



### STREET USE APPLICATION

Event: Two Wheel Tuesdays  
 Sponsored by: The Locker Room  
 Responsible Person: FREDERICK A. SCHROEDER  
 Address: 800 Plank Rd.

Street Use Date: JUNE 24th,  
 Start Time: 6:00 p.m.  
 End Time: 9:00 p.m.  
 Number of Units: \_\_\_\_\_  
 (Parades)

Address: Menasha, WI - 54952  
 Email Address: thelockerroom@hotmail.com Phone: \_\_\_\_\_

Street Route: 300 block of Manitowoc St.  
 Description of Use (attach map)

Liability Insurance has been secured in the amount of \$ 1,000,000.00 with the City of Menasha named as the additional insured. This is primary insurance.  
 Insurance Company SOCIETY INSURANCE Policy No. 15261  
 (Attached are samples of the certificate of insurance and endorsement; each naming the City of Menasha as additional insured)

Date: JUNE 24th, 2014 Applicant's Signature: [Signature]

*7913*  
*5*

**Permit Fee:** Each application for a Street Use Permit shall be accompanied by a fee of \$25.00 along with a Special Event Fee of \$25.00. Please make checks payable to City of Menasha.

**Note to events planning to use City Parks and/or greenspace:** Any multi-day event or event which plans to sell beer and/or wine to the public must appear before the Parks and Recreation Board.

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**TO BE COMPLETED BY CITY STAFF** (Revised February 4, 2013)

Scheduled Park & Recreation Board Review Date: \_\_\_\_\_  
 Not Required: \_\_\_\_\_ Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

Scheduled Common Council Review Date: 6/16/2014  
 Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

**APPROVAL:**  
 Police Dept. \_\_\_\_\_ Fire Dept. [Signature] Public Works Dept. MR City Attorney PAC





# CERTIFICATE OF LIABILITY INSURANCE

LOCKE01

OP ID: MK

DATE (MM/DD/YYYY)

06/04/14

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

**PRODUCER**  
**ADEMINO & ASSOCIATES INC**  
 DAVID ADEMINO  
 1001 TRUMAN P O BOX 99  
 KIMBERLY, WI 54136-0099

920-734-3110  
 920-734-6027

**CONTACT NAME:**  
**PHONE (A/C, No., Ext):**  
**FAX (A/C, No):**  
**E-MAIL ADDRESS:**

**INSURED**  
**THE LOCKER ROOM**  
**HOT BRASS LLC dba**  
**800 PLANK RD**  
**MENASHA, WI 54952**

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A: SOCIETY INSURANCE	15261
INSURER B:	
INSURER C:	
INSURER D:	
INSURER E:	
INSURER F:	

**COVERAGES**

**CERTIFICATE NUMBER:**

**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDITIONAL SUBR INSR W/VD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-ECT <input type="checkbox"/> LOC	X	TRM 529484	08/18/13	08/18/14	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV. INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGS \$ 2,000,000
A	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS		TRM 529484	08/18/13	08/18/14	COMBINED SINGLE LIM (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE DEF. RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE/OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N/A				WC STATUTORY LIMITS OTHER E.L. EACH ACCIDENT \$ E.L. D SEASE - EA EMPLOYEE \$ E.L. D SEASE - POLICY LIMIT \$

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES:** (Attach ACORD 101, Additional Remarks Schedule, if more space is required)  
**EVENT:** TWO WHEEL TUESDAY'S MOTORCYCLE SHOW.

**CERTIFICATE HOLDER**  
 MENAS-1  
 CITY OF MENASHA  
 140 MAIN ST  
 MENASHA, WI 54952

**CANCELLATION**  
 SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  
 AUTHORIZED REPRESENTATIVE  
*David M. Ademino*



MIDTERM CHANGE DOCUMENT

POLICY NO. TRM 520484 00205

SOCIETY INSURANCE, a mutual company | ADEMIRU & ASSOCIATES INS AGENCY INC

NAMED INSURED HOT BRASS LLC DBA  
THE LOCKER ROOM

MAILING ADDRESS 800 PLANK RD  
MENASHA WI 54952-2924

POLICY PERIOD: FROM 08/19/2013 TO 08/18/2014 at  
12:01 A.M. Standard Time at your mailing address shown above.

