CITY OF MERRILL

Parks & Recreation Dept. - Smith Center
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Rec. Dept. Telephone (715)536-7313 * Smith Center (715)536-6187
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MARCH MEETING NOTICE

The Merrill Parks and Recreation Commission will have a meeting on **Wednesday, March 6, 2019** at **4:15 p.m.,** at the **Merrill City Hall.**

Voting members of Commission: Kate Baker, Jean Ravn, Brian Artac, Kyle Gulke, Dave Sukow, Joan Tabor and Dan Novitch

The following items will be included on the agenda:

1. Approve minutes from previous meeting.
2. Approve claims.
3. Public Comment
4. Continue discussion on 2020 Capital & Operational Budgets.
5. General discussion on City Plan Commission composition.
6. Discussion regarding E-Bikes on City Trails.
7. Monthly reports.
8. Set date for next meeting.
9. Public comment
10. Adjournment

Submitted by
Brian Artac
Brian Artac, Vice-Chairperson
Parks and Recreation Commission

The Merrill City Hall is accessible to the physical disadvantaged. If special accommodations are required, please contact City Hall at 536-5594.

PARKS AND RECREATION COMMISSION

February 6, 2019

The Merrill Parks and Recreation Commission met on Wednesday, February 6, 2019 at 4:15 p.m. at the Merrill City Hall.

Members Present: Kyle Gulke, Dan Novitch, Joan Tabor, Brian Artac, Dave Sukow, Kate Baker, Jean Ravn

Members Excused Absent:

Department Staff Present: Dan Wendorf and Dawn Smith

Visitors: City Administrator Dave Johnson, Nathan Meyer -MP3:

***Motion by Baker, seconded by Novitch to approve the minutes from the December meeting.

***Carried unanimously.

***Motion by Sukow, seconded by Baker, to approve the claims from December 2018 and January 2019

Sukow questioned the bill for the stump grinder on Glen & Crescent Drive. Wendorf stated that they had to remove some trees on city right of way and the home owners wanted the stumps removed also.

***Carried unanimously.

Public Comment: none

The next item on the agenda was to review/approve bid for Parks Department pickup truck. Wendorf stated that they received two bids, one from Brickners Park City, Inc. for $30,699 and one from Breaman Merrill Ford for $28,400 plus $74.50 for license and registration. Wendorf stated Brickners Park City also gave a bid for a used truck which can't be used as it does not meet specifications.

***Motion by Novitch, seconded by Baker, to approve the bid for $28,400 + $74.50 for license and registration from Breaman Merrill Ford.

***Carried unanimously.

The next item on the agenda was to discuss Capital Improvements and Equipment for 2020-2029. Wendorf explained that the departments are getting a head start this year on capital items. Wendorf gave a list of items that the Park and Recreation Department would like to improve or replace in the next 10 years. Discussion was held, no action taken. This item will be on future agendas.

The next item on the agenda was to review/approve existing City Forest Lease agreement with WDNR. Wendorf stated that the WDNR does a great job of taking care of the City Forest and the lease is very beneficial to both parties.

***Motion by Novitch, seconded by Sukow, to approve renewing another 25 year lease with the WDNR for the City Forest.

***Carried unanimously.

The next item on the agenda was monthly reports. Wendorf asked if anyone had any questions. Wendorf stated that the lights at Athletic are done and just needs to do some training on them. Outdoor rinks have not opened this year; the weather has just not been very favorable this year for the rinks. Badger State games went really good; hopefully they will be back next year. Sukow questioned Wendorf on Ash Trees – Wendorf stated that hopefully by the end of the year they will all be removed. Wendorf stated logging is going good at City Forest.

***Motion by Sukow, seconded by Novitch to approve the monthly board report given by Wendorf.

***Carried unanimously.

The next regular meeting is scheduled for Wednesday, March 6, 2019 at 4:15 p.m. at the Merrill City Hall.

Public comment: Sukow stated that he would like to see the city get rid of that piece of land on Glen and Crescent Drive. It should be offered to the home owners.

