

Park & Recreation Board Meeting

Cravath Lakefront room 2nd floor 312 West Whitewater Str, Whitewater, WI, 53190 *In Person and Virtual

Wednesday, December 20, 2023 - 5:30 PM

Citizens are welcome (and encouraged) to join our webinar via computer, smart phone, or telephone.

Citizen participation is welcome during topic discussion periods.

Join Zoom Meeting https://us02web.zoom.us/j/87160509592?pwd=WitaSWJGRVNMcnp2aGNSQVE3b29tUT09

Meeting ID: 871 6050 9592

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Please note that although every effort will be made to provide for virtual participation, unforeseen technical difficulties may prevent this, in which case the meeting may still proceed as long as there is a quorum. Should you wish to make a comment in this situation, you are welcome to call this number: (262) 473-0108.

AGENDA

Members: Steve Ryan (Chair), David Stone (Vice Chair), Kathleen Fleming, Dan Fuller, Stephanie Hicks, Mike Kilar, Megan Mathews, Kori Oberle, Ben Prather, Deb Weberpal

Staff: Kevin Boehm (Director), Vacant (WAFC), Michelle Dujardin (Recreation & Events), Jennifer French (Adult Programs), Hunter Karnitz (Athletic Programs)

CALL TO ORDER

ROLL CALL

APPROVAL OF AGENDA

A board member can choose to remove an item from the agenda or rearrange its order; however, introducing new items to the agenda is not allowed. Any proposed changes require a motion, a second, and approval from the board to be implemented. The agenda shall be approved at each meeting even if

no changes are being made at that meeting.

APPROVAL OF MINUTES

1. Minutes from November 15, 2023

HEARING OF CITIZEN COMMENTS

No formal Committee action will be taken during this meeting although issues raised may become a part of a future agenda. Participants are allotted a three minute speaking period. Specific items listed on the agenda may not be discussed at this time; however, citizens are invited to speak to those specific issues at the time the Committee discusses that particular item.

To make a comment during this period, or during any agenda item: On a computer or handheld device, locate the controls on your computer to raise your hand. You may need to move your mouse to see these controls. On a traditional telephone, dial *6 to unmute your phone and dial *9 to raise your hand.

STAFF REPORTS

2. Directors Report

CONSIDERATIONS / DISCUSSIONS / REPORTS

- <u>2.</u> Discussion and Possible Action Regarding Renaming East Gate Park
- 3. Discussion and Possible Action Regarding Facility Rental and Reservation Policy Update

FUTURE AGENDA ITEMS

ADJOURNMENT

A quorum of the Common Council may be present. This notice is given to inform the public that no formal action will be taken at this meeting.

Anyone requiring special arrangements is asked to call the Office of the City Manager / City Clerk (262-473-0102) at least 72 hours prior to the meeting.



Parks and Recreation Board Minutes
Wednesday, November 15, 2023 – 5:30 pm
Cravath Lakefront Room
312 W. Whitewater Street
Whitewater, WI 53190
Hybrid Meeting

1. Call to Order and Roll Call

Present: Kathleen Flemming, Dan Fuller, Stephanie Hicks, Mike Kilar, Megan Matthews, Ben Prather, Steve Ryan, David Stone, Deb Weberpal. Absent: Korie Oberlie Staff: Michelle Dujardin, Jennifer French, Hunter Karnitz, Kevin Boehm, Brad Marquardt Guest: Larry Kachel

2. Approval of Minutes from September 20, 2023

Motioned by David Stone. Seconded by Mike Kilar. Ayes: Flemming, Fuller, Hicks, Kilar, Matthews, Prather, Ryan, Stone, Weberpal. Absent: Oberlie

3. Hearing of Citizen Comments

No Comments

4. Staff Reports

a. Director's Report

- i. Kevin Boehm
 - 1. Kevin talked about his first 30 days and how he's enjoying working with the Parks and Rec staff and learning the community and parks.
 - 2. He has been spending a large amount of time over at the Aquatic Center to see everything in person to better address and solve any issues.
 - 3. Bike Committee was repealed; there will be an advisory subcommittee of the Park Board

b. Sports and Aquatic Center

- i. Hunter Karnitz
 - 1. Hunter further explained all the finished items from the September State Inspection that were cleared up.
 - 2. Brought up the membership payment issues that have occurred with using RecDesk at the WAFC.