CHANGE EFFECTIVE 05/13/2014 CHANGE # 2

DESCRIPTION

FORM BPO407, ADDITIONAL INSURED - STATE OR POLITICAL SUBDIVISIONS PERMITS RELATING TO PREMISES, IN FAVOR OF CITY OF MENASHA IS DELETED.  
FORM SAI-44, ADDITIONAL INSURED-PRIMARY NON CONTRIBUTORY LIMITED FORM, IS ADDED IN FAVOR OF CITY OF MENASHA.  
REVISED ADDITIONAL INSURED LIABILITY SCHEDULE IS ATTACHED.  
ADDITIONAL PREMIUM WILL BE REFLECTED IN FUTURE INSTALLMENTS.

Original Premium \$	<u>3,805</u>	New Premium \$	<u>3,845</u>	Total Add'l/Return Premium \$	<u>11</u>
Original Fire Surcharge \$		New Fire Surcharge \$		Add'l/Return Fire Surcharge (included in above Premium) \$	<u>ADDITIONAL</u>
					<u>NO CHANGE</u>

COUNTERSIGNED 06/04/2014 BY \_\_\_\_\_  
(Date) (Authorized Representative)  
C15 82  
06/04/2014



SOCIETY INSURANCE, a mutual company

ADDITIONAL INSURED - LIABILITY

POLICY # TRM 529464  
HOT BRASS LLC DBA  
THE LOCKER ROOM  
800 PLANK RD  
MENASHA WI 54952-2924

AGENT ADEMINO & ASSOCIATES INS AGENCY INC  
00205

GOOSE DREAMS LLC  
800 PLANK RD  
MENASHA, WI 54952

TBP-18 - WI - Loc #1

CITY OF MENASHA  
140 MAIN ST  
MENASHA, WI 54952-3151

5A14# - WI - Loc #1

NOTE TO ADDITIONAL INSURED: YOUR RIGHT TO COVERAGE UNDER THIS  
POLICY IS LIMITED. READ SPECIFIC TERMS AND CONDITIONS RELATING  
TO YOUR INTEREST FOR DETAILS.



SAI-44 (9-02)

**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

**ADDITIONAL INSURED - PRIMARY NONCONTRIBUTORY -  
LIMITED FORM**

This endorsement modifies insurance provided under the following:

BUSINESSOWNERS LIABILITY COVERAGE FORM  
COMMERCIAL GENERAL LIABILITY COVERAGE PART

**SCHEDULE**

**Name of Person or Organization (Additional Insured):**

CITY OF MENASHA  
140 MAIN ST  
MENASHA WI 54952

(If no entry appears above, information required to complete this endorsement will be shown in the Declarations as applicable to this endorsement.)

WHO IS AN INSURED is amended to include as an additional insured any person or organization shown in the Schedule as an additional insured. That entity shall be covered only for liability for bodily injury or property damage that is imputed to it as a result of your actions or conduct. In no event shall the additional insured receive any greater or additional coverage, or any greater or additional limits of liability than you receive under this policy.

If the name of the person or organization stated above includes any architect, engineer or surveyor, the following applies:

The insurance with respect to such architects, engineers or surveyors does not apply to "bodily injury", "property damage", "personal injury" or "advertising injury" arising out of the rendering of or the failure to render any professional services by or for you, including:

- a. The preparing, approving or failing to prepare or approve amps, drawings, opinions, reports, surveys, change orders, designs or specifications; and

SAI-44 (9-02)



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b. Supervisory inspection or engineering services.

If a written contract between you and the additional insured specifically requires that this insurance be primary, then the insurance afforded by this endorsement is primary insurance and we will not seek contribution from any other insurance available to the additional insured named in this schedule unless the other insurance is provided by a contractor other than the named insured. Then we will share with that other insurance by the method described below.

If all of the other insurance permits contribution by equal shares, we will follow this method also. Under this approach each insurer contributes equal amounts until it has paid its applicable limit of insurance or none of the loss remains, whichever comes first.

