Administration**

## QUESTIONS & ANSWERS

### **Supplement to the 2013 DOJ/DOT Joint Technical Assistance on the Title II of the Americans with Disabilities Act Requirements To Provide Curb Ramps when Streets, Roads, or Highways are Altered through Resurfacing**

The *Department of Justice (DOJ)/Department of Transportation (DOT) [Joint Technical Assistance on the Title II of the Americans with Disabilities Act \[ADA\] Requirements to Provide Curb Ramps when Streets, Roads, or Highways are Altered through Resurfacing](#)* (Joint Technical Assistance) was published on July 8, 2013. This document responds to frequently asked questions that the Federal Highway Administration (FHWA) has received since the technical assistance document was published. In order to fully address some questions, the applicable requirements of Section 504 of the Rehabilitation Act of 1973 that apply to public entities receiving Federal funding from DOT, either directly or indirectly, are also discussed. This document is not a standalone document and should be read in conjunction with the [2013 Joint Technical Assistance](#).

**Q1: *When a pavement treatment is considered an alteration under the ADA and there is a curb ramp at the juncture of the altered road and an existing sidewalk (or other prepared surface for pedestrian use), but the curb ramp does not meet the current ADA Standards, does the curb ramp have to be updated to meet the current ADA Standards at the time of the pavement treatment?***

A1: It depends on whether the existing curb ramp meets the appropriate accessibility standard that was in place at the time it was newly constructed or last altered.

When the Department of Justice adopted its revised title II ADA Regulations including the updated ADA Standards for Accessible Design (2010 Standards,<sup>1</sup> as defined in 28 CFR 35.151), it specified that “(e)lements that have not been altered in existing facilities on or after March 15, 2012, and that comply with the corresponding technical and scoping specifications for those elements in either the 1991 Standards or in the Uniform

Federal Accessibility Standards (UFAS) ... are not required to be modified in order to comply with the requirements set forth in the 2010 Standards.” 28 C.F.R.

35.150(b)(2)(i). As a result of this “safe harbor” provision, if a curb ramp was built or altered prior to March 15, 2012, and complies with the requirements for curb ramps in either the 1991 ADA Standards for Accessible Design (1991 Standards, known prior to 2010 as the 1991 ADA Accessibility Guidelines, or the 1991 ADAAG) or UFAS, it does **not** have to be modified to comply with the requirements in the 2010 Standards. However, if that existing curb ramp did not comply with either the 1991 Standards or UFAS as of March 15, 2012, then the safe harbor does not apply and the curb ramp must be brought into compliance with the requirements of the 2010 Standards concurrent with the road alteration. See 28 CFR 35.151(c) and (i).

Note that the requirement in the 1991 Standards to include detectable warnings on curb ramps was suspended for a period between May 12, 1994, and July 26, 1998, and again between December 23, 1998, and July 26, 2001. If a curb ramp was newly constructed or was last altered when the detectable warnings requirement was suspended, and it otherwise meets the 1991 Standards, Title II of the ADA does not require that the curb ramp be modified to add detectable warnings in conjunction with a road resurfacing alteration project. See Question #14 however, for a discussion of the DOT Section 504 requirements, including detectable warnings.

***Q2: The Joint Technical Assistance states that “[r]esurfacing is an alteration that triggers the requirement to add curb ramps if it involves work on a street or roadway spanning from one intersection to another, and includes overlays of additional material to the road surface, with or without milling.” What constitutes “overlays of additional material to the road surface” with respect to milling, specifically, when a roadway surface is milled and then overlaid at the same height (i.e., no material is added that exceeds the height of what was present before the milling)?***

A2: A project that involves milling an existing road, and then overlaying the road with material, regardless of whether it exceeds the height of the road before milling, falls within the definition of “alteration” because it is a change to the road surface that affects or could affect the usability of the pedestrian route (crosswalk). See *Kinney v. Yerusalim*, 9 F.3d 1067 (3rd Cir. 1993). Alterations require the installation of curb ramps if none previously existed, or upgrading of non-compliant curb ramps to meet the

applicable standards, where there is an existing pedestrian walkway. See also Question 8.

**Q3: *If a roadway resurfacing alteration project does not span the full width of the road, do I have to put in curb ramps?***

A3: It depends on whether the resurfacing work affects a pedestrian crosswalk. If the resurfacing affects the crosswalk, even if it is not the full roadway width, then curb ramps must be provided at both ends of the crosswalk. See 28 CFR 35.151(i).

Public entities should not structure the scope of work to avoid ADA obligations to provide curb ramps when resurfacing a roadway. For example, resurfacing only between crosswalks may be regarded as an attempt to circumvent a public entity's obligation under the ADA, and potentially could result in legal challenges.

If curb ramp improvements are needed in the vicinity of an alteration project, it is often cost effective to address such needs as part of the alteration project, thereby advancing the public entity's progress in meeting its obligation to provide program access to its facilities. See Question 16 for further discussion.

**Q4: *When a road alteration project triggers the requirement to install curb ramps, what steps should public (State or local) entities take if they do not own the sidewalk right-of-way needed to install the required curb ramps?***

A4: The public entity performing the alteration is ultimately responsible for following and implementing the ADA requirements specified in the regulations implementing title II. At the time an alteration project is scoped, the public entity should identify what ADA requirements apply and whether the public entity owns sufficient right-of-way to make the necessary ADA modifications. If the public entity does not control sufficient right-of-way, it should seek to acquire the necessary right-of-way. If a complaint is filed, the public entity will likely need to show that it made reasonable efforts to obtain access to the necessary right-of-way.