***Motion by Novitch, seconded by Tabor to adjourn at 5:30 p.m.

***Carried unanimously.

Dawn Smith
Recording Secretary

FEBRUARY

AMERICAN WELDING	CYLINDER RENTAL	1/31/2019	6104331	$50.81	55200-02-15000
AMERICAN WELDING	CYLINDER RENTAL	1/31/2019	6104989	$68.79	55300-03-41500
ATCO INTERNATIONAL	CLEANING SUPPLIES	1/18/2019	10522931	$266.00	55200-03-40000
ATCO INTERNATIONAL	ICE GO PELLETS	1/18/2019	10522932	$312.00	55400-03-50000
BAJA'S	LITTLE DRIBBLER SHIRTS	1/31/2019	17694	$472.75	55300-03-41500
BAUMGART WASTE REMOVAL	WSTE HAULING JANUARY	2/1/2019		$256.00	55400-02-23600
BURGOYNE'S TOILET RENTAL	BADGER STATE GAMES	1/31/2019	57393	$300.00	CITY TIMBER SALES
CINTAS	UNIFORMS	1.24-19	12706286	$71.86	55200-03-46000
CINTAS	UNIFORMS	1/31/2019	4015890214	$71.87	55200-03-46000
CINTAS	MOPS/RUGS	2/14/2019	4016654207	$174.19	55400-02-23250
CINTAS	UNIFORMS JIM/JOE	2/7/2019	12706286	$71.87	55200-03-46000
CINTAS	UNIFORMS JIM/JOE	2/14/2019	12704286	$71.87	55200-03-46000
DUANE KOHNHORST	DJ	1/30/2019	123	$175.00	55300-03-41500
ELITE RENTALS	TENT RENTAL FOR BADGER STATE	1/31/2019	3994	$1,130.00	CITY TIMBER SALES
ENVIRONMENTAL CHEMICAL	SAFETY VEST	1/24/2019	E342M	$440.00	55200-08-91000
EZ SHARP	SUPPLIES FOR SKATE SHARPENER	2/12/2019	160235	$193.79	55400-03-50000
FASTENAL	SHOP SUPPLIES	1/30/2019	106485	$7.01	55400-03-50000
J.WINNING	ZAMBONI KNIFE	1/25/2019	96755	$81.00	55400-03-51500
LEE RECREATION	PICNIC TABLES	2/18/2019	11930-19	$10,000.00	CAPITAL PROJECT
LINCOLN COUNTY 4-H LEADERS ASSOCIATION	ADVERTISING	2-20-199		$400.00	55400-03-41000
MECANICAL INCORPORATED	CHECK CHILLER SYSTEM	1/22/2019	53470	$194.00	55400-02-16250
MERRIL COURIER	ADVERTISING	1/31/2019		$403.00	55300-03-41500
MERRIL STREET DEPARTMENT	P-21	1/28/2019	14189	$164.19	55200-03-50000
MERRILL ACE HARDWARE	TUBE SAND	2/20/2019		$27.96	55200-03-40000
MERRILL COURIER	ADVERTISING	1/31/2019		$185.78	CAPITAL NEW TRUCK
MERRILL COURIER	CHAMBER BOOK	1/31/2019		$429.00	55400-03-41000
MERRILL DISTRIBUTING	PAPER TOWEL	2/1/2019	1473652	$181.30	55400-03-40000
MERRILL DISTRIBUTING	GARBAGE BAGS	2/6/2019	1476171	$83.30	55400-03-40000
MERRILL HOUSE OF MUSIC	REPAIR MIC	2/22/2019		$59.95	55400-03-50000
MERRILL STREET DEPARTMENT	P-21	1/22/2019	14182	$506.11	55200-03-50000

MERRILL STREET DEPARTMENT	P-21	1/18/2019	1445	$206.85	55200-03-50000
MILWAUKEE BREWERS	TICKETS FOR GAME	2/5/2019	914909	$3,828.00	55300-03-41500
NORTHWOODS CHEMICAL CORP	CLEANING SUPPLIES	1/31/2019	218109	$118.04	55400-03-40000
ROTOGRAPHIC	ENEVELOPES	1/21/2019	233	$67.00	55400-03-10000
SUNRISE BROADCASTING	ADVERTISING	2/1/2019		$249.00	55400-03-41000
VAN ERT	ATHLETIC PARK LIGHTS	1/21/2019	25935	$236,738.70	CAPITAL ATHLETIC LIGHT
WALMART	OFFICE SUPPLIES	2/1/2019		$38.38	55300-03-10000
WALMART	TAPE	2/25/2019		$35.20	55400-03-10000
WISCONSIN BUILDING SUPPLY	SHOP SUPPLIES	1/31/2019	336448	$44.36	55200-08-91000
WISCONSIN URBAN WOOD	MEMBERSHIP	2/1/2019		$100.00	55200-02-15000
WPS	MARC	3/6/2019	405061701-00018	$33.88	55200-02-22000
WPS	SMITH CENTER	3/12/2019		$4,214.04	55200-02-21000

Sec. 2-142. - City plan commission.

(a) *Composition.* The plan commission shall consist of the mayor who shall be the presiding officer, the chairperson of the parks and recreation commission, one alderperson and four citizens of the city. The city administrator, engineering department representative, city attorney and the community development representative shall attend all commission meetings as ex officio, nonvoting members unless excused by the presiding officer.

(b) *Alderperson.* The alderperson of the plan commission shall be annually elected by a two-thirds vote of the common council at the council's organizational meeting.

(c) *Citizen members.* The four citizen members shall be appointed at the organizational meeting by the mayor, subject to council confirmation, to hold office for a period of three years.

(d) *Officers.* As soon as practical after May 1 of each year, the plan commission shall organize itself and elect a vice-chairperson, and other officers deemed necessary.

(e) *Record.* The plan commission shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the city clerk. Four members shall constitute a quorum but all actions shall require the affirmative approval of a majority of all the members of the commission.