If any of the other insurance does not permit contribution by equal shares, we will contribute by limits. Under this method, each insurer's share is based on the ratio of its applicable limit of insurance to the total applicable limits of insurance of all insurers.

If no contract between you and the additional insured requires that this insurance be primary, then the coverage granted to the additional insured under this endorsement shall be excess over any other valid and collectible insurance.

This endorsement provides no coverage to the additional insured for any liabilities arising out of the claimed negligence of the additional insured, or out of the claimed negligence of any entities other than the Named Insured.

SAI-44 (9-02)



## CHAPTER 8

### Street Use Permit

#### SEC. 7-8-1 STREET USE PERMITS.

- (a) **PURPOSE.** The streets in possession of the City are primarily for the use of the public in the ordinary way. However, under proper circumstances, the City Clerk may grant a permit for street use, subject to reasonable municipal regulation and control. Therefore, this Section is enacted to regulate and control the use of streets pursuant to a Street Use Permit to the end that the health, safety and general welfare of the public and the good order of the City can be protected and maintained.
- (b) **APPLICATION.** A written application for a Street Use Permit by persons or groups desiring the same shall be made on a form provided by the City Clerk and shall be filed with the City Clerk. The application shall set forth the following information regarding the proposed street use:
- (1) The name, address and telephone number of the applicant or applicants.
  - (2) If the proposed street use is to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorizing responsible heads of such organization.
  - (3) The name, address and telephone number of the person or persons who will be responsible for conducting the proposed use of the street.
  - (4) The date and duration of time for which the requested use of the street is proposed to occur.
  - (5) An accurate description of that portion of the street proposed to be used.
  - (6) The approximate number of persons for whom use of the proposed street area is requested.
  - (7) The proposed use, described in detail, for which the Street Use Permit is requested.
  - (8) Applications for a street use permit must be completed and filed with the City Clerk not less than thirty (30) days prior to the scheduled date of the street use.
- (c) **REPRESENTATIVE AT MEETING.** The person or representative of the group making application for a Street Use Permit shall be present when the Board of Public Works and Common Council gives consideration to the granting of said Street Use Permit to provide any additional information which is reasonably necessary to make a fair determination as to whether a permit should be granted.
- (d) **REVIEW BY CHIEF OF POLICE AND DIRECTOR OF PUBLIC WORKS.** Before any application for a Street Use Permit is considered by the Common Council, the application shall be reviewed by the Director of Public Works and Chief of Police for their recommendation as to the effect that the temporary closing of the street will have on the public safety and traffic movement in the area during the time the street may be closed.
- (e) **MANDATORY DENIAL OF STREET USE PERMIT.** An application for a Street Use Permit shall be denied if:
- (1) The proposed street use is primarily for private or commercial gain.
  - (2) The proposed street use would violate any federal or state law or any ordinance of the City.
  - (3) The proposed street use will substantially hinder the movement of police, fire or emergency vehicles, constituting a risk to persons or property.
  - (4) The application for a Street Use Permit does not contain the information required above.
  - (5) The proposed use could equally be held in a public park or other location. In addition to the requirement that the application for a Street Use Permit shall be denied, as hereinabove set forth, the Common Council may deny a permit for any

other reason or reasons if it concludes that the health, safety and general welfare of the public cannot adequately be protected and maintained if the permit is granted.

