



CITY OF MERRILL

Parks & Recreation Dept. - Smith Center

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FEBRUARY MEETING NOTICE

The Merrill Parks and Recreation Commission will have a meeting on **Wednesday, February 3, 2021 at 4:15 p.m., Join by phone: 252-423-4261. Use Pin: 653 916 341 #** or <https://meet.google.com/oyd-csxt-hgb>

Voting members of Commission: Jean Ravn, Brian Artac, Kyle Gulke, Joan Tabor, John Vanlieshout, Amanda Groth 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. Review and approve Safe Routes to School Resolution.
5. Continued discussion on 10 year Capital Plan.
6. Begin discussion on review and revision of Forestry Ordinances.
7. Continued discussion on potential extension of ice time in Smith Center.
8. Discuss summer recreation plans.
9. Monthly reports.
10. Set date for next meeting.
11. Public comment
12. Adjournment

Submitted by

Dan Novitch
dms

Dan Novitch, 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

January 6, 2021

The Merrill Parks and Recreation Commission met on Wednesday, January 6, 2021 at 4:15 p.m., virtual meeting.

Members Present: Dan Novitch, Kyle Gulke, Jean Ravn, Brian Artac, Amanda Groth and John Van Lieshout

Members Excused Absent: Joan Tabor

Department Staff Present: Dan Wendorf and Dawn Smith

Visitors: City Administrator Dave Johnson

***Motion by Artac, seconded by Ravn to approve the minutes from the November meeting.

***Carried unanimously.

***Motion by Ravn, seconded by Groth, to approve the claims from December.

Gulke questioned if the bills were from all year or just from the month of December. Wendorf stated they are just from November and December because we didn't have a December meeting; it just looks different because the city hall did the bills.

***Carried unanimously.

Public Comment: None

The next item on the agenda was continued discussion on COVID-19. Wendorf stated that we had a good start to the ice season; unfortunately we did get closed down for a month, but were able to reopen on Dec. 14. Wendorf stated all user groups are helping with sanitizing and everyone is doing their part to keep the building open to the user groups. Wendorf stated that he is confident that we will be able to open the aquatic center and have our summer playground program this summer. It may not look like pre-covid procedures but we want to try and are preparing to do whatever we can to operate. Wendorf stated that he is hopeful that this summer will be better than last summer.

The next item on the agenda was a summary of the 2021 budget. Wendorf stated that he thought everything went very well during the budget process. It was approved to hire another employee starting after June 1, 2021. Wendorf stated that he has started putting together a job description and would like to start promoting the position as soon as possible.

The next item on the agenda was to begin discussion on 2022 and 10 year capital budget. Wendorf sent out the 10 year capital budget goals to commission members and asked that they take a look at the items and determine if anything should be added or what is more important. Ravn requested the curling facility be added back onto the plan. This item will remain on the agenda.

The next item on the agenda is to discuss potentially extending Smith Center ice by a few weeks in spring. Wendorf stated that Merrill Ice Reflections stated that they would like to see ice extended for one to two weeks this year due to the shutdown in November. Wendorf stated that

they have their whole season planned and the shutdown set them back a couple of weeks. Wendorf stated that before we would agree to that we would need to know if we could open up to the public and other user groups, to make it worthwhile. If we can't guarantee ice use for inside and outside organizations it really would not be feasible to keep the ice in longer. Artac stated that he thinks that we will know a lot more in a month and we could make the decision at that time. This item will remain on the agenda.

The next item on the agenda was monthly reports. Wendorf asked if anyone had any questions. Wendorf stated that he applied and received a forestry grant and we also qualify for Tree City USA again. Wendorf also stated that he is working on a memorial for Charlie Phelps who was one of the founding fathers of the Smith Center. He will keep the commission updated on that item.

The next regular meeting is scheduled for Wednesday, February 3 at 4:15 p.m. location to be determined.