(f) *Duties.*

(1) *The master plan.*

a. The plan commission may make, adopt and, as necessary, amend, extend or add to the master plan, subject to common council confirmation, for the physical development of the city including areas outside of its boundaries which, in the plan commission's judgment, bear relation to the development of the city. The master plan, with the accompanying maps, plats and descriptive and explanatory matter, shall show the plan

commission's recommendations for such physical development, and may include, among other things without limitation because of enumeration:

1. The general location, character and extent of streets, highways, freeways, street grades, roadways, walks, parking areas, public places and areas, parks, parkways, playgrounds, sites for public buildings and structures;
2. The general location and extent of sewers, water conduits and other public utilities whether privately or publicly owned, the acceptance, widening, narrowing, extension, relocation, removal, vacation, abandonment or change of use of any of the foregoing public ways, grounds, places, spaces, buildings, properties, utilities, routes or terminals;
3. The general location, character and extent of community centers and neighborhood units; and
4. A comprehensive zoning plan.

b. The plan commission may adopt the master plan as a whole by a single resolution, or, as the work of making the whole master plan progresses, may from time to time by resolution adopt a part thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject matter of the plan. The adoption of the plan or any part, amendment or addition, shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the plan commission, subject to confirmation by the common council. The resolution shall refer expressly to the maps, descriptive matter, and other matters intended by the commission to form the whole or any part of the plan, and the action taken shall be recorded on the adopted plan or part thereof by the identifying signature of the secretary of the commission, and a copy of the plan or

part thereof shall be certified to the common council. The purpose and effect of the adoption and certifying of the master plan or part thereof shall be solely to aid the plan commission and the common council in the performance of their duties.

(2) *Mandatory referrals to the plan commission.* The common council or officer of the city having final authority thereon shall refer to the plan commission, for its consideration and report before final action is taken by the council, public body or officer, the following matters:

a. The location of any statue or other memorial;

b. The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public ways, park, playground, airport, area for parking vehicles, or other memorial or public grounds;

c. The location, extension, abandonment or authorization for any public utility whether publicly or privately owned;

d. All plats of lands in the city or within the territory over which the city is given platting jurisdiction by Wis. Stats. ch. 236;

e. The location, character and extent or acquisition, leasing or sale of lands for public or semi-public housing, slum clearance, relief of congestion, or vacation camps for children; and

f. The amendment or repeal of any land use ordinance.

Unless such report from the commission is made within 30 days, or such longer period as may be stipulated by the common council, the council or other public body or officer may take final action without it.

(3) *Miscellaneous powers.*

a. The plan commission may:

1.

Make reports and recommendations relating to the plan and development of the city to public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens.

2. Recommend to the common council programs for public improvements.

b. All public officials shall, upon request, furnish to the commission, within a reasonable time, such available information as it may require for its work.

c. The plan commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and markers thereon. In general, the commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning in cooperation with the common council.

(g) *Vacancies.* Vacancies shall be filled by appointment for the remainder of the unexpired term in the same manner as appointment for the full term.

(Code 1993, § 2-4-5; Ord. No. 96-04, 2-13-1996; Ord. No. 06-10, 4-18-2006; Ord. No. 06-20, 8-29-2006; Ord. No. 2007-19, § 1, 8-14-2007)

State Law reference— Plan commission, Wis. Stats. § 62.23(1)—(4).

Help your heart by planting trees

Posted on February 14, 2019

February is American Heart Month. Get heart healthy the easy way, head outside! Exposure to trees relaxes and restores your mind, lowering your blood pressure and heart rate. This helps to reduce incidences of cardiovascular and lower respiratory diseases. Conversely, tree loss from the spread of the emerald ash borer, and other insects and diseases, is associated with increased mortality related to cardiovascular and lower respiratory diseases.

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One recent study has been digging into the relationship between trees and human health. This longitudinal study examined whether the spread of the emerald ash borer (EAB) is associated with increased mortality related to cardiovascular and lower-respiratory-tract illness (the first and third most common causes of death in the U.S. respectively). Data was collected from 1990 to 2007 across 15 states. It looked at mortality rates before and after EAB infestation by analyzing mortality rates, canopy percentages and forest inventory data, while controlling for a wide range of demographic variables. The research concluded tree loss from the spread of emerald ash borer is associated with increased mortality related to the cardiovascular and lower-respiratory systems. These results are consistent with previous research showing correlations between nature and health. The results don't show how trees could lower mortality rates related to cardiovascular and lower-respiratory illness. However, the authors mention – and other research has proven – several plausible mechanisms by which increased tree canopy can lower those rates. Trees improve air quality, moderate temperature, reduce stress and increase physical activity.

This effect on health also has economic impacts. Having quality, well-managed green spaces near where people live and work could return an annual savings of $1.2–$2.3 billion related to healthcare for cardiovascular disease and $1.3–$2.6 billion for hypertension. Coupled with other nature-provided health benefits, this is an overall savings of $11.7 billion per year in avoided health care costs! It is critical and economically savvy to have high quality, nearby nature in our communities that is available to everyone.

