



136 North Monroe Street, Waterloo, Wisconsin 53594-1198
Phone (920) 478-3025
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**2015-2017
FIREMEN'S PARK OPERATIONS AND MANAGEMENT AGREEMENT**

June 17, 2014 Parks Commission Modifications:
Text added is underlined = Underlined text added by Parks Commission

Pursuant to a resolution of the City Council of the City of Waterloo, Jefferson County, Wisconsin passed at a regular meeting of said board, held on the 3rd day of July, 2014 this indenture is made in duplicate by and between the City of Waterloo, Jefferson County, Wisconsin, a municipal corporation, hereinafter referred to as "City", and the Waterloo Fire Department – Board of Trustees, a voluntary association, hereinafter referred to a "Trustees".

WITNESSETH: In consideration of the covenants and the conditions hereinafter mentioned, the City hereby gives and grants the operation and management of a certain tract of real estate situated in the said City of Waterloo, known as Firemen's Park, to the said Trustees for the period, commencing on the 1st day of January, 2015 and ending at midnight on the 31st day of December 2017. The said Trustees shall operate and manage the same for the benefit of the public.

Operation and management shall include, but is not limited to, authority over all grounds and buildings located within Firemen's Park, responsible for ensuring that daily maintenance is carried out, renting and scheduling of all facilities, ensuring that the property doesn't fall into a state of disrepair and if major repairs are need that they are reported to the City in a timely fashion.

The Trustees shall have and receive, for the use of improvements or maintenance of Firemen's Park, all revenues which are derived from the operation and management of said Firemen's Park during the term of this indenture, and in compliance with the covenants and conditions hereof.

The City shall appropriate sums as designated in the annually approved municipal budget for the use of the Trustees, which are to be used for park management, operations and capital expenditures.

Park operation and management costs shall include, but not limited to, such items as: salaries and wages, social security taxes, lawn mower gas and oil, lawn mower repairs, trailer, leaf blower, and mulching equipment repairs, repair of the equipment, supplies for lawn care, and paint and labor.

The Trustees shall, during the term of this indenture, present to and file with the City



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RESOLUTION #2014-27

2015-2017 FIREMEN'S PARK OPERATIONS AND MANAGEMENT AGREEMENT

WHEREAS, the City of Waterloo intends to provide park services at Firemen's Park in an efficient and effective manner, and;

WHEREAS, the Waterloo Fire Department Board of Trustees President, Chris Abell, has requested that an agreement carrying forward all the terms and conditions of the previous agreement be presented to the Common Council at this time;

WHEREAS, the Common Council referred the matter to the Parks Commission and it is recommending the attached amended agreement.

BE IT RESOLVED, that the Common Council of the City of Waterloo, Wisconsin formally adopts the presented document titled 2015-2017 Firemen's Park Operations and Management Agreement for operations of Firemen's Park as amended.

PASSED AND ADOPTED this 3rd day of July 2014

CITY OF WATERLOO

Signed: _____
Robert Thompson, Mayor

Attest:

Morton J. Hansen, Clerk/Treasurer

SPONSOR(S) – Firemen's Park Trustee President

Clerk/Treasurer a monthly written report of their operation and management showing the gross receipts, and disbursements and balance on hand for the period covered by the report. Additionally the Trustees shall submit to the Council after the end of each calendar year an annual financial report. The Trustees shall also present to the City Clerk/Treasurer and keep current a written set of park operation policies and procedures. The Trustees will bring the written set of park operation policies and procedures before the Council at the time of each renewal of this agreement for review by the Council.

Agreement Termination Clause: Each party may terminate this agreement by providing a 90 day written notice to the other party. A notice under this agreement by either party to the other party shall be sufficiently given or delivered if it is mailed or delivered personally and:

In the case of the City:

City Clerk's Office
136 North Monroe Street
Waterloo, WI 53594

In the case of the Trustees:

Chris Abell, Trustee President
Post Office Box 301
Reeseville, WI 53579

With a copy to:

Craig Strobel, Trustee Vice President
300 Riverside Drive
Waterloo, WI 53594

IN WITNESS WHEREOF, the City of Waterloo has caused this agreement to be signed by Robert Thompson, its Mayor and Morton J. Hansen, its Clerk/Treasurer, and the Trustees of the Waterloo Fire Department. Trustees have caused this agreement to be signed by Chris Abell, its President, Craig Strobel, its Vice President and Karen Thompson, its Treasurer, at Waterloo, Wisconsin this 3rd day of July 2014.