Public Comment:

***Motion by Vanlieshout, seconded by Artac to adjourn at 5:10 p.m.

***Carried unanimously.

Dawn Smith
Recording Secretary

JAN

MENARDS	2 x 4 STUDES	12/18/2020	30160496	\$71.85	55200-08-91000
AMERICAN WELDING & GAS	CYLINDER RENTAL	12/31/2020	7543095	\$72.58	55300-03-41500
AMERICAN WELDING & GAS	CYLINDER RENTAL	12/31/2020	7542622	\$53.67	55200-02-15000
ARBOR DAY FOUNDATION	MEMBERSHIP PAYMENT	1/17/2021		\$25.00	55200-08-92000
CINTAS	MATS/MOPS	12/18/2020	71842	\$75.55	55400-03-51500
CINTAS	UNIFORMS	12/11/2020	4071822178	\$71.18	55200-03-46000
CINTAS	UNIFORMS	12/24/2020	4071143569	\$71.18	55200-03-46000
CINTAS	UNIFORMS JIM AND JOE	1/7/2021	4072360835	\$71.19	55200-03-46000
CINTAS	MOP/MATS	1/14/2021	4073027913	\$189.90	55400-02-23250
CINTAS	UNIFORMS JIM AND JOE	1/14/2021	730228050	\$71.18	55200-03-46000
CINTAS	UNIFORMS JIM AND JOE	1/21/2021	4073687920	\$71.18	55200-03-46000
DAVEY RESOURCE GROUP	TREEKEEPER SUBSCRIPTION	1/14/2021	915304304	\$1,800.00	55200-08-92000
INTERGRITY	ANNUAL INSPECTION	12/23/2020	6066	\$354.00	55400-02-16500
J.WENNING	ZAMBONI KNIVES	1/19/2021	99797	\$81.00	55400-03-51500
KATHY SHERIDAN	PARK REFUND	12/20/2020	VOUCHER	\$85.00	45200-46722
KATHY SHERIDAN	SECURITY DEPOSIT	12/20/2020	VOUCHER	\$100.00	10-21-7200
MERRILL ACE HARDWARE	TRASH BAGS	1/18/2021	202791	\$24.99	55400-03-40000
MERRILL FOTO NEWS	ADVERTISEMENT	12/31/2020		\$352.00	55400-03-41000
MERRILL STREET DEPARTMENT	P-12	12/11/2020	17785	\$44.33	55200-03-50000
MERRILL STREET DEPARTMENT	P-15	12/10/2020	17781	\$1,627.94	CAPITAL 1-TON TRUCK
PATTI BOYD	PARK REFUND	12/20/2020	VOUCHER	\$95.00	45200-46722
PATTI BOYD	SECURITY DEPOSIT	12/20/2020	VOUCHER	\$100.00	10-21-7200
PREMIER	ROTARY SIGN	9/1/2020	12742	\$1,082.66	RIVER BEND TRAIL AMENITIES
RIESTERER & SCHNELL	PARTS	1/11/2021	1913428	\$401.54	55200-03-50000
SUNRISE BROADCASTING	ADVERTISEMENT	1/4/2020		\$523.00	55400-03-41000
VICTORY JANITORIAL	SOAP DISPENSERS	1/19/2021	116760	\$350.00	55400-08-82000
WALMART	OFFICE SUPPLIES/BATTERIES	1/18/2021		\$123.67	55300-03-41500
WISCONSIN ICE ARENA MANAGEMENT ASSOCI	WIAMA MEMBERSHIP	1/18/2021		\$105.50	55400-03-40000

RESOLUTION NO. _____

RESOLUTION ADOPTING THE MERRILL SAFE ROUTES TO SCHOOL PLAN

WHEREAS, the City of Merrill supports policies and programs that focus on health and wellness and healthier community environments; and

WHEREAS, the health and safety of children is of highest concern to the citizens of the City of Merrill; and

WHEREAS, Safe Routes to School efforts help remove barriers to walking and biking to school, and reduce traffic congestion and speed in and around schools; and

WHEREAS, the City of Merrill has developed a Safe Routes To School (SRTS) Plan for the dual purposes of serving as a guide for future programming and infrastructure improvements (the 5 E's of education, encouragement, engineering, enforcement, and evaluation), and in order to be eligible for various funding programs including the Transportation Alternatives Program (TAP grant); and

WHEREAS, the Wisconsin Department of Transportation (WisDOT) requires, that in order to be eligible for funding of needed projects, municipalities to either create or amend their SRTS Plan; and

WHEREAS, the City of Merrill had members/staff on the SRTS Task Force; and

WHEREAS, the SRTS Task Force collected data, reviewed the results, and provided direction for SRTS Plan development, and then incorporated those results into the SRTS Plan; and

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 9th day of February, 2021, that the City of Merrill hereby adopts Resolution _____.