For more information and links to published research, visit human health in the Vibrant Cities Lab,
The Relationship Between Tres and Human Health: Evidence from the Spread of Emerald Ash Borer
and
Nature's Riches: The Health and Financial Benefits of Nearby Nature

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New northern oak wilt detections

Posted on December 3, 2018

By Paul Cigan, forest health specialist, Hayward. Paul.Cigan@wisconsin.gov; 715-416-4920 and Linda Williams forest health specialist, Woodruff. Linda.Williams@wisconsin.gov; 920-360-0665

Oak wilt (OW) was confirmed for the first time in Bayfield and Douglas counties and in 16 new northern townships in 2018. The new OW infections occurred on a range of properties, including county, tribal, private, U.S. Forest Service and Board of Commissioners of Public Lands. Wisconsin Department of Natural Resources (DNR) forest health staff are working proactively with affected property managers and landowners to address these infections and prioritize disease prevention and detection in the future.

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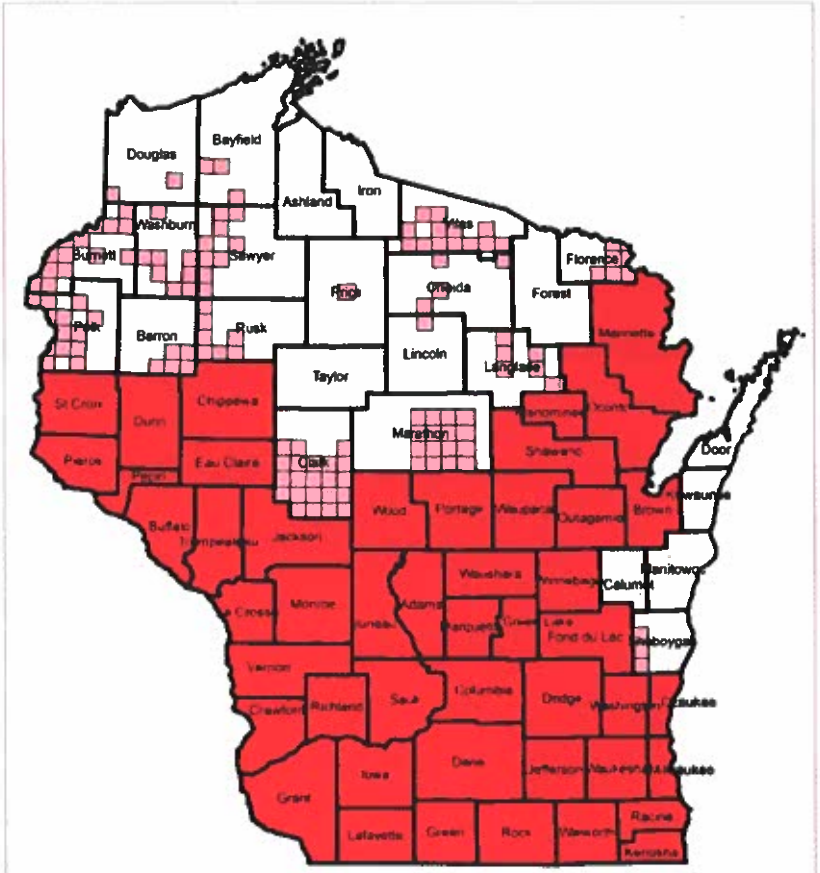

Oak wilt distribution map. Confirmed counties are displayed in red. Confirmed townships are displayed in pink 6-mile square blocks.

The greatest risk of overland transmission in northern Wisconsin is from April 15 to July 15, when fungal spores readily infect open wounds. Most of these new cases occurred during this time frame due to stem and branch damage. The primary causes of damage were roadside brush clearing, pruning, lot clearing and storm-caused branch breakage. Fungal spores may have come from diseased oak firewood and unprocessed wood recently transported into these areas.

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OW disease center. Oak on far left was infected through belowground root contact with tree damaged in lot clearing (far right). Dairyland Township, Douglas County (photo taken by Paul Cigan).

If oak wilt is present in or within 6 miles of the county where you manage oak, your management activities may be affected by seasonal harvesting restrictions to reduce OW introduction and impact. Read DNR's oak harvesting guidelines for more information and refer to the list below of new 6 square mile blocks by township and county to see if OW has been detected near your property.

Bayfield County

Barnes	T45N R9W
Cable	T43N R7W
Drummond	T45N R8W

Douglas County

Dairyland	T43N R15W
Gordon	T44N R11W

Langlade County

Northwest WI Forest Health Partners
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Preventing wildfires
Publications
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Silviculture
South Central WI Forest Health
Southeast WI Forest Health
Statewide Forest Health
Taking action
Technical assistance
Training
Tree seedling sales

Elcho	T34N R11E
Langlade	T33N R13E
Neva	T32N R11E

Sawyer County

Couderay	T39N R8W
Hayward	T41N R8W
Hunter	T40N R7W
Round Lake	T41N R8W
Spider Lake	T42N R7W

Vilas County

Boulder Junction	T42N R6E
Lac du Flambeau	T41N R5E, T40N R5E
St. Germain	T40N R8E

Please report any suspected oak wilt infections to your local DNR forester or regional forest health specialist and learn more about oak wilt identification and biology on the DNR oak wilt webpage. To learn more about firewood rules and how you can help reduce transmission of pests and diseases, including oak wilt, visit the DNR firewood page.