- 3. Birthday Parties are being restructured to try to avoid any payment issues that have been occurring lately. He also mentioned discussing with Rosa's Pizza to create a birthday party pizza package as part of a partnership with them.
- 4. Little Dribblers and Shooting Stars basketball instruction programs are currently running on Saturday mornings at the High School.

c. Event Programs and Lakes Update

- i. Michelle Dujardin
 - 1. Michelle discussed the upcoming Christmas Parade and the pallet tree program.
 - 2. Stevie is back!
 - 3. She is very pleased with the After School Program staff—said they are "flourishing".
 - 4. Letters with Santa will be on again this year. Drop box for letters will be at the front doors of City Hall.
 - 5. Lakes Report: Michelle, City Manager John Weidl, and Councilmembers
 Jill Gerber and Jim Allen went on boat lake tour with the DNR
 - 6. Dredging started October 30th. There is too much garbage in the collected materials from dredging that we cannot dump it at the compost site, so it was dumped at the old dog park. Dredging should be done at the end of November. The next phase of dredging will be in 2024, possibly spring time when the cattails are smaller and may be cheaper to dredge.

d. Senior Programs

- i. Jennifer French
 - 1. The Senior Center had a Packers vs Vikings game event. Although the Packers lost, the seniors had a good time.
 - 2. The Senior Center also had an "After Dark" Halloween Party with interactive activities and games.

5. Considerations/Discussions/Reports

a. Discussion and possible action regarding Starin Park Underground Detention Basin

- i. Public Works Director Brad Marquardt discussed a few new options for the underwater detention basin. The two location options were either directly under Kachel's Youth Field, or in the area between Kachel's Youth Field and the parking lot. He mentioned there would need to be eight (8) man holes for access to the tanks, so those would need to be placed throughout the ball field.
- ii. Steve Ryan was concerned about any odor and the safety of the manhole covers. Marquardt said there shouldn't be any odor and the manhole covers require a specific tool to remove them.

- iii. Stephanie Hicks asked about replanting trees over the basin when complete and to look for ones that can grow in shallow soil.
- iv. Marquardt mentioned the Clean Water Funds and how there was a very low interest rate and he hopes that 50% of the cost would be covered. Estimated cost of the project is \$3.5 Million. The remaining amount after the Clean Water Funds would be shared between the City and University of Wisconsin-Whitewater. The City's share is estimated to be \$570,000.

6. Future Agenda Items

a. David Stone brought up the idea of handicap playground equipment for Starin Park.

7. Adjournment

a. Motioned by Steve Ryan at 6:50pm, followed by a unanimous Aye from all board members: Flemming, Fuller, Hicks, Kilar, Matthews, Prather, Ryan, Stone, Weberpal. Absent: Oberlie.

Respectfully Submitted,

Hunter Karnitz
Hunter Karnitz

CITY OF WHITEWATER POLICY		TITLE: Park Naming Policy		
POLICY SOURCE: Parks and Recreation Department	Approval Date: January 4, 2007 Revised: December 7, 20009		TEXT NAME: G:\Park & Rec\General Information\Policy\ Park Naming Policy	

I. PURPOSE

The purpose of the policy is to establish standard procedures and guidelines for the naming of public parklands and facilities owned and/or operated by the City of Whitewater and under the jurisdiction of the Parks and Recreation Department.

This policy may not be consistent with existing names of city areas and facilities. No suggestion is made or intended that existing names be changed. This policy is a basis for future decisions.

II. AUTHORIZATION

The naming of sites shall be the function of the Parks and Recreation Board, with final approval coming from the Common Council of the City of Whitewater. Through the Board, diversity, balance and creativity will be sought during adoption of names.

All requests for the proposed naming of a facility must go through the Parks and Recreation Board, with only approved recommendations forwarded to the Common Council.

III. Objectives

- A. Provide name identification for individual parks, park area or park facility.
- B. Provide criteria for citizen input into the process of naming parks, park areas or facilities.
- C. Insure that the naming of parks, park areas, or park facilities is controlled **by the City of Whitewater Common Council** through the Parks and Recreation Board with advice from Parks and Recreation and DPW staff.