- (f) **PERMIT FEE.** Each application for a Street Use Permit shall be accompanied by a fee of Twenty-five Dollars (\$25.00).
- (g) **ALCOHOL BEVERAGE LICENSES.** If the applicant requests permission to possess, sell or offer for sale fermented malt beverages and/or wine containing not more than six percent (6%) alcohol by volume within the perimeter of the street use permit area, the applicant shall follow the procedure for a Temporary Class "B" Picnic License under SEC. 7-2-1(e)(1) of the Code of Ordinances. The Common Council may impose conditions for the street use permit not inconsistent with a concurrent alcohol beverage license and applicable laws.
- (h) **INSURANCE.**
  - (1) The applicant for a Street Use Permit may be required to indemnify, defend and hold the City and its employees and agents harmless against all claims, liability, loss, damage or expense incurred by the City on account of any injury to or death of any person or any damage to property caused by or resulting from the activities for which the permit is granted. As evidence of the applicant's ability to perform the conditions of the permit, the applicant may be required to furnish a Certificate of Comprehensive General Liability Insurance with the City of Menasha. The applicant may be required to furnish a performance bond prior to being granted the permit.
  - (2) Any street use applicant may apply to meet the insurance requirements through the office of the Risk Manager by purchasing insurance through a TULIP program. (Tenant/Users Liability Insurance Program.) Any fees or costs shall be prepaid by such street use applicant prior to Common Council consideration of any Street Use Permit.
  - (3) The City Attorney or Risk Manager shall review any Street Use Permit Application for satisfactory insurance coverage.
  - (4) Proof of insurance is not required for parades sponsored by the Menasha Public Schools or St. Mary's Central High School.
- (i) **TERMINATION OF A STREET USE PERMIT.** A Street Use Permit for an event in progress may be terminated by the Police Department if the health, safety and welfare of the public appears to be endangered by activities generated as a result of the event or the event is in violation of any of the conditions of the permits or Ordinances of the City of Menasha. The Chief of Police has the authority to revoke a permit or terminate an event in progress if the event organizers fail to comply with any of the regulations in the street use policy or conditions stated in the permit.
- (j) The City of Menasha may require a deposit fee to insure that appropriate clean-up or dismantling of structures is done upon the conclusion of the event. This deposit shall be in an amount established by the Common Council.
- (k) The City of Menasha may require any Street Use applicant to pay any costs necessary for additional staffing to maintain safety of participants or the public or to satisfactorily clean up after the event.
- (l)
  - (1) The Chief of Police and Fire Chief are allowed to authorize a use of the streets for a short duration without other compliance with this section.
  - (2) The Common Council may waive any of the requirements of this section in the event of special mitigating circumstances.
- (m) The Common Council may waive any of the requirements of sections 7 – 8 – 1 (c), 7 – 8 – 1 (d) or 7 – 8 – 1 (e) in the event of special mitigating circumstances. Any such motion to waive any of these requirements must state the specific mitigating circumstances.



To: Members of the Common Council

From: Chief Tim Styka 

Date: June 11, 2014

RE: Street Use Application – 300 Blk. Manitowoc St. for June 24, 2014

The Council will be discussing the Street Use Application for the 300 Blk. of Manitowoc St in the meeting on June 16<sup>th</sup>. My responsibility under ordinance 7-8-1 (d) is to provide a recommendation as to the effect that the temporary closing of the street will have on public safety. It is my recommendation that the Street Use Permit not be approved.

On June 10<sup>th</sup>, 2014 the Locker Room held a similar event. Officers did stop at the event around 7pm after observing countless people outside the establishment with open intoxicants. People were not only around the bar, but also in the street and 3 neighboring businesses. In addition, there was not adequate parking for the event. People were parked in Coonen's and Manderfield's parking lot, as well as surrounding City Streets. It was estimated that over 300 people were in attendance.

Despite over 30 people drinking in violation of City Code none were given citations and contact was made with the owner, Fredrick Schroeder, to have the band to announce how drinks needed to stay at the bar. Officers explained to Mr. Schroeder that they would provide him some time to get things in order and they would be back later to see how things were going. Around 8pm officers did respond back to the area and found the crowd was smaller. However, there were still 10-15 people drinking in areas mentioned earlier. Mr. Schroeder was issued a summons for violation of 7-2-17, Violation of the Outdoor Permit.

While it can be argued the extent that parking and open intoxicant issues have with public safety, my biggest concern is the concerns expressed by Mr. Schroeder to the officers about the event. He acknowledged to the officers that there were too many people at the event and it was out of control. He then expressed concerns for his personal safety as some of the attendees have ties to local motorcycle clubs and he felt threatened by their attendance.

Based upon our observations and the comments made by Mr. Schroeder, I feel that I would be remiss in my duties by offering my approval to this event.