Urban wood
West Central WI forest health
Woodland owners
Wood utilization

Archives

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Bronzed leaves fallen from infected oak. Leaves were observed beneath infected northern red oak. Cable Township, Bayfield County (photo taken by Paul Cigan).

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Forest Health News Central WI Forest Health Disease

East Central WI Forest Health Firewood Northeast WI Forest Health

Northwest WI Forest Health Pest South Central WI Forest Health

Southeast WI Forest Health Statewide Forest Health

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← Heterobasidion root disease in Trapping project found no non-

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Markets growing for urban wood across Wisconsin

Posted on January 15, 2019

By Scott Lyon, Forest Products Specialist

Many communities have expressed greater interest in local goods and services over the last few years; as a result, urban wood recycling efforts have increased in Wisconsin. The increase of trees killed by invasive insects and disease caused many municipalities to seek alternative uses for urban wood rather than disposing material in a landfill. Recent efforts to market this growing source of material and develop ways to recycle urban trees within communities led Wisconsin to become one of the leading states in urban wood utilization.

Throughout the state, markets have started to grow; at least 30 companies are producing products made from urban wood. The City of

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Live edge walnut slab table at a Milwaukee based business.

Milwaukee cut their disposal costs in half by sending their street tree removals to Kettle Moraine Hardwoods and Bay View Lumber. Consumers are drawn to urban wood for its unique character appearance that enhances its use in furniture, cabinets, flooring, millwork, wall and ceiling panels. Urban wood can now be found in large scale projects such as ceiling and wall panels at the new Milwaukee Bucks Arena, and apartment and business buildings in Milwaukee. In both Milwaukee and Madison, the hobbyist wood worker can find urban wood lumber and live edge slabs at the local Habitat for Humanity Restore. Urban wood manufacturers have noted an increase in demand for live edge slabs for use in tables, desks and countertops.

Demand for urban wood has increased not only in Milwaukee and Madison, but across the state in other communities such as Green Bay, Appleton, and Eau Claire. In Eau Claire, urban wood is making some noise (literally) after repurposing in the manufacture of guitars. In addition, the City of Eau Claire has partnered with some Wisconsin Urban Wood members to produce furniture and specialty products. Wisconsin Urban Wood is the brand that assures consumers that the wood originated from Wisconsin's community forests and passed through an entire supply of Wisconsin-based business to arrive as the final product.

However, a need still exists to help end-consumers and other users, such architects, interior designers, and engineers, understand the benefits and value of using wood and overcome perceived barriers. Wood is a renewable resource as opposed to substitute non-renewable products such as concrete, steel, and plastics.

For more information on urban wood use or to find an urban wood user in your area please visit Wisconsin Urban Wood or the Urban Wood Network.

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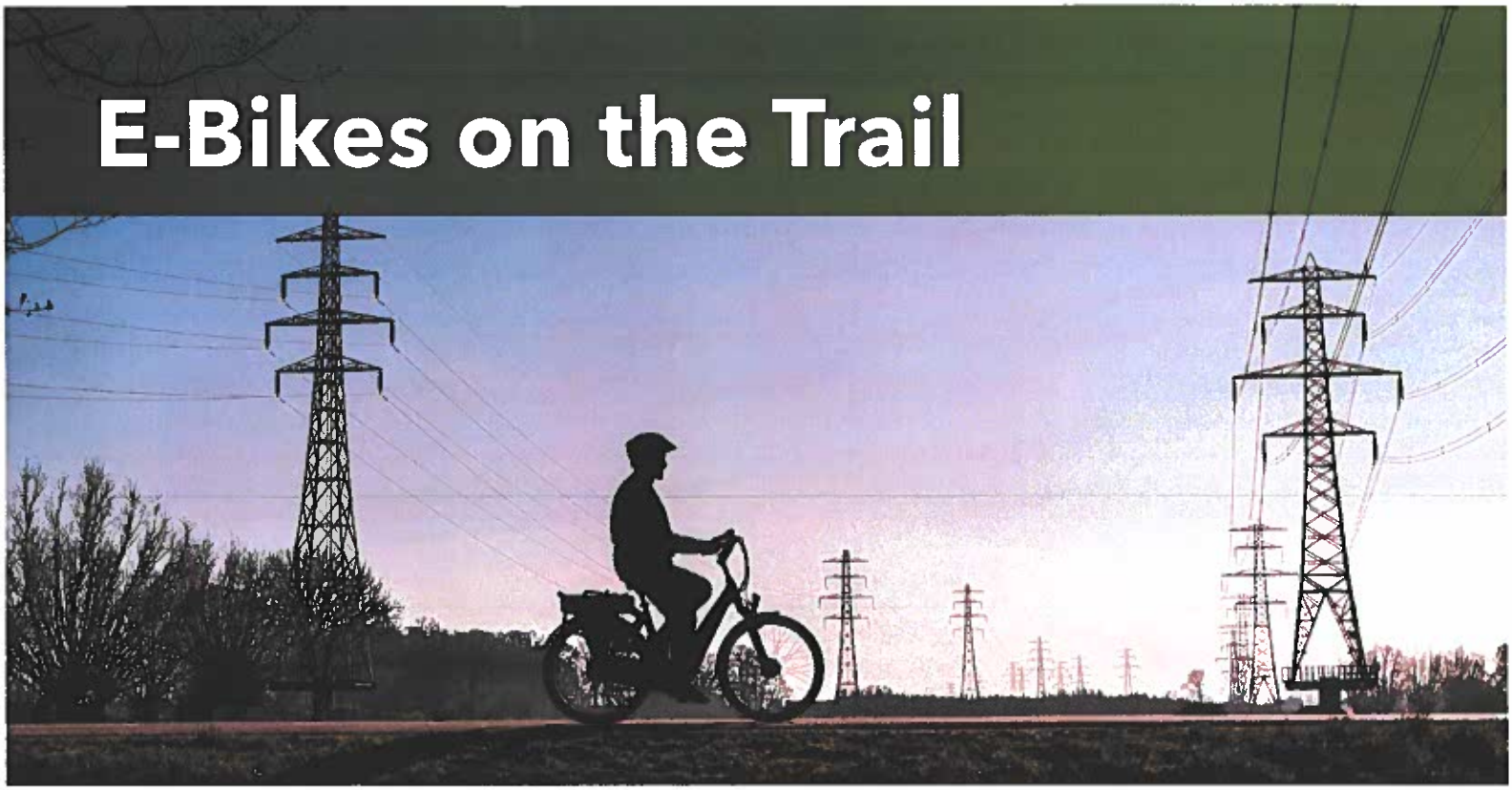
E-Bikes on the Trail