CITY OF WATERLOO

By: _____
Robert Thompson, Mayor

By: _____
Morton J. Hansen, Clerk/Treasurer

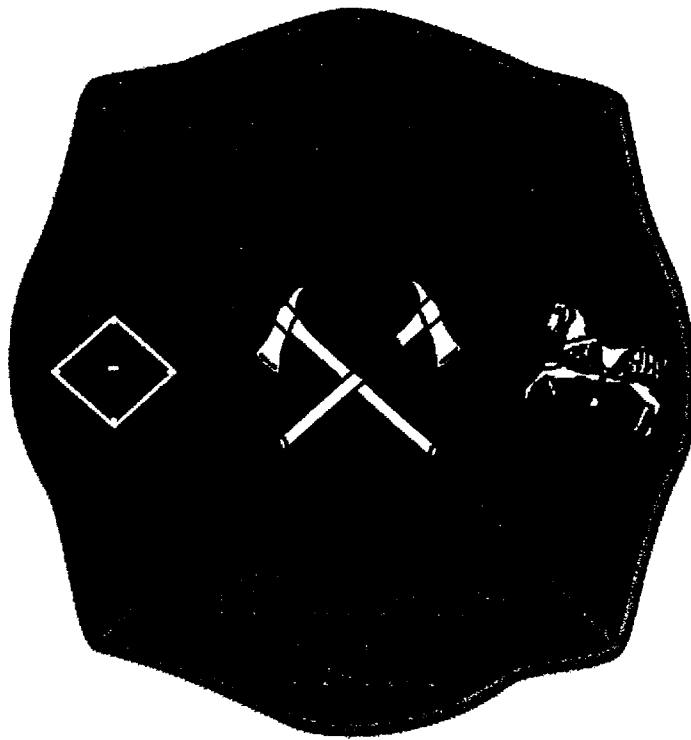
WATERLOO FIRE DEPARTMENT – BOARD OF TRUSTEES

By: _____
Chris Abell, President

By: _____
Craig Strobel, Vice President

By: _____
Karen Thompson, Treasurer

WATERLOO FIREMEN'S PARK



EMPLOYEE HANDBOOK AND POLICIES AND PROCEDURES

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OUR RELATIONSHIP WITH THE EMPLOYEE

We hope that you, the employee value your employment relationship with us as much as we do. We ask that each employee maintain a commitment of always doing their best at work. We believe that every employee deserves a safe, clean, and fair work environment.

In trying to reach these goals, we the Park management will try to give employees advance notice of any performance or work related problems, and will usually not terminate employees without prior notice except in problem situations. This does not mean that continued employment is guaranteed or a matter of right. Each employee relationship with Waterloo Firemen's Park is considered **AT-WILL**. Both parties have the right to terminate employment, for any reason or no reason at all, at any time, with or without prior notice.

ABOUT THIS HANDBOOK AND POLICIES

This handbook has been prepared for the purpose of providing all employees of Waterloo Firemen's Park with the rules, guidelines, and policies of the Park.

The most current official copy shall be kept on record with the Waterloo Fire Company President and Secretary and the most current copy shall supersede any previous copies and this book shall be continually updated by the Company Secretary.

There may be parts of this handbook that don't deal with every aspect of your employment. Those matters will be handled by Park management and what they believe is fair and appropriate under the circumstances.

There may at anytime be changes made to this handbook and its policies without prior notice given to the employees. However, the Park management will attempt to give notice when possible. Any changes made must be done in one of two ways:

1. At the monthly meeting with the quorum of five Trustees and the majority vote.
2. At anytime with a unanimous vote for the change by all seven Trustees.

If you, the employee has any questions about this handbook or its policies please ask the Park management.

BOARD OF TRUSTEES

Officers

The Board of Trustees has (3) three officers; the President, Vice President, and Secretary.