BE IT FURTHER RESOLVED, that the City of Merrill staff is directed to begin implementing this SRTS Plan by coordinating efforts among the two governmental entities who created this plan (City of Merrill and Merrill Area Public School District).

Recommended by: Parks & Recreation
Commission

CITY OF MERRILL, WISCONSIN

Moved: _____

Derek Woellner
Mayor

Passed: _____

William N. Heideman
City Clerk

10 Year Capital Plan - Merrill Parks & Recreation Department

GREEN=FUNDED/RED=NOT FUNDED/PURPLE=OTHER FUNDING SOURCE(S)/Blue=added after Jan. 2021 meeting

Park/Project	Priority	#	2021	2022	2023	2024	2025	2026	2027	2028	2029
Zero turn mower replace	1	#									
Replace infield drag **(engine only)	2	#									
Smith Center Flooring & office improvements	1	#									
Replace dock at Ott's	2	#									
Tree Planting	2	#									
Smith Center interior LED lights (non arena)	1	#									
Solar panel installation - Smith Center	2	#									
Park 1-ton dump truck replacement	2	#									
Replace large field mower	2	#									
Re-pave Lion's Park Parking lot *crack seal only	2	#	not done								
Re-pave Kitchenette Park Parking lot *crack seal	2	#	not done								
Solar panel installation - Smith Center	1		\$150,000?								
Construct trail from Prairie Trails to RBT	2		\$100,000	\$50,000							
City Forest main road & parking lot reconstruct	2		\$75,000								
Replace Ott's Dock and repair landing & replace riverside dock	1		\$30,000								
Replace water supply line to Kitchenette Restrooms	2		\$20,000								
Concrete aprons around Park Shelters	2		\$12,000								
Zero Turn mower	2		\$15,000								
Pit Toilets at City Forest	1		\$25,000								
Construct open air shelter at City Forest	2		\$45,000								
Granite for topdressing existing trails	2		\$10,000								
Rain gutters over Smith Center entrances	2		\$20,000								
				2022	2023	2024	2025	2026	2027	2028	2029
Solar panel installation - Smith Center	1			\$150,000							
Replace Ott's Dock and repair landing & replace riverside dock				\$35,000							
Construct open air shelter at City Forest	2			\$40,000							
Granite for topdressing existing trails	2			\$15,000							
Replace large field mower	1			\$115,000							
5 year Outdoor Recreation Plan	1			\$10,000							
Re-do basketball courts at Streeter Square	2			\$35,000							

Dormers over Smith Center Over Head Doors	2		\$15,000							
Lights on MARC varsity softball field	3		\$175,000							
Disc Golf course at MARC	2		\$25,000							
Tree Planting	1		\$10,000							
Solar panel installation - Aquatic Center	1		\$20,000							
MARC Parking lot sealing	1		\$35,000							
				2023	2024	2025	2026	2027	2028	2029
MARC ballfield improvements	2		\$15,000							
Stange Park playground resurface & border	2		\$40,000							
Smith Center HVAC (replace chiller system)	1		\$175,000							
Lions Park eliminate stairs-construct path	2		\$45,000							
Park 1-ton dump truck replacement	2		\$60,000							
Ott's Park re-fence ballfield	2		\$40,000							
Replace existing park lights with LED (self owned)	3		\$75,000							
Water lateral to dog park	3		\$10,000							
Ott's Park tennis court fe-fencing	2		\$20,000							
Replace Park 1/2 ton pickup truck	2				\$40,000					
Replace dock at Ott's	2				\$25,000					
Construct Skate Park at M.A.R.C.	1				Fundraise					
Kitchenette playground resurfacing	1				\$30,000					
Replace UTV	2				\$25,000					
Replace park entrance signs	3				\$35,000					
Install trail lights along MARC Trail	3				\$50,000					
Construct mtg room above Community Rm @ Smith Center	3				\$75,000					
Replace 1/2 ton pick up (flower water)	2					\$30,000				
Riverside Park playground resurfacing	2					\$35,000				
Solar panels installed on park shelters	2					\$60,000				
Complete street tree re-inventory on GIS	1					\$35,000				
Replace old wooden bleachers at Ott's Park	3					\$65,000				
Construct Curling Facility onto Smith Center	2						\$1,500,000			
5 year Outdoor Recreation Plan	1							\$10,000		
Purchase our own dumpsters for parks	2							\$30,000		
Re-pave Riverside Park parking Lot	1							\$75,000		
Zero turn mower replace	2							\$25,000		

[illegible]

ARTICLE V. - TREES AND SHRUBS

Sec. 14-123. - Statement of policy and applicability.