Electric bicycles—or e-bikes—are becoming increasingly popular nationwide. These bikes look like traditional bicycles but are equipped with an electric motor that can be used to assist the rider. While there are a variety of e-bike types—ranging from pedal-assist, which simply give riders a boost, to bikes with throttles that allow users to choose to pedal or use the motor to get around—all are electric, which means that they do not use gasoline or emit exhaust fumes, and are quiet when the motor is used.

As these bikes gain popularity, questions arise about their use. At Rails-to-Trails Conservancy (RTC), we often get questions about whether or not e-bikes should be or are allowed on trails, and what concerns trail users might have about interacting with e-bikes. Here are RTC's perspectives on e-bikes and trail use.

How E-Bikes Are Regulated

The U.S. Consumer Product Safety Commission regulates e-bikes federally from a product safety standpoint. Federal law specifies a maximum speed of 20 mph under motor power alone (bikes with a throttle) but no maximum speed when operating a pedal-assist e-bike. The commission regulates an e-bike at the first point of sale but not from a usage standpoint.

At the state level, e-bike statutes vary. Among the states that have adopted specific legislation, e-bikes are typically classified as bicycles with language that clarifies their distinction from "motorized vehicles" like motorcycles or mopeds. This specification means that e-bikes in these states avoid certain registration and licensing requirements pertaining to motorized vehicles. States with e-bike laws typically allow e-bikes on protected bicycle lanes and trails.

Among states that have not adopted e-bike statutes, e-bikes may be regulated as motorcycles or have confusing licensing and registration requirements. These states may also prohibit e-bike access to bicycle lanes and trails.

How and Why E-Bikes Are Classified

The bicycle industry has developed a classification system to define types of e-bikes based on their function and speed. In RTC's view, this is critical as it draws a clear distinction between bicycles and motorized vehicles. This classification provides the legal distinction between: a) e-bikes as bicycles with motors, and b) motorized vehicles that are prohibited from trails in certain situations. What's more, the classification system provides clear definitions of types of e-bikes, allowing local jurisdictions to better determine which types they will permit on their trails.

E-bike classifications include the following:

- **Class I:** Pedal-assist only, where the pedal-assist cuts off at 20 mph, and the user must pedal manually to go faster
- **Class II:** Throttle on demand—which operate by a throttle, by pedal-assist or by both—where the throttle cuts off at 20 mph, and the user must pedal to go faster
- **Class III:** Pedal-assist only, where the pedal-assist cuts off at 28 mph, and the user must pedal to go faster

Monterey Bay Coastal Recreation Trail, California | Barry Bergman

RTC's Policy Position on E-Bikes

RTC supports the passage of model e-bike legislation developed by the bicycle industry. Our support is predicated on the need to more clearly define in law the distinctions between bicycles with motors and motorized vehicles. Motorized vehicles—with the exception of motorized wheelchairs and snowmobiles—have long been prohibited on certain federally funded trails. We continue to support this prohibition but do not believe the definition of "motorized vehicles" should be so broadly construed as to automatically prohibit the use of bicycles with electric motors.

As to which classes of e-bikes should be permitted on trails, we believe that such decisions are best made by state and local decision-makers because conditions and uses of trails and other facilities vary. A central consideration is the compatibility of trail uses—including riding e-bikes—so users can have the experience that they expect. Applying e-bike classifications can be an effective way for determining which e-bikes are best suited for local trails and bicycle facilities.