**Q5: *The Joint Technical Assistance is silent on when it becomes effective. Is there an effective date for when States and local public entities must comply with the requirements discussed in the technical assistance?***

A5: The Joint Technical Assistance, as well as this Supplement to it, does not create any new obligations. The obligation to provide curb ramps when roads are altered has been an ongoing obligation under the regulations implementing title II of the ADA (28 CFR 35.151) since the regulation was initially adopted in 1991. This technical assistance was provided to respond to questions that arose largely due to the development of a variety of road surface treatments, other than traditional road resurfacing, which generally involved the addition of a new layer of asphalt. Although the Joint Technical Assistance was issued on July 8, 2013, public entities have had an ongoing obligation to comply with the alterations requirements of title II and should plan to bring curb ramps that are or were part of an alteration into compliance as soon as possible.

**Q6: *Is the curb ramp installation work required to be a part of the Plans, Specifications and Estimate package for an alteration project or can the curb ramp work be accomplished under a separate contract?***

A6: The curb ramp installation work can be contracted separately, but the work must be coordinated such that the curb ramp work is completed prior to, or at the same time as, the completion of the rest of the alteration work. See 28 CFR 35.151(i).

**Q7: *Is a curb ramp required for a sidewalk that is not made of concrete or asphalt?***

A7: The Joint Technical Assistance states that “the ADA does not require installation of ramps or curb ramps in the absence of a pedestrian walkway with a prepared surface for pedestrian use.” A “prepared surface for pedestrian use” can be constructed out of numerous materials, including concrete, asphalt, compacted soil, decomposed granite, and other materials. Regardless of the materials used to construct the pedestrian walkway, if the intent of the design was to provide access to pedestrians, then curb ramps must be incorporated where an altered roadway intersects the pedestrian walkway. See 28 CFR 35.151(i).

**Q8: *If an existing curb ramp is replaced as part of a resurfacing alteration, is there an obligation to address existing obstacles on the adjacent sidewalk at the same time?***

A8: No. The Joint Technical Assistance addresses those requirements that are triggered when a public entity alters a roadway where the roadway intersects a street level pedestrian walkway (28 CFR 35.151(i)). Public entities are required to address other barriers on existing sidewalks, such as steep cross slopes or obstructions, as part of their on-going program access and transition plan obligations under title II of the ADA and Section 504 and in response to requests for reasonable modifications under the ADA or reasonable accommodations under Section 504. See 28 CFR 35.105, 35.130(b)(7), and 35.150(d); see also 49 CFR 27.7(e), 27.11(c)(2).

**Q9: *Several pavement preservation treatment types are not listed in the technical assistance. If the treatment type is not specifically on the list of maintenance treatments, is it an alteration?***

A9: New treatments are always being developed and the best practice is for the City or other local public entity conducting the work, the State transportation agency, and FHWA to work together to come to an agreement on a reasonable determination of whether the unlisted treatment type is an alteration or maintenance and document their decisions. If the new treatment can be deemed to be the equivalent of any of the items listed as alterations, it is a reasonable interpretation that they are in fact alterations and should be treated as such.

**Q10: *When does a combination of two or more 'maintenance' treatments rise to the level of being an alteration?***

A10: The list of the pavement types that are considered maintenance, as stated in the 2013 Joint Technical Assistance document, are Chip Seals, Crack Filling and Sealing, Diamond Grinding, Dowel Bar Retrofit, Fog Seals, Joint Crack Seals, Joint Repairs, Pavement Patching, Scrub Sealing, Slurry Seals, Spot High-Friction Treatments, and Surface Sealing. The combination of two or more maintenance treatments may rise to the level of being an alteration.

The best practice is for the City or other local public entity conducting the work, the State transportation agency, and FHWA to work together to come to an agreement on a reasonable determination, document their policies, and apply that determination consistently in their locality.

**Q11: *When will utility trench work require compliance with ADA curb ramp requirements?***

A11: The answer to this question depends on the scope and location of the utility trench work being done. If the utility trench work is limited to a portion of the pavement, even including a portion of the crosswalk, repaving necessary to cover the trench would typically be considered maintenance and would not require simultaneous installation or upgrading of curb ramps. Public entities should note that the ADA requires maintenance of accessible features, and as such, they must ensure that when the trench is repaved or other road maintenance is performed, the work does not result in a lesser level of accessibility. See 28 CFR 35.133(a). If the utility work impacts the curb at a pedestrian street crossing where no curb ramp exists, the work affecting the curb falls within the definition of “alteration,” and a curb ramp must be constructed rather than simply replacing the curb. See 28 CFR 35.151(b) and 35.151(i).

If a public entity is unsure whether the scope of specific trench work and repair/repaving constitutes an alteration, the best practice is for the public entity to work together with the State transportation agency and the FHWA Division to come to an agreement on how to consistently handle these situations and document their decisions.

**Q12: *Is full-depth pavement patching considered maintenance?***

A12: The answer to this question depends on the scope and location of the pavement patch. If the pavement patch work is limited to a portion of the pavement, even including a portion of the crosswalk, patching the pavement would typically be considered maintenance and would not require simultaneous installation or upgrading of curb ramps. Public entities should note that the ADA requires maintenance of accessible features, and as such, they should ensure that when the pavement is patched or other road maintenance is performed, the work does not result in a lesser level of accessibility. See 28 CFR 35.133(a). If the pavement patching impacts the curb at a pedestrian street crossing where no curb ramp exists, the work affecting the curb falls within the definition of “alteration,” and a curb ramp must be constructed rather than simply replacing the curb. See 28 CFR 35.151(b) and 35.151(i).

If a public entity is unsure whether the scope of specific full-depth pavement patching constitutes an alteration, the best practice is for the public entity to work together with

the State transportation agency and the FHWA Division to come to an agreement on how to consistently handle these situations and document their decisions.