It shall be the duty of the Vice-President to aid the President in the discharge of his/her duties and in case of the absence of the President, perform his/her duties and assume his/her responsibilities.

These are also the Officers of the Waterloo Fire Company (per the Waterloo Fire Department Bylaws) and shall act accordingly.

The President is also the Park Manager and has control over the day-to-day operations of the Park.

The Treasurer is the only paid position within the Board of Trustees and is not an officer. (Please see the job description for the Treasurer.)

All Officers shall be elected at the Annual meeting and shall hold a (2) two year term.

Board of Trustees

The Board of Trustees is made up of seven (7) trustees.

The Trustees have sole control over the Waterloo Firemen's Park under the direction of the Officers of the Waterloo Fire Company under a lease agreement with the City of Waterloo, Wisconsin.

The Board of Trustees shall in cases requiring it to act as a Board of Arbitration for the Waterloo Fire Company or Department.

All Trustees shall be elected at the Annual meeting and shall hold a (2) two year term.

Requirements

All Officers and Trustees are required to attend at a minimum eight (8) of all regular Board of Trustee meetings in a calendar year plus the annual meeting.

All Officers and Trustees MUST work at the Fourth of July celebration. If you fail to work on this day without prior written release from the President you will be fined with (1) one absence from a regular meeting.

All Officers and Trustees MUST apply for a bartender's license within three (3) months from the City of Waterloo, Wisconsin. On years of renewal this application may be postponed until June 1st. The Park Board will pay for the first license for each member of the Park Board.

All Officers and Trustees MUST do their committee and community work. Committees are appointed by the President. Community meetings will be picked at the first meeting after the annual meeting. Each member will be assigned to only one community meeting. Such as: Chamber of Commerce, Waterloo Parks Commission, Waterloo City Council, etc...

You are allowed to miss one Community meeting, if you miss (2) two you will be removed from the Board of Trustees. If you can find a replacement to go for you or you inform the President or Vice President that you will not be able to attend your scheduled meeting, the absence will not be held against you until you have missed 3 meetings.

Meetings

The Board of Trustees shall meet the first Monday of every month at 7:00pm at either Firemen's Park or the Waterloo Fire Department station unless designated different by the President.

The Annual Meeting shall be held on the second Monday of January each year at 7:00pm.

The President shall preside at all meetings of the Company and Board of Trustees.

The President shall call all special meetings and the Secretary shall give 12 hour notice to all Officers and Trustees.

Per the Bylaws there must be a quorum of four (4) Trustees for any business to be conducted at any official meeting.

COMMUNICATION/COMPLAINT RESOLUTION PROCEDURE

Whenever people work closely together as we do, complaints and misunderstandings are bound to arise. We will make every effort to help in the resolution of all such matters. As part of this effort we have developed the below procedures for handling complaints and problems.

The correct procedure is as follows:

1. Put your problem or complaint in writing and submit it to the Park Supervisor. An investigation will be made and you will get an answer as quickly as possible.
2. If you are not satisfied with the answer from the Park Supervisor, you may request that Park Manager (President) review your complaint.
3. Should your problem or complaint still remain unresolved, you may ask that it be reviewed by the Board of Trustees.

If you have an unusual or personal complaint which you do not want to first submit to the Park Supervisor, you may go directly to the Park Manager (President) and/or Vice President.

We believe in and encourage open and free communication at all levels within our organization. No one who comes forward under this procedure will be retaliated against or suffer and negative

NO SOLICITATION OR DISTRIBUTION POLICY

In order to avoid annoyance to our employees and non-employees, there will be no solicitation or distribution of any items for any purpose on any Park grounds without a written contract or agreement with the Park management. Employees must also not solicit or distribute to other employees or non-employees unless doing so under the direction of the Park management.

NON-FRATERNIZATION

We respect the freedom and privacy of our employees. However, on the other hand, we have an obligation to ensure that employment decisions made by the Park management are based on objective considerations and are not influenced by personal relationships which may exist between employees.

Therefore, members of management are not permitted to date other members of management or employees of any type with exception to bartenders. Also, no members of the Board of Trustees are permitted to date each other, any member of management, or any employee of the Park

PAYROLL PERIOD

The pay period is two weeks ending on a Sunday; you will be paid every other Thursday.