Observing proper trail behavior—especially safe speeds—is not just the right thing to do, it is absolutely critical to maintaining a high standard of safety for all trail users. The top electric motor speed of Class I and Class II e-bikes is 20 mph, and the top speed of a Class III e-bike is 28 mph. By comparison, Google Maps uses an average speed of 10 mph for their bicycle directions, and a person of average health typically cycles at about 13 mph. The average speed of a Tour de France bicycle racer is 25 mph. At RTC, we feel that user conflicts caused by speed are more about behavior than technology. Both traditional cyclists—especially fit cyclists or racers—and e-bike users have the potential to cause speed-related user conflicts.

While e-bikes could exacerbate trail conflicts, it is most important to educate all cyclists and trail users about **trail etiquette**. In order to maintain a safe experience for everyone, cyclists—whether using an e-bike or a regular bike—must respect the experiences of pedestrians, other cyclists and other trail users by **using safe speeds and signaling when passing**. In short, it is user behavior, not the technology of an e-bike, that determines the trail experience.

Duty to report a crash (accident) [346.70]

The operator of a vehicle involved in a collision resulting in injury to or death of any person, or total damage to property owned by any one person of $1,000 or more shall immediately give notice of such collision to the police.

- "Injury" means injury to a person of a physical nature resulting in death or the need of first aid or attention by a physician or surgeon, whether or not first aid or medical or surgical treatment was actually received
- "Total damage to property owned by one person" means the sum total cost of putting the property damaged in the condition it was before the accident, or the sum total cost of replacing such property.

Electric Bicycles

Electric assist bicycles are a rapidly growing segment of the market. In the United States of America, Congress has defined a low-speed electric bicycle as any bicycle or tricycle with fully operable pedals, an electric motor not exceeding 750 W of power and a top motor-powered speed not in excess of 20 miles per hour. An electric bike or trike that meets these limitations is regarded as a bicycle Ifil by Public Law 107-319.12] This Law defines electric bicycles only for the purpose of Consumer Product Safety and does not allow for their use on roads. It is a safety criteria that manufacturers should use in building electric bicycles, which helps protect manufacturers from the threat of lawsuits from within states that attempt to legislate more stringent safety requirements.

These are Federal regulations that put control of monitoring the safety of electric bicycles into the hands of the Consumer Products Safety Commission (CPSC), which supersede any state law that is more stringent, but only regarding safety equipment required on electric bicycles and not regarding whether electric bicycles are street legal. The states still decide what vehicles are allowed to use the roads in their state.

TEA-21 and SAFETEA-LU Specify that legal Ebikes, as defined above, are legal on urban bicycle trail systems getting any federal funding ***unless states or local entities have passed laws specifically dis-allowing electric assist bicycles***. Under Federal Law, Ebikes are NOT considered motor vehicles unless the state or local entity has passed a law otherwise.

There is a MISCONCEPTION that when "motor vehicles" or "motorized vehicles" are disallowed by law or by signage, that this always means ebikes are illegal on trails. This is UNTRUE in many states; these terms do not include "legal low power electric assist bicycles", and can only be banned by passing a specific state or local law. (See TEA-21 Federal DOT Law)

SAFETEA-LU is a 2005 Federal Re-authorization of the 1990s TEA-21, and renews the exclusion of legal ebikes from the classification of'motor vehicles' from urban trail use ***unless a specific local ebike statute is passed***. http://www.house.gov/transportation democrats/Bike%20Book%2006.pdf

"Motorized vehicles are not permitted on trails and pedestrian walkways EXCEPT FOR: maintenance purposes, motorized wheelchairs, and-when State or local regulations permit-snowmobiles and electric bicycles. Electric bicycles are defined for the purposes of this Act as a bicycle or tricycle with a low-powered electric motor weighing less than 100 pounds with a top motor-powered speed not in excess of20 miles per hour."

(The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, P.L.109-59 Available from the Government Printing Office or online at www.dot.gov. Title 23, United States Code. Available from the Government Printing Office or your local library system.)

There is some debate as to if and where the 100 lb rule applies. On the surface it appears to be valid on trails. Check your state and local laws for any recent changes.

As always, unsafe operation may be a specific illegal or civil matter to be handled by local courts.

Wisconsin E-bike Laws

Wisconsin state statutes have not been updated to reflect Federal laws, so you may run into trouble using an e-assist bicycle on trails. The Wisconsin Bike Fed will be working with our state legislature to amend and update our laws to bring them into compliance with Federal rules and modern e-bike standards. Currently Wisconsin laws are as follows:

Electric bicycles in Wisconsin are defined as motor bicycles. Motor bicycle operators are required to have a valid driver's license. Motor bicycles cannot be used on bike paths unless they are being operated solely by pedal power, like a bike. When operating you also need to follow the rules of the road. Here are the relevant state statutes:

340.01 (30) Motor bicycle means any of the following:

(a) A bicycle to which a power unit not an integral part of the vehicle has been added to permit the vehicle to travel at a speed of not more than 30 miles per hour with a 150-pound rider on a dry, level, hard surface with no wind and having a seat for the operator.

(b) A 2-wheeled or 3-wheeled vehicle that has fully operative pedals for propulsion by human power and an electric motor of less than 750 watts and that is capable, when powered solely by the motor, of a maximum speed of less than 20 miles per hour with a 170-pound rider on a dry, level, hard surface with no wind.

343.05(3)(c) Operators to be licensed; exceptions.