***Q13: Do any other requirements apply to road alteration projects undertaken by public entities that receive Federal financial assistance from DOT either directly or indirectly, even if such financial assistance is not used for the specific road alteration project at issue?***

A13: Yes, if a public entity receives any Federal financial assistance from DOT whether directly or through another DOT recipient, then the entity must also apply DOT's Section 504 requirements even if the road alteration project at issue does not use Federal funds. See 49 CFR 27.3 (applicability of DOT's Section 504 requirements) and 27.5 (definition of "program or activity").

DOT's Section 504 disability nondiscrimination regulations are found at 49 CFR Part 27. These regulations implement Section 504 of the Rehabilitation Act of 1973 (Section 504). In 2006, DOT updated its accessibility standards by adopting the 2004 Americans with Disabilities Act Accessibility Guidelines (2004 ADAAG<sup>2</sup>) into its Section 504 regulations at 49 CFR 27.3 (referencing 49 CFR Part 37, Appendix A). These requirements replaced the previously applicable ADA Standards for Accessible Design (1991) (formerly known as 1991 ADAAG). At that time, DOT's regulation adopted a modification to Section 406 of the 2004 ADAAG which required the placement of detectable warnings on curb ramps.

The revised DOT Section 504 regulation also provided a "safe harbor" provision (similar to the ADA provision discussed in Question 1) that applies to curb ramps that were newly constructed or altered by entities receiving Federal financial assistance from DOT and that were in compliance with the 1991 ADAAG requirements prior to November 29, 2006. If the "safe harbor" applies, these curb ramps are still considered compliant and do not have to be modified to add detectable warnings unless they are altered after November 29, 2006. The DOT "safe harbor" provision is found at 49 CFR 37.9(c). DOT's Section 504 regulations (49 CFR 27.19(a)) require compliance with 49 CFR Part 37.

The Section 504 safe harbor does not apply, however, if, at the time of the road alteration project, the existing curb ramp does not comply with the 1991 ADAAG and at

that time it must be brought into compliance with the current DOT Section 504 requirements (2004 ADAAG) including detectable warnings.

**Q14: *Does the Section 504 safe harbor apply to curb ramps built in compliance with 1991 ADAAG during the time period when the requirement for detectable warnings was suspended and the roadway is now being resurfaced where it intersects the pedestrian walkway?***

A14: If the curb ramps that were built or altered prior to November 29, 2006 were fully compliant with 1991 ADAAG at the time that the detectable warnings requirements were suspended, then the DOT Section 504 safe harbor applies to them and the recipient does not have to add detectable warnings as a result of a resurfacing project.

**Q15: *In addition to the obligations triggered by road resurfacing alterations, are there other title II or Section 504 requirements that trigger the obligation to provide curb ramps?***

A15: In addition to the obligation to provide curb ramps when roads are resurfaced, both DOJ's title II ADA regulation and DOT's Section 504 regulation (applicable to recipients of DOT Federal financial assistance), require the provision of curb ramps if the sidewalk is installed or altered at the intersection, during new construction, as a means of providing program accessibility, and as a reasonable modification under title II or a reasonable accommodation under Section 504.

## **New Construction and Alterations**

DOJ's title II ADA regulation provides that newly constructed or altered streets, roads, and highways must contain curb ramps or other sloped areas at any intersection having curbs or other barriers to entry from a street level pedestrian walkway. In addition, the regulation provides that newly constructed or altered street level pedestrian walkways must contain curb ramps or other sloped areas at intersections to streets, roads, or highways. See 28 CFR 35.151(i). These curb ramps must comply with the 2010 Standards.<sup>3</sup>

DOT's Section 504 Federally assisted regulation also requires the provision of curb ramps in new construction and alterations. See 49 CFR 27.19(a) (requiring recipients of DOT financial assistance to comply with DOJ's ADA regulation at 28 CFR Part 35,

including the curb ramp requirements at 28 CFR 35.151(i); 49 CFR 27.75 (a)(2) (requiring all pedestrian crosswalks constructed with Federal financial assistance to have curb cuts or ramps).

### **Program Accessibility**

Both DOJ's title II ADA regulation and DOT's Section 504 regulation require that public entities/recipients operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities. This obligation, which is known as providing "program accessibility," includes a requirement to evaluate existing facilities in the public right-of-way for barriers to accessibility, including identifying non-existent or non-compliant curb ramps where roads intersect pedestrian access routes (sidewalks or other pedestrian walkways). After completing this self-evaluation, a public entity/recipient must set forth a plan for eliminating such barriers so as to provide overall access for persons with disabilities. See 28 CFR 35.150, and 49 CFR 27.11(c).

Since March 15, 2012, the DOJ title II regulation requires the use of the 2010 Standards for structural changes needed to provide program access. However, in accordance with the ADA safe harbor discussed in Question 1, if curb ramps constructed prior to March 15, 2012 already comply with the curb ramp requirements in the 1991 Standards, they need not be modified in accordance with the 2010 Standards in order to provide program access, unless they are altered after March 15, 2012.

Similarly, DOT's Section 504 "safe harbor" allows curb ramps that were newly constructed or altered prior to November 29, 2006, and that meet the 1991 ADAAG to be considered compliant.<sup>4</sup> Elements not covered under the safe harbor provisions may need to be modified to provide program access and should be incorporated into a program access plan for making such modifications. 49 CFR 27.11(c)(2).

Under Section 504, self-evaluations and transition plans should have been completed by December 29, 1979. Under the ADA, transition plans should have been completed by July 26, 1992, and corrective measures should have been completed by January 26, 1995. While these deadlines have long since passed, entities that did not develop a transition plan prior to those dates should begin immediately to complete their self-evaluation and develop a comprehensive transition plan.

## Reasonable Modification /Accommodation

In addition to alteration and program accessibility obligations, public entities may have an obligation under title II and Section 504 to undertake curb ramp construction or alteration as a “reasonable modification/accommodation” in response to a request by, or on behalf of, someone with a disability. Such a request may be made to address a non-compliant curb ramp outside of the schedule provided in the public entity’s transition plan. A public entity must appropriately consider such requests as they are made. 28 CFR 35.130(b)(7); 49 CFR 27.7(e).