IV. Qualifying Names

Names submitted for consideration should provide some form of individual identity in relation to the following:

- A. The geographic location of the facility. This includes descriptive names.
- B. An outstanding feature of the facility.
- C. An adjoining subdivision, street, school or natural feature.
- D. A commonly recognized historical event, group, organization or individual (living or deceased).

- E. An individual or organization that contributed significantly to the acquisition or development of the facility to be named. This can include either a deed or substantial monetary contribution, or contribution toward acquisition and/or development of the park or facility (typically not less than 50 percent of the value of the property or improvements).
- F. Outstanding accomplishments by an individual for the good of the community. Quality of the contribution should be considered along with the length of service by the individual this to be fully substantiated by person making recommendation.
- G. An individual who provided an exceptional service in the interest of the park system as a whole. Typically, while serving in a public office, public officials should not be considered as a candidate for naming.
- H. Any naming of a facility to recognize a sponsor or donation should meet the requirements of the Sponsorship Policy as adopted by the Parks & Recreation Board.

V. Naming Process – Existing Un-named Facilities

- A. Working in cooperation with the Parks and Recreation Department, individuals, groups and organizations interested in proposing a name for an existing un-named park area or facility must do so in writing. This proposal shall be presented to the Director of Parks and Recreation for consideration by the Parks and Recreation Board.
- B. A written description of qualifications for the name being considered must be submitted at this time. This should include location of the facility, any outstanding features of the site, detailed biographical information on an individual being recommended for a name and a narrative explaining the justification of the naming of the facility.
- C. The Parks and Recreation Board will seek input on a name request at the regular monthly meeting and will allow 30 days following their meeting for public comment.
- D. A notice of naming a facility will be published in the Whitewater Register and posted on the city website and local cable access to offer a chance for citizen comment.
- E. The Parks and Recreation Board will act on each request made, and if approved, will forward to the Common Council for approval following the 30 days for public comment.
- F. Only approvals of a proposed name for a facility will be forwarded to the Common Council.

VI. Naming Process – New Facilities

- A temporary name will be designated by Parks and Recreation staff for identification during the "waiting period" of acquisition and/or development of the park area or facility and the formal naming process.
- A. Working in cooperation with the Parks and Recreation Department, individuals, groups and organizations interested in proposing a name for a new un-named park area or facility must do so in writing. This proposal shall be presented to the Director of Parks and Recreation for consideration by the Parks and Recreation Board.
- B. A written description of qualifications for the name being considered must be submitted at this time. This should include location of the facility, any outstanding features of the site, detailed biographical information on an individual being recommended for a name and a narrative explaining the justification of the naming of the facility.
- C. The Parks and Recreation Board will seek input on a name request at the regular monthly meeting and will allow 30 days following their meeting for public comment.

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 - city website and local cable access to offer a chance for citizen comment.
- E. The Parks and Recreation Board will act on each request made, and if approved, will forward to the Common Council for approval following the 30 days for public
- F. Only approvals of a proposed name for a facility will be forwarded to the Common Council.

This policy will still allow naming of the park contests to be held through various means that have prior approval of the Parks and Recreation Board.

The renaming of parks and facilities will be strongly discouraged. Critical examination will be conducted to insure that renaming the park will not diminish the original justification for the name or the prior contributors. Renaming will follow the same procedures as naming the park.

- A. Only parks and facilities named for geographic location, outstanding feature or subdivision should be considered for renaming. Parks that have been named by deed restriction shall not be considered for renaming.
- B. Parks and facilities named after individuals shall never be changed unless it is found that because of the individual's character the continued use of their name would not be in the best interest of the community.

VII. Signs, Plagues and Markers

The Director of Parks and Recreation, or designee, must coordinate placement of any signs, plaques or markers. They must be designed to blend with and complement the existing Parks and Recreation Department signs, plaques and markers. The signs, plaques or markers must comply with existing municipal codes and have the approval of the Director of Neighborhood Services and/or the Plan and Architectural Review Commission.



City of
WHITEWATER

Park & Recreation Agenda Item

Meeting Date:	December 20, 2023
Agenda Item:	Renaming East Gate Park
Staff Contact (name, email, phone):	Brad Marquardt, bmarquardt@whitewater-wi.gov, 262-473-0139

BACKGROUND

(Enter the who, what when, where, why)

City staff received a request from Russ Walton to rename East Gate Park to Walton's East Gate Park. East Gate Park is located on the south side of Jakes Way east of Moraine View Parkway. It is located in the Pine Bluff Subdivision that Russ built. Russ is also looking at a new subdivision development located just to the west of the Pine Bluff Subdivision.