If you have any questions about the pay period please contact the Park Manager.

BENEFITS

There are currently no health, dental, or disability benefits available to any employees. However, the Park Supervisor does have state pension available.

Workers Compensation

All employees are covered by Workers Compensation Insurance at no cost to the employee. With that said, all employees are to report immediately to the Park Supervisor if they are injured on the job. Under state law if you are injured on the job, any resulting medical and hospital expenses may be covered by this insurance. In addition, if the injury causes you to be unable to work, this coverage allows you to recover a percentage of your average weekly earnings, depending upon the nature and extents of your injury.

Unemployment Compensation

As an employee of Waterloo Firemen's Park, you are covered by unemployment compensation insurance. Eligibility for unemployment is determined according to state law. Eligible employees receive weekly benefits based on their earnings with past employers proceeding the time of their application for unemployment benefits.

LEAVES OF ABSENCE

Leave of Absence

Any employee may request a leave of absence in writing and submit it to the Park Supervisor or Park Manager. All leaves of absence will then be taken up by the Personnel Committee. All leaves of absence are unpaid and we ask that they remain as short as possible.

Jury Duty Leave

Serving on a jury – when called – is an important civic responsibility. Please inform the Park Supervisor or Park Manager as soon as you receive your summons. A copy of your summons should be submitted to management at that time. You will be excused for the length of time that your jury duty requires, you are expected to return to work the next workday after your duty is completed.

Funeral Leave

In the event of the death of a family member, you will be given time off for the funeral. You must notify the Park Supervisor immediately of the time off you will need.

EQUAL EMPLOYMENT OPPORTUNITY

Waterloo Firemen's Park is an equal opportunity employer. It is our policy to grant equal employment opportunities to all qualified applicants and employees without regard to their race, color, religion, sex, marital status, age (subject to legal requirements), national origin, citizenship status, disability, veteran status, sexual orientation, and any other protected status under federal, state, or local laws. Our policy of equal employment applies to all aspects of the employment relationship.

If you feel that this has been violated please refer to the Complaint Resolution procedure.

HARASSMENT POLICY

Sexual Harassment

Sexual Harassment is a violation of federal and state law, and it is against the policies of Waterloo Firemen's Park for any employee or non-employee, male or female, to sexually harass an employee or non-employee. Sexual harassment includes the following conduct:

1. Making unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature.
2. Making sexual comments or jokes, engaging in unwelcome physical contact, displaying sexual material or making vulgar or offensive statements about a person's gender, sexual activity, appearance or conduct where the result is to adversely affect a reasonable employee's working conditions.

Sexual harassment by employees, supervisors, management, officers, vendors, or any other individual will not be tolerated.

Other Harassment

Federal and state law also prohibit harassment on the basis of race, age, religion, creed, national origin, sexual preference, and handicap (disability) and it is against the policies of Waterloo Firemen's Park for any employee or non-employee to harass an employee for any of these reasons. Such prohibited harassment includes the making of comments or jokes about any of the above attributes to an employee and making gestures or vulgar, offensive or demeaning remarks, about any such attributes where the result is to adversely affect a reasonable employee's working conditions.

Reporting a Complaint

Any employee who believes they have been harassed should immediately report the conduct to the Park Supervisor or Park Manager. All acts of harassment will be forwarded to the Personnel Committee for an immediate investigation. Such action may include discipline or termination if harassment has occurred.

SAFETY PROGRAM

Waterloo Firemen's Park is committed to providing a safe place for guests and work environment.

However, safety in the workplace is everyone's responsibility and accomplished only if we all cooperate on this goal.

It is very important that everyone must learn safety practices and follow them. Employees must comply with all safety rules and use all provided safety equipment and personal protective equipment.

Safe Working Guidelines

Safety is considered a top priority on the job. Employees are required to report any hazards and unsafe conditions to the Park Supervisor immediately. The Park Supervisor is then expected to quickly resolve the problem.

At **no time** may any person (employee or non-employee) under the age of 18 operate any power equipment. (I.e. drivable equipment, chainsaws, weed eaters, leaf blowers, drills, etc...)