1 The 2010 Standards can be found on DOJ’s website at [http://www.ada.gov/2010ADASTandards\\_index.htm](http://www.ada.gov/2010ADASTandards_index.htm).

2 In 2004, the United States Architectural and Transportation Barriers Board (U.S. Access Board) published the Americans with Disabilities Act Accessibility Guidelines (2004 ADAAG), which serve as the basis of the current enforceable ADA standards adopted by both DOT and DOJ.

3 The 2010 Standards include a provision on equivalent facilitation that allows covered entities to use other designs for curb ramps if such designs provide equal or greater access. *See* section 103 of the [2010 Standards](#).

4 The DOT “safe harbor” provision is found at 49 CFR 37.9(c). DOT’s Section 504 regulations (49 CFR 27.19(a)) require compliance with 49 CFR Part 37.

December 1, 2015

**Village of Weston, Wisconsin**  
**PARK & RECREATION COMMITTEE MEETING**

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**June 27, 2016**

**AGENDA ITEM – D.7**



**Village of Weston, Wisconsin  
AGENDA ITEM COVERSHEET  
Requested for Official Consideration and Review**

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REQUEST FROM: **SHAWN OSTERBRINK, DIRECTOR OF PARKS, RECREATION & FORESTRY**

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ITEM DESCRIPTION: **YELLOWBANKS MASTER PLAN**

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DATE/MTG: **PARK AND RECREATION COMMITTEE; MONDAY, JUNE 27, 2016**

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POLICY QUESTION:

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RECOMMENDATION TO:

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LEGISLATIVE ACTION:

- |   |                                    |                                       |
|---|------------------------------------|---------------------------------------|
| <input type="checkbox"/> Acknowledge/Approve  | <input type="checkbox"/> Ordinance | <input type="checkbox"/> Proclamation |
| <input type="checkbox"/> Administrative Order | <input type="checkbox"/> Policy    | <input type="checkbox"/> Reports      |
| <input type="checkbox"/> <b>Expenditure</b>   | <input type="checkbox"/> Procedure | <input type="checkbox"/> Resolution   |
- 
- 

FISCAL IMPACT ANALYSIS:

- Budget Line Item: \_\_\_\_\_
- Budget Line Item: \_\_\_\_\_
- Budgeted Expenditure: \_\_\_\_\_
- Budgeted Revenue: \_\_\_\_\_
- 
- 

STATUTORY / RULEMAKING / POLICY REFERENCES:

- WI Statue: \_\_\_\_\_
- WI Administrative Code: \_\_\_\_\_
- Case Law / Legal: \_\_\_\_\_
- Municipal Code: \_\_\_\_\_
- Municipal Rules: \_\_\_\_\_
- 
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PRIOR REVIEW: **No prior review.**