Russ's past investment in the Pine Bluff Subdivision from 2000 – 2006 was \$68,701 for park land dedication and park improvement fees, besides the dedicated land for the East Gate Park, and \$1,014,094 for infrastructure costs. To put that into 2023 dollars, the investment would be \$110,789 and \$1,621,574 respectively. Infrastructure costs on the new subdivision are estimated at \$1,957,000.

PREVIOUS ACTIONS - COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

N/A

FINANCIAL IMPACT

(If none, state N/A)

There would be a minimal cost to replace the existing sign with a new one.

STAFF RECOMMENDATION

Staff's recommendation is to approve the name change.

ATTACHMENT(S) INCLUDED

(If none, state N/A)

1. East Gate Park Location Map

CITY OF WHITEWATER POLICY		TITLE: Facility Rental & Reservation	
POLICY SOURCE: Parks and Recreation Department	Approval I	Recreation Board Date: 11/10/08 ntly Revised: 1/20/20	TEXT NAME: G:\Park & Rec\Policy\ Facility Rental & Reservation Policy

I. PURPOSE

The Whitewater Parks and Recreation Department schedules, maintains, rents, and reserves indoor facilities, park shelters, and outdoor athletic facilities to the general Whitewater community and surrounding area. These facilities, which include the Downtown Armory, Starin Community Building, Cravath Lakefront Community Center, ball diamonds, soccer fields and tennis courts, are located in City parks and also on city property. The Parks and Recreation Department will schedule these facilities for its own programs, the Whitewater Unified School District, the University of Wisconsin-Whitewater and other private and not-for-profit groups and organizations. These other groups and organizations include, but are not limited to: Traveling Basketball, Traveling Baseball/Softball, and the Whitewater Soccer Club. The following policies and procedures have been developed to facilitate the scheduling of athletic facilities by all organizations.

II. SCHEDULING PRIORITIES

The Whitewater Parks and Recreation Department will determine capacity limits for all facilities consistent with established and accepted standards to maintain facilities for continued use. These capacities will be utilized when scheduling activities and may impact the availability of facilities for reservations.

The Whitewater Parks and Recreation Department schedules and reserves facilities according to the following priorities:

- All Whitewater Parks and Recreation programs (games, scheduled practices, matches, camps, and instructional programs) will be the first programs scheduled at facilities that are managed/maintained by the Parks and Recreation Department.
- Whitewater Unified School District programs/athletic events will be the second programs scheduled at facilities managed/maintained by the City.
- 3. Whitewater Unified School District programs/athletic events will be the first programs scheduled at facilities owned by the District.
- 4. Whitewater Parks and Recreation programs will be the second programs scheduled at facilities owned by the Whitewater Unified School District.
- Private and/or not-for-profit groups and organizations which reserved facilities managed/maintained by the City will have their programs and events scheduled after all Parks and Recreation and School District programs have been scheduled.

III. GROUP CLASSIFICATIONS

Group 1 No Charge

Partner Organizations will not be charged a facility rental fee for their facility usage provided that their facility use is for the purposes of holding an organization meeting, practice, game, etc. Partner organizations provide a charitable good to the Whitewater community and have had a history of receiving free rentals for facility space.

Exception: Any event serving alcohol will be required to pay 100 % of rental fee.

Partner List:

Tax Funded Organizations:

City of Whitewater

Whitewater Unified School District

Chamber of Commerce Downtown Whitewater

Whitewater Tourism Council

Whitewater Arts Alliance

Whitewater Historical Society

Youth Sports Organizations:

Whitewater Traveling Basketball Whitewater Traveling Baseball

Whitewater Youth Football Whitewater Youth Soccer

J-Hawks

Local Community Program Providers:

National Multiple Sclerosis Society

Special Olympics Relay for Life (ACS) 4th of July Committee

Local Registered Political Parties Walworth County Health Services

Whitewater 4H / Boy Scouts / Girl Scouts

Lions Club

Stone Mill Quilters

AWANA

Kettle Moraine Baptist Academy

Alcoholics Anonymous Community Cat

Local Civic/Charitable Groups:

Kiwanis Club (Breakfast/Noon/Circle K) Knights of Columbus

League of Women Voters Optimists

Note: To be added or considered as a partner organization, please submit a letter of request to the Parks & Recreation Director. Decisions will be based on charitable contribution to the community and/or services provided to youth in our local community.