- (a) *Intent and purpose.* It is the policy of the city to regulate and establish policy for the control of planting, removal, maintenance and protection of trees and shrubs, in or upon, all public areas and terrace areas to eliminate and guard against dangerous conditions which may result in injury to persons using the streets, alleys, sidewalks or other public areas; to promote and enhance the beauty and general welfare of the city; to prohibit the undesirable and unsafe planting, removal, treatment and maintenance of trees and shrubs located in public areas; and to guard all trees and shrubs, both public and private, within the city against the spread of disease, insects or pests.
- (b) *Application.* The provisions of this article shall apply to trees and shrubs growing, or hereafter planted, in or upon public areas and terrace areas, and also to all trees and shrubs, growing or to be planted, in or upon any private premises which shall threaten the life, health, safety or welfare of the public or of any public areas.

(Code 1993, § 6-4-1)

Sec. 14-124. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Board means the board of parks and recreation commissioners as constituted under this Code.

Boulevard or terrace areas mean the land between the normal location of the street curbing and sidewalk. Where there is no curb and gutter, the area four feet from the curblines shall be deemed to be a boulevard for the purpose of this article. The term "boulevard" has the same meaning as the term "terrace." Where there are no sidewalks, the area four feet from the curb shall be deemed boulevard areas under this article.

Clear-sight triangle means a triangle formed by the existing or proposed curblines of two or more intersecting streets, roads or alleys and, a third line connecting specified points on those curblines in order to provide vehicular traffic an unobstructed view at intersections.

Evergreen tree means any woody plant, normally having one stem or trunk and bearing foliage in the form of needles and crowns which extend from ground level throughout its entire height.

Forester means a person appointed by the common council to serve as city forester and administrator of this article. Unless otherwise provided, the city forester shall be the parks and recreation director.

Maintenance and protection means and includes all operations of trimming, pruning, spraying, injecting, fertilizing, treating, bracing, doing surgery work and cutting any tree or shrub above or below ground.

Major alteration means trimming a tree beyond necessary trimming to comply with this article. Crowning 30 percent or more of natural growth is considered a major alteration.

Person means a person, firm, association or corporation.

Public areas means and includes all public parks and other lands owned, controlled or leased by the city, except the terrace areas.

Public nuisance means any tree, shrub or part thereof which, by reason of its condition, interferes with the use of any public area; is infected with a plant disease; is infested with injurious insects or pests; is injurious to public improvements, or endangers the life, health, safety or welfare of persons or property.

Public trees and shrubs means all trees and shrubs located, or to be planted, in or upon public areas.

Shrub means any woody vegetation or a woody plant having multiple stems and bearing foliage from the ground up, reaching a height of less than 12 feet.

Tree means any woody plant, normally having one stem or trunk bearing its foliage or crown well above ground level to heights of 12 feet or more.

(Code 1993, § 6-4-2)

Sec. 14-125. - Abatement of tree diseases and public nuisances.

(a) *Declaration.* The common council declares any of the following to be a public nuisance and therefore subject to abatement:

- (1) Any tree, shrub or part thereof, located upon any public or private property which by reason of its condition, interferes with the use of a public area, is infected with an infectious plant disease, is infested with injurious insects or pests, is injurious to public improvements, or endangers the life, health or safety of persons or property.
- (2) All trees, hedges, billboards, or other obstructions, which prevent persons driving vehicles on public streets, alleys, or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.

(b) *Abatements.*

- (1) *Public areas.* Whenever the city forester shall find on examination that a public nuisance exists upon any public area, he shall immediately cause such nuisance tree or shrub to be treated, trimmed, removed, or otherwise abated in such a manner as to destroy or prevent the spread of the nuisance. The manner in which the nuisance shall be abated shall be determined by the city forester.
- (2) *Private premises.* If the city forester shall determine, with reasonable certainty upon inspection or examination, that any nuisance tree or shrub exists in or upon any private premises within the city, he shall notify the owner of such premises, or his agent