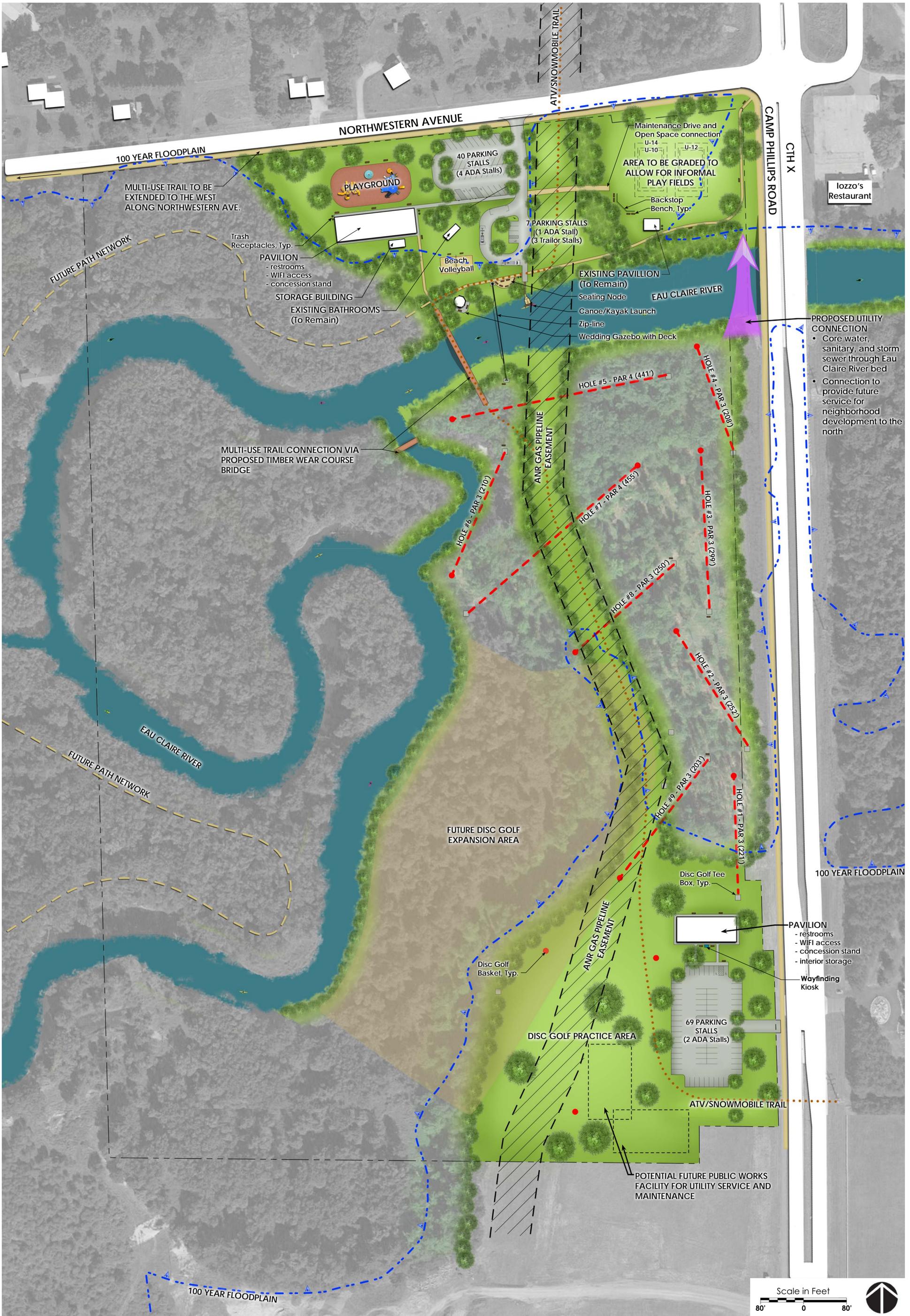
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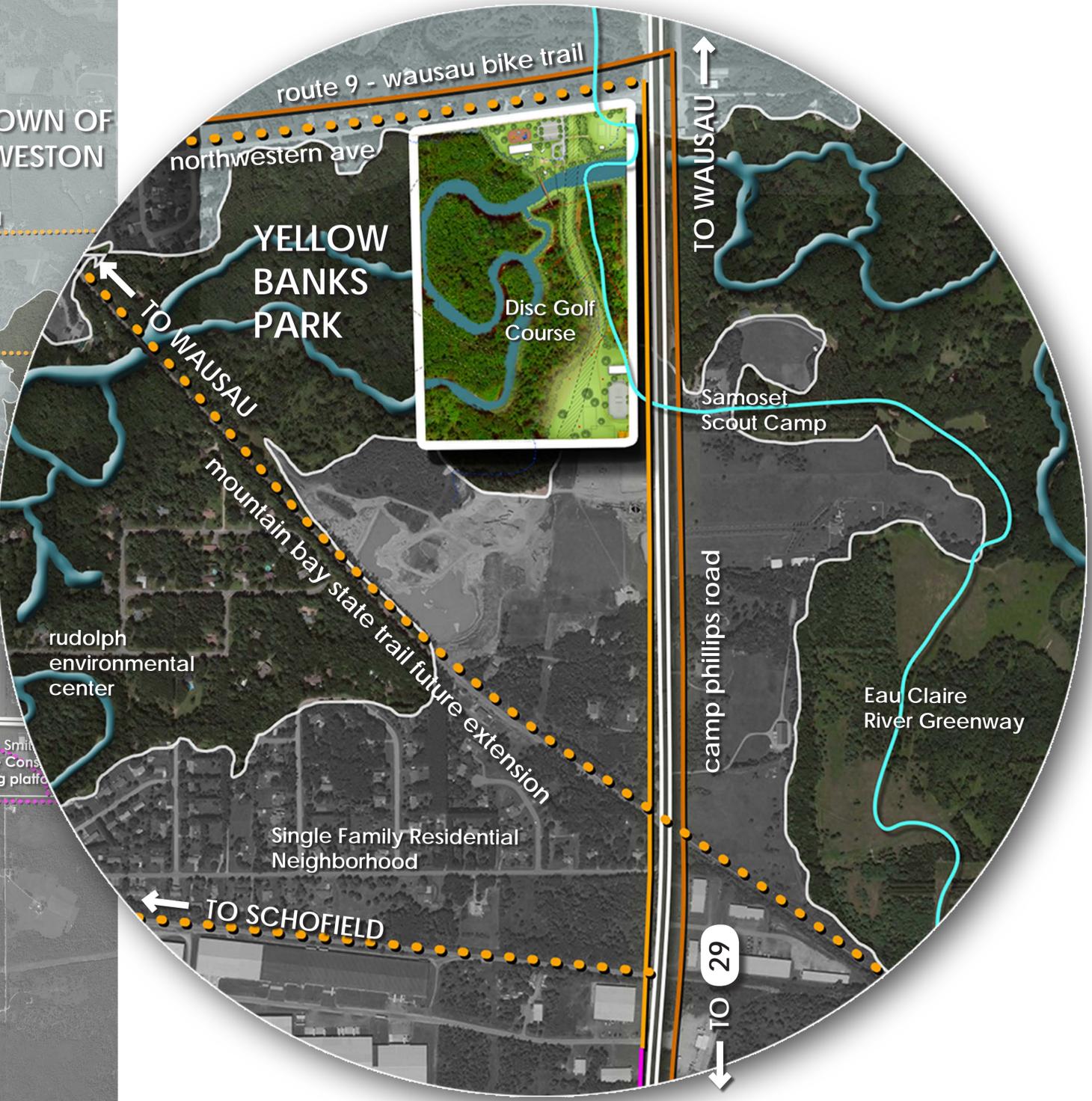
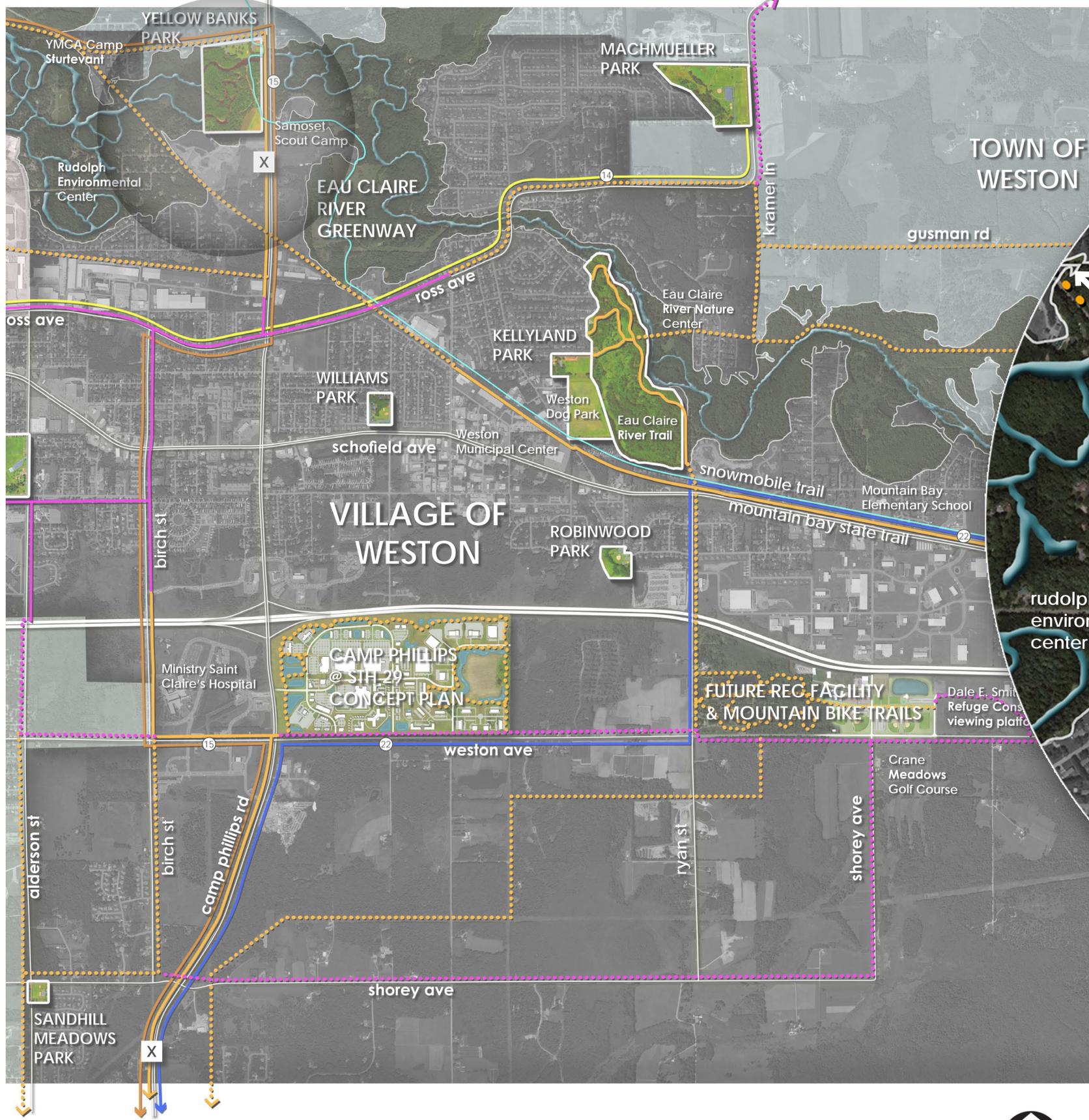
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BACKGROUND:

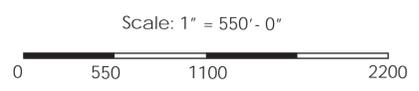
The village began working on the master plans for Kellyland and Yellowbanks last year. Recently the plans have been on hold due to other priorities. Also, Daniel has begun working with a landscape designer on the plans to dress up the plans. We would like to discuss some of the planning for Yellowbanks during this meeting.

- Supplemental Briefer for Agenda Items under Consideration?
- Attachments:





\* Bike routes were established and provided by the *Wausau Area Bike Map*



- Bike Route 7
- Bike Route 9
- Bike Route 14
- Bike Route 15
- Bike Route 22
- Snowmobile Trail
- Community & Neighborhood Parks
- Public Roadways
- Existing On-Street Connector
- Proposed On-Street Connector
- Existing Off-Road Trail
- Proposed Off-Road Trail



**Village of  
Weston, Wisconsin  
PARK & RECREATION COMMITTEE MEETING**

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**June 27, 2016**

**AGENDA ITEM – D.8.**



**Village of Weston, Wisconsin  
AGENDA ITEM COVERSHEET  
Requested for Official Consideration and Review**

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REQUEST FROM: **SHAWN OSTERBRINK, DIRECTOR OF PARKS, RECREATION & FORESTRY**

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ITEM DESCRIPTION: **POOL CLOSING PROTOCOL**

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DATE/MTG: **PARK AND RECREATION COMMITTEE; MONDAY, JUNE 27, 2016**

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POLICY QUESTION:

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RECOMMENDATION TO:

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LEGISLATIVE ACTION:

- |   |                                    |                                       |
|---|------------------------------------|---------------------------------------|
| <input type="checkbox"/> Acknowledge/Approve  | <input type="checkbox"/> Ordinance | <input type="checkbox"/> Proclamation |
| <input type="checkbox"/> Administrative Order | <input type="checkbox"/> Policy    | <input type="checkbox"/> Reports      |
| <input type="checkbox"/> <b>Expenditure</b>   | <input type="checkbox"/> Procedure | <input type="checkbox"/> Resolution   |
- 
- 

FISCAL IMPACT ANALYSIS:

- Budget Line Item: \_\_\_\_\_
- Budget Line Item: \_\_\_\_\_
- Budgeted Expenditure: \_\_\_\_\_
- Budgeted Revenue: \_\_\_\_\_
- 
- 

STATUTORY / RULEMAKING / POLICY REFERENCES:

- WI Statue: \_\_\_\_\_
- WI Administrative Code: \_\_\_\_\_
- Case Law / Legal: \_\_\_\_\_
- Municipal Code: \_\_\_\_\_
- Municipal Rules: \_\_\_\_\_
- 
- 

PRIOR REVIEW: **No prior review.**

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BACKGROUND:

This past weekend there was an issue at a local pool that no one can plan for but staff feels that it would be prudent to discuss what we would do in the event that we needed to close for an extended amount of time. Various scenarios can take place that would force closure and it would be a good idea to have policies in place in the event that something happens.