Group 2 50% of Listed Fee

Religious Organizations

University of Wisconsin-Whitewater Recognized Organizations, Groups, Schools, Athletics Private Events not serving food or beverages that are free to the public

Group 3 100% of Listed Fee

Private Event serving food and/or alcohol

Private Event charging admission

All Group 3 Reservations will not receive a key for the facility. A rental attendant will meet them at the facility and open the building, explain regulations, and answer questions-

Long Term Rental Discount

Rental Groups interested in special rates based on continuous use must enter request 10 days prior to the month they are requesting use to the Parks and Recreation Director, who shall

present an agreement to the Parks and Recreation Board for their approval at the next scheduled monthly meeting.

IV. FEES & CHARGES

The facilities listed below must be rented a minimum of four (4) hours. Online reservations will be posted in four (4), eight (8), and sixteen (16) hour blocks. Requests outside of these blocks should be addressed with Parks and Recreation staff. A \$200 damage deposit is required for these facilities. A \$350.00 Damage deposit required for Armory Gym

Indoor Facilities	Capacity	Hourly Resident Fee	Hourly Non- Resident Fee
Cravath Lakefront Community Center	100	\$4 3.00 44.50	\$ 53.00 <u>55.00</u>
Starin Park Community Building	100	\$ 32.00 33.00	\$ 40.00 <u>41.50</u>
*Armory Gym & Kitchen	300	\$ 32.00 <u>33.00</u>	\$4 0.00 41.50
Armory Dance Studio	25	\$ 30.00 <u>33.00</u>	\$ 37.50 41.50

^{*}The Armory Gym does not allow food or beverages and is intended to be used as an athletic rental and programming venue.

The facilities listed below are rented for a minimum of an entire day, from 6am-11pm. No damage deposit is required for park shelter reservations.

Park Shelters Outdoor Facilities	Capacity	Daily Resident Fee	Daily Non- Resident Fee
Cravath Lake Picnic Shelter	100	\$ 64.00 <u>66.00</u>	\$80.0082.50
Trippe Lake Shelter (beach)	100	\$ 74.00 <u>76.50</u>	\$ 93.00 <u>96.00</u>
Trippe Lake Picnic Shelter	100	\$ 53.00 <u>55.00</u>	\$ 66.00 <u>68.00</u>
Starin Park Shelter (2)	100	\$ 53.00 <u>55.00</u>	\$ 66.00 <u>68.00</u>
Frawley Family Amphitheater		<u>\$113.50</u>	<u>\$144.50</u>

Athletic Facilities	Per Hour Resident Fee	Per Hour Non- Resident Fee
Starin Little League, or North Diamond or Southern Lakes Diamond	\$22.00 <u>\$20.00</u>	\$ 27.00 25.00
Starin Toppers Diamond	\$43.00	\$53.00
Starin Treyton's Field of Dreams	\$ 106.00 120.00	\$ 132.00 150.00
Starin Ball Diamond Complex (All 4 fields)	\$ 159.00 160.00	\$ 198.00 200.00
Moraine View Soccer Field	\$ 22.00 20.00	\$ 27.00 25.00
Moraine View Fields (All 7)	\$ 106.00 120.00	\$ 132.00 150.00
Any City Park (not listed above)	\$53.00	\$66.00

Commented [KB1]: Tournament pricing could be added with a 10% discount for 4 hours or more up to 8 hours and 20% 8 hours or more.