To ensure safe operations, the following guidelines must be followed:

1. Never operate any equipment without all safety guards in place.
2. You must wear all proper Personal Protective Equipment provided.
3. Lift objects by bending your knees and keeping your back straight. If an object is too heavy for you, ask for help.
4. Immediately clean up any spills, slippery floors can be very dangerous.
5. Never use a chemical you are unsure of. Each chemical has its proper use. Never use an improper chemical or mix two different chemicals.
6. Follow all appropriate appearance guidelines.

APPERANCE AND ATTITUDE

The Board of Trustees and our guests expect you, the employee to look and act in a professional manner. We promote a positive and friendly attitude. All guests are to be greeted kindly and with care. With this in mind we have created a few guidelines.

- HAIR:** Must be neat, clean, away from the face, and properly restrained for safety.
- JEWELRY:** Engagement, Wedding bands, and small stud earrings only. All other Jewelry is not permitted for safety reasons.
- PERSONAL HYGIENE:** Good personal habits are essential while working. Daily bathing, use of deodorant, etc. as you are working in highly public area.
- SHOES:** Closed toe (preferably steel toe) footwear must be worn at all times.

DRUGS AND ALCOHOL

Drug and alcohol abuse is one of the most serious problems today. Although we have always recognized our employee's right to make their own choices and lead their own lives, drugs and alcohol can and often do affect performance and safety on the job. When this happens, we must get involved in order to protect our employees, guests and the future of Waterloo Firemen's Park.

The Waterloo Firemen's Park Board of Trustees has adopted a policy of zero tolerance for any employee or non-employee operating any Park equipment.

We have developed the following policy and work rules that apply to all employees.

1. The use, sale, possession, distribution, or manufacture of illegal narcotics, drugs, or controlled substances, including but not limited to marijuana, cocaine, PCP, heroin, LSD, amphetamines, and barbiturates, while on Park business or premises is prohibited. (Park premises include all land, buildings, structures, parking lots, or means of transportation owned by or leased to the Board of Trustees or otherwise being utilized for Park business including all private vehicles on Park property.)
2. All employees are prohibited from reporting to work while under the influence of illegal narcotics. Also, prescription and non-prescription drugs of any kind that may affect performance or become a safety issue. Violation of this rule will result in disciplinary action, up to and including immediate discharge. Any substances will be turned over to the appropriate law enforcement agencies and may result in prosecution.

3. The use of alcoholic beverages by employees while on Park business or while on the clock is prohibited. Violation of this rule will result in disciplinary action, up to and including immediate discharge.
 - a. If the Park Supervisor or any other member of management reasonably suspects that an employee is under the influence of drugs while on Park property or business the Park shall have the right to require the employee to submit to a medically approved test to be given by authorized medical personnel to determine whether this policy has been violated. The Park will pay the upfront costs and if the said employee is found positive for drugs, the said employee will be billed for reimbursing the costs to the Park.
 - b. If the Park Supervisor or any other member of management reasonably suspects that an employee is under the influence of alcohol while on the clock or Park business; the Park shall have the right to require the employee to submit to a medically approved test(s) to be given by authorized medical personnel to determine whether this policy has been violated. The Park will pay the upfront costs and if the said employee is found positive for drugs, the said employee will be billed for reimbursing the costs to the Park.
 - c. The Park reserves the right to require testing of employees who are involved in a work-related accident where human error could have been a factor.
 - d. If the employee takes the test(s), and the results come back negative; the employee will be reimbursed for any lost time. If the results come back positive the employee will be subject to disciplinary action, up to and including immediate discharge.
 - e. Failure to submit to the requested test(s) is a violation of this policy and is cause for discipline up to and including immediate discharge.
 - f. A medically approved test need not be administered when the Park has substantial proof that the rule has been violated.
4. Off-the-job drug/alcohol use which could affect an employee's job performance, jeopardize the safety of other employees, or non-employees, Park equipment or facilities, or which negatively affects the reputation of Waterloo Firemen's Park is also cause for disciplinary action up to and including immediate discharge.