- Supplemental Briefer for Agenda Items under Consideration?
- Attachments:

**Village of Weston, Wisconsin**  
**PARK & RECREATION COMMITTEE MEETING**

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**June 27, 2016**

**AGENDA ITEM – D.9**



**Village of Weston, Wisconsin**  
**AGENDA ITEM COVERSHEET**  
**Requested for Official Consideration and Review**

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REQUEST FROM: **SHAWN OSTERBRINK, DIRECTOR OF PARKS, RECREATION & FORESTRY**

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ITEM DESCRIPTION: **TEEN NIGHT AGE LIMITS**

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DATE/MTG: **PARK AND RECREATION COMMITTEE; MONDAY, JUNE 27, 2016**

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POLICY QUESTION: Should the Park and Recreation Committee recommend to the Board of Trustees to set age limits or grade limits for people attending the teen nights?

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RECOMMENDATION TO: Recommend to the Board of Trustees to only allow 7<sup>th</sup> through 12<sup>th</sup> graders into teen night events at the Aquatic Center.

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LEGISLATIVE ACTION:

- |   |                                    |                                       |
|---|------------------------------------|---------------------------------------|
| <input type="checkbox"/> Acknowledge/Approve  | <input type="checkbox"/> Ordinance | <input type="checkbox"/> Proclamation |
| <input type="checkbox"/> Administrative Order | <input type="checkbox"/> Policy    | <input type="checkbox"/> Reports      |
| <input type="checkbox"/> <b>Expenditure</b>   | <input type="checkbox"/> Procedure | <input type="checkbox"/> Resolution   |
- 
- 

FISCAL IMPACT ANALYSIS:

- Budget Line Item: \_\_\_\_\_
- Budget Line Item: \_\_\_\_\_
- Budgeted Expenditure: \_\_\_\_\_
- Budgeted Revenue: \_\_\_\_\_
- 
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STATUTORY / RULEMAKING / POLICY REFERENCES:

- WI Statue: \_\_\_\_\_
- WI Administrative Code: \_\_\_\_\_
- Case Law / Legal: \_\_\_\_\_
- Municipal Code: \_\_\_\_\_
- Municipal Rules: \_\_\_\_\_
- 
- 

PRIOR REVIEW: No prior review.

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BACKGROUND:

Manager Mroczenski brought it to my attention that it may be prudent to put a limit on the age of individuals attending the teen nights at the Aquatic Center. He stated that last year there were some 20+ year old men that attended and felt that it may not be suitable for these individuals to be around 12 and 13 year olds. We have also had some parents that attend with their children 12 and 13 year-old children which we would probably still allow but we have also had children age 5 and 6 at some of these teen nights with their parents. We are just discussing the possibility of setting limits to avoid potential issues.

- Supplemental Briefer for Agenda Items under Consideration?
- Attachments:
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**Village of Weston, Wisconsin**  
**PARK & RECREATION COMMITTEE MEETING**

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**June 27, 2016**

**REPORT AGENDA ITEM – E.11**



# Report for Weston Aquatic Center

6-1-2015 through 6-16-2015

Prepared by: **Bradley Mroczenski, Weston Aquatic Center Manager**

- Statistics for the June so far:
  - o Patrons
    - High patron count so far this season was 799 on 6/11/15
    - 1,680 daily passes sold so far this season
    - Have sold 28 total passes this season (in-season sales, haven't received pre-season numbers yet)
      - Main Passes Sold
        - o 15 Resident Passes
        - o 4 Non Resident Passes
        - o 8 Resident Joint Passes
        - o 1 Non Resident Joint Passes
    - Swimming Lessons
      - 117 total swim lessons sold
        - o 75 Resident
        - o 42 Non Resident
      - Have extra instructors this season
        - o Opened up a 2<sup>nd</sup> level 2 and level 3 class for all 3 swim lessons sessions
  - o Weather: (Open 13 days so far)
    - 2 days with an average temp over 80
    - 4 days with an average temp below 70
    - Closed early or completely 7 days already due to weather
  - o Incidents so far this season:
    - 5 jumps so far this year, none serious
    - 6/11/15 - 1 fight between two groups of kids. Both groups kicked out.
    - 6/11/15 – Elderly man fell in parking lot. Staff tended to him and kept him cool while EMS was called. Staff did a great job dealing with this incident. Head Guard Cole Kubisiak and lifeguard Savannah Felch tended to the man. Desk worker Isaac Schiro called 911.
  - o Finance
    - Averaging \$1530.60 of revenue per day. This includes 2 days of being closed and 5 days closing early due to weather/low patron with little to no revenue.
    - 6/11/15 was also the highest revenue day that I've seen with almost \$5,500
- Teen night next Friday, 6/24/15 from 7-10pm
  - o Belky from WIFC will DJ again
- Continue to grow relations with other organizations
  - o Held BBP training for the first time in-house.
  - o Have done 2 lifeguard re-certifications this spring. One over spring break and another to start the season. Will plan on doing another late season.
  - o Plan on holding the 1<sup>st</sup> Weston Junior Lifeguard program in July. Only one person signed up as of now. Will cancel if more interest isn't shown.