V. RULES & REGULATIONS

- Full payment is required at the time of the reservation.
- Groups 1 & 2 must pick-up keys during normal business hours.
- The Whitewater Parks and Recreation Department reserves the right to deny programs and/or special events which conflict with existing programs, use facilities for an event the facilities were not intended, or cause undue hardship on the facility and/or surrounding area. The availability of facilities for Class 1 may be limited based on requests and other rentals. Groups in Class 1 & 2 can provide the damage deposit or sign a responsibility and damage deposit? form.
- All groups must reserve the building for times needed including set-up and clean-up. In
 most cases, the contracted cleaning company will arrive at your scheduled completion time.
- All requests for facility rental refunds must be submitted in writing to the Parks and Recreation Board.
- Damage Deposits:
 - A \$200 damage deposit is required for all Groups 2 and 3 reservations when reserving the Starin Community Building, Cravath Lakefront Center, and
 - o Downtown Armory (Armory Gym \$350.00).
 - ONO deposits are required for picnic shelters.
 - The deposit can be paid on-line at the time of reservation or by cash/check no later than 14 days prior to the rental. The deposit is processed at the time of payment and will be returned via <a href="https://eheek-method.org/metho
- All facility reservations must be made and completed in full a minimum of 10 days prior to the event. The Parks and Recreation Director can waive the 10 day minimum for special circumstances.
- For Groups 1 & 2, remember to check the site when you arrive! If there are any
 damages/problems please call 262-473-0122458-2721 immediately and leave a detailed
 message. The exact time of your call and your concerns will be documented.
- Separate permits are required for renters that are serving alcohol, using amplified sound systems (outdoor rentals only), or anyone selling merchandise or booth space. These permits can be obtained from the City Clerk's office.
- All park regulations shall be observed. Municipal Buildings open at 7:00 am and close by 11:00 pm unless approved by the City Clerk at the time the contract is signed. Parks are open at 6:00 am and close at 12:00 am (midnight). The renter will forfeit \$100 of the damage deposit if they are in violation of the park curfew ordinance.
- Facility is not considered reserved until all payments and deposits have been received.

 Payment for the reservation is due in full before the facility is reserved. Photo ID is required with completed facility request form AND payment of damage deposit, as renter you are responsible for any damages. Person who appears on rental agreement is responsible for all damages and any costs above damage deposit.
- For Groups 1 & 2, you will be notified by email of code that will unlock the doors at least 1 day prior to your event. If your reservation will need physical keys, you will be notified as such. kKeys are not distributed on weekend days. You must stop by City Hall before your event, Monday Friday during normal business hours.

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- Consumption of alcohol is by permit only and in compliance with applicable ordinances
 and regulations. Permits/requests to have alcohol in a city facility should be submitted with
 payment at least 2 weeks prior to the event date. Only the applicant may request an alcohol
 permit, and photo ID is required with the application. Applications can be obtained from
 the City Clerk's office. Failure to obtain the proper permits the renter will forfeit \$200 of
 the damage deposit.
- Applicant shall be liable for any loss, damage or injury sustained by virtue of the activity conducted. Damages fees are as follows: replace rectangular table \$150, replace folding chair \$50, replace stackable chair \$150, replace 60" round table \$350-charged at actual cost of replacement or repair. Building maintenance will be estimated at a rate of \$50/hour-charged at actual rates. Carpet cleaning will result in a \$300 charge and any floor refinishing or resurfacing will range in cost from \$300-\$550.
- Handicapped accessible entrance doors are not allowed or able to be propped open. Please
 do not try and force the doors to stay open. Any damage done to the doors by keeping them
 open will be assessed to your damage deposit.
- No smoking is allowed in the City of Whitewater Buildings. Failure to comply the renter will forfeit \$200 of the damage deposit.
- Decorations are not to be attached in any way to the suspended ceiling at the Community Building. An eye-bolt is available in the ceiling of the West Room for hanging decorations. In all City facilities renters should avoid placing tape on the walls. No crepe paper is allowed in any rental facility.
- Please keep our facilities clean. It is the renter's responsibility to: bring your own dishtowels/cloths, wipe down tables and chairs and restore to the original locations, wipe down counters, appliances, and other surfaces, vacuum/clean floors and walls of any spills, clean any garbage from around the outside of the facility that your group may have caused, take all garbage with you after your event. Failure to remove garbage from the site is a \$100 charge against the damage deposit. Dumpsters are available outside of all indoor rental facilities. Outdoor facility users, please use garbage cans at facility, if garbage is more than the cans allow, please ensure your trash is bagged and placed neatly near existing garbage cans. Garbage can be taken to the dumpster located behind the Downtown Armory at 116
- Tent structures must be approved by the Parks and Recreation Director at time of facility
 request and comply with Diggers Hotline, Building Code and Fire Code requirements. No
 approval will be given and installation denied if compliance is not met.