Waterloo Firemen's Park realizes that employees may become dependant upon drugs and/or alcohol. If this occurs we encourage employees to seek help and request a medical leave of absence to deal with the problem. Seeking help does not excuse the employee from their obligations to meet this policy. Seeking help may only help in determining whether or not to retain the employee.

USE OF PARK PROPERTY

Equipment

No equipment shall leave the Park property without consent of the Park Manager or a member of the Board of Trustees who takes responsibility of the person taking the equipment and the equipment being used.

Tables/Chairs/Picnic Tables

There will be no renting of any Park tables and/or chairs, or picnic tables to the public. However, all City of Waterloo entities may use them if not already being used by the Park.

Keys

Waterloo Firemen's Park has many key holders both employees and non-employees. With this comes a risk on behalf of the Park, therefore all Park key holders must sign the Park Key Agreement. The said agreement describes rules for all key holders and the fines associated with losing the keys.

Any person found to be abusing their privilege as a key holder will have their keys taken by the Board of Trustees.

RENTALS

Park rental/use charges

- a. All rentals must be booked with a signed contract on file.
- b. The Rental and Beverage prices are set by the Board of Trustees and available by request; and shall be submitted to the City Council annually.
- c. Any organization desiring the use of any City-owned property located within Firemen's Park, shall be subject to an agreement negotiated between the party using the facility and the Board of Trustees

Security Deposits

1. Security deposits are sometimes required under the following circumstances:
 - a. All renters that are given a key must put down a \$100.00 security deposit on the key at the time they are given the key.
 - b. All renters are required to put a half down payment on the building rental at the time the contract is signed.

Buildings

The use of any Park buildings (Pavilion, Bingo Hall, Beer Garden, Roundhouse, Concession Stand, bandstand, Carousel.) other than open air shelters must be booked and have a signed contract on file. Open air shelters are open to the public free of charge unless being used for a Park event or part of a booked rental.

Times for Dances/Events

All dances/events in the Park must stop at 12:00am (midnight), all beverages other than Park approved vending machines must stop selling/serving at 12:30am, and all buildings must be emptied of all persons (except Park employees and cleaning crews) and locked by 1:00am.

Bartenders

1. List of Approved Bartenders: the Park management shall maintain a list of approved bartenders with the following:
 - a. The list will be updated annually and a copy will be kept on file at City Hall.
 - b. The bartenders shall possess a valid bartender's license, except as provided by the Board of Trustees.

Bouncers

1. Under no circumstances shall Park employees or Trustees work as "Bouncers" or otherwise physically confront or expel any park user. The procedure for handling violent park users shall be to contact law enforcement personnel.
 - a. This section shall not be construed to deprive Park employees of their right to self-defense, or their privilege to use force in defense of others, except that such use of force shall never be a required job duty of any Park employee.
2. Any Park renter may hire a professional security service with the permission of the Park Manager in advance of the date of the rental.

Caterers

All Pavilion rentals if serving food must use a State of Wisconsin licensed caterer. All other buildings may serve food themselves as long as it's done in any safe manner.

Fighting at a Dance or Event

Fighting of any form will not be tolerated; any violation of this will be turned over to the appropriate law enforcement agency per the Disciplinary Policy in this handbook.

Sale or Distribution of Alcohol on Park Property

- a. No alcoholic beverage may be sold, or distributed on Park property except as in accordance with this section. A violation of this section may result in the termination of a rental agreement without refund and/or the expulsion of park users from the Park property, in addition to any other civil or criminal liability arising from said behavior.
- b. Licensed Bartender Required: All alcoholic beverages sold in the pavilion shall only be distributed by a licensed bartender provided by the Park management.
- c. The Park has a Class "B" Fermented Malt Beverage and Intoxicating Liquors License. This means that both beer and liquor may be purchased in the Park. All Pavilion rentals must buy all Liquor, beer, soda, and water from the Park; all other buildings may bring their own beverages.

Additional Rules for any Rental or Event

- a. Walk-through
 - i. The park user shall provide a damage/cleaning deposit of \$100.00 and shall sign a personal guarantee for any damage to park buildings or property over and above the amount of the deposit.
 - ii. The park user shall submit a safety/security plan to the Park Manager or his/her designee. This plan must be approved by the Park Manager or