(3) NONCOMMERCIAL VEHICLES

(c) No person may operate a moped or motor bicycle unless the person possesses a valid operators license or a special restricted operators license issued under s. 343.135 or a restricted license issued under s. 343.08. A license under this paragraph does not authorize operation of a moped or motor bicycle if the license is revoked, suspended, canceled or expired.

346.79 Special rules applicable to bicycles.

(5) No person may ride a moped or motor bicycle with the power unit in operation upon a bicycle way.

340.01(5s) Bicycle way means any path or sidewalk or portion thereof designated for the use of bicycles and electric personal assistive mobility devices by the governing body of any city, town, village, or county.

346.804 Riding bicycle on sidewalk is not allowed unless by local ordinance.

WisDOT also have other materials on their website about the rules of the road, where to ride, and general bicycle safety.

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March 2019 Parks & Recreation Director's Report

Parks: Well, the obvious topic of great popularity has been the snow that finally arrived in the month of February. Our crew has done a fantastic job of battling the never ending white stuff. Like almost everyone, it has become difficult to stay ahead of it all – especially because it is frequent and heavy snow. We have had to divide and conquer on the larger snow falls and really prioritize what areas get cleared out first and we have also had to be patient because there have been a number of snow falls that were simply too much for even our big equipment. For the most part our guys have been able to keep up with everything. We are fortunate to have a great working relationship with the Street Department and I cannot thank them enough for their assistance not only in our parks and facilities (when we need them) but the job they do keeping our roads clear. We were finally able to open our ice rinks in late January/early February and had some good conditions in between snow falls. We will see how much more we can get out of them before we have to close them down for the season. The sun angle this time of year can really create issues with our outdoor rinks so we shall see. We received our picnic tables that we ordered for Agra Pavilion and for the new shelter at Stange Park. We ordered 30 of them with the money we were allotted from the capital budget. We are going to have room for approximately 20 of them at Stange Park and 10 at Agra Pavilion. This will allow us to not have to move picnic tables from location to location anymore. So hopefully the snow slows down a bit from here on out so we can finish building the tables and get them to where they need to go before spring. Speaking of spring, this has the potential to be another one of those years where we have to push back the start of many spring sports seasons. The sheer amount of snow on and around the fields is going to take quite a while to melt, and we still need time to get on them and work them over before we can let anyone on them. I have talked with the River District Development Foundation a number of times and work on the Agra Pavilion has progressed to the point where we will most likely be ready to start reserving the pavilion by mid-summer.

Forestry: With all of the snow, the forestry calls have been a bit quiet. I was almost caught up before the snow began to pile up on the boulevards and I do have some locations to finish but might have to wait until I can properly inspect a tree (trunk inspection is pretty important). The Street Department was making great strides in getting caught up as well and that will be put on hold for obvious reasons too. I do have one concern related to the amount of snow and that is heavy lean on trees we planted within the past 2-3 years. I will have to spend a fair amount of time when the snow recedes, making sure that the trees are still set correctly for the roots to continue proper growth and that the trees are going to grow straight.

Recreation: Sticking with the weather theme, our Little Dribblers Youth Basketball has been going great with the exception of having to cancel on a few occasions due to school canceling. We typically do the first month as practices and the second month games. We are going to add a few weeks onto the

program so that we can get all of their games in. Everyone has been having a fantastic experience with the program and we really hope to continue our success and build on the program again next year. As mentioned last month, our numbers are up for the program and we would like to continue that trend every year. We are nearing completion on our 2019 Spring/Summer Recreation programs and are going to partner with the Merrill Courier once again for creation of the programs. This has been a great way for us to cut production costs (time and material) on the physical programs and to get more programs into more hands than we would have been able to previously. Once we have those finished we will begin to promote as hard as we can far and wide and get ready for another great season of warm weather recreation!

Smith Center: February was a very busy month for ice time inside the Arena. We were able to handle everything with ease, and all of our ice time/events/games/tournaments went very well. We still have a few very busy weeks to navigate before we turn the floor off and begin removing the ice after March 15th. This will give us just enough time to get things removed, cleaned, and converted before we begin our spring dry floor events. I have finished our specifications and bid notices for the dehumidifier replacements inside the arena. They are due at the end of March and I will have them in your packets for a decision in April. This will give plenty of time to organize and coordinate the project and have it executed before it is time for ice again this fall. I mentioned this at last month's meeting but I met with a representative from Focus on Energy to begin the process of moving forward with utilizing more renewable energy at the Smith Center (and eventually throughout our park system). The snow has delayed a few attempts at meeting with some installers to get prices and a physical plan to show us what it would take to begin. I will keep you in the loop when the weather allows for them to get here and discuss options to start and build off of. As I mentioned in our capital discussion, renewable energy is something we need to seriously consider. It is the safest investment and cost savings we could do, especially to start at the Smith Center – it will literally save us money all of the time! We would like to thank all of our ice organizations for being great partners once again this year, as well as all of the members of the public who came out to support the Smith Center at public skates and as fans at the different events.

Respectfully Submitted,

Dan Wendorf

Dan Wendorf
Parks & Recreation Director
City of Merrill