**Village of Weston, Wisconsin**  
**PARK & RECREATION COMMITTEE MEETING**

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**June 27, 2016**

**AGENDA ITEM – E.12**



**Village of Weston, Wisconsin**  
**Report for the month of June 2016**  
**MONTHLY DEPARTMENT REPORT FROM DIRECTOR OF PARKS, RECREATION & FORESTRY**

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**Monthly Department Briefer #2016-06**

**Shawn Osterbrink, Director of Parks, Recreation & Forestry**

**Monday, July 11<sup>th</sup>, 2016**

**1. FOR YOUR IMMEDIATE ATTENTION - TRUSTEES.**

**2. STRATEGIC PLAN PROJECT STATUS.**

- Project 1 – Prohaska Tree Farm Grant/Purchase – The Village closed on this property on Thursday, March 17<sup>th</sup>. Jenna Trittin from the Finance Department has submitted the reimbursement request to Marathon County for the Environmental Impact Funds that were approved by the County for this purchase. Transcanada Pipeline has requested the removal of some materials from the top of their pipeline easement. Tony and I met with them on April 14<sup>th</sup> to determine what needs to be completed. This project will be completed once the street department has time available. May be this fall. Tony and I also looked at what needs to be completed to make this facility available to the public. Village staff mowed some of the trails on this property and Village Department Directors met with Ed Prohaska on June 16<sup>th</sup> to learn some information and walk the property. A ribbon cutting will be held later this summer.
- Project 2 – Park Master Plans for Kellyland and Yellowbanks - Central Wisconsin Engineers has provided staff with drafts of the Master Plans for Yellowbanks and Kellyland Parks. Staff has reviewed the documents and met with CWE to share our comments. CWE revised the documents and returned them to the Village on Friday, November 6<sup>th</sup>. I forwarded the revised drawings to Daniel, Keith, Michael and Jennifer on November 9<sup>th</sup> for additional review. Staff met to discuss the master plans on Friday, December 18<sup>th</sup>. At this meeting it was determined that we may need to also work with a landscape designer to dress up the plans. Plans are currently on hold as we deal with other projects that have taken priority. Staff will discuss with the Park and Recreation Committee on June 27<sup>th</sup>.

**3. BUDGET AND FINANCIAL PLAN STATUS.**

**4. EMPLOYEE DEVELOPMENT & ENGAGEMENT.**

- Attended all-staff meeting, c-team meetings, weekly 1 on 1 meetings, scheduling meetings, services division meetings and Lumin Training.
- Parks/Public Works position – New staff member David Phelps started on Monday, April 18<sup>th</sup>. David has received his temporary CDL license and has been training with Doug Behnke the last few weeks. He is scheduled to take his DOT pre-trip and driving test at 9:00 a.m. on June 28<sup>th</sup>.
- Continue to work on improving work scheduling and staff utilization across all departments. Staff from Streets and Utilities has been assisting us with several projects this summer.

- Jess Falkowski and Brad Mroczenski have been instructed to complete the necessary information for the evaluation process and return to me by the end of June.
- Administrator Guild has instructed Department Directors on 5/17 to put together several pieces of information for the evaluation process. This includes updated job descriptions, resume, personal worksheet, strengths name and claim sheets, Q12 sheets and complete a personnel file audit before evaluations will be performed. I have not had a chance to start on this project as of 6/23.

## **5. PERFORMANCE AND METRICS.**

- Working within the Services Division to develop a competency matrix of the skills, equipment and procedures for the employees under my supervision. This project has been on hold since April due to other items taking priority.
- Services Division also discussed development of weekly work plans, a joint capital improvement plan and joint strategic plan. No progress as other projects are currently taking priority at this time.
- Service Division staff is working with Mark Roffers to include our Comprehensive Outdoor Recreation Plan and Lower Eau Claire River Water Trail Plan in the County CORP. Mark sent us some information on 3/18 which we have reviewed. We discussed at our 3/21 meeting and reviewed the documents. Jennifer Higgins will print and have Daniel sign these letters so they can be sent out with the necessary documents to the surrounding communities and county. This project is currently on hold and needs to be discussed with Administrator Guild.

## **6. COMMUNITY FEEDBACK**

- Recently there have been some people jumping the fence and messing around in the pool area at night. We were able to see them on the camera system but not close enough to possibly identify who they are. We have since turned on the security light on the east side of the pool to improve the lighting and have contacted Everest Metro who stated they will check out the site more often.
- Request to place benches on the north and south sides of Kennedy Park. Request has been drafted and will be going to the 5/23 Park and Recreation Committee meeting. The board approved the purchase and installation at their 6/20 meeting. As soon as possible I will order the benches and schedule the installation.

## **7. IDENTIFIED NEEDS.**

## **8. NEW IDEAS & OPPORTUNITIES.**

- Fletcher Property – Daniel has discussed with the Board and will no longer pursue the purchase of this property. We have met with Kris Gilmore and Casey Nye and informed them that we will not be proceeding.
- Working with Services Division and WDNR regarding the possibility of the conversion process on the Weston Warming House to another piece of property. The Weston Warming House has not been used the past three years. Due to federal funds being used to construct this facility the village is responsible to continue maintaining and utilizing this facility in perpetuity for recreation purposes. There are three

options available to the village to relieve us of these responsibilities. We can change the use of the facility to something other than a warming house but still recreation based, give the facility to another entity such as the school district and they would take over the responsibilities to maintain and use in perpetuity or to complete the conversion process. Basically the value of the building would be moved to another piece of recreational property (building or land) and would be tied to that facility. Then the new facility would be restricted to the federal requirements. No progress as of 6/23.

## **9. MISCELLANEOUS COMMENTS / ISSUES.**

- Staff from the Services Division has been working on weeding, spraying and replacing mulch on Schofield Avenue and other areas in the village.
- Work on the Ross Avenue Access is near complete. The drinking fountain has been connected but needs some sealant placed around the faucets and sinks, monument sign has been installed, irrigation installation is currently taking place, brushing and trimming needs to be completed, post installation on the path, recyclable container installation and signs installation will be completed prior to 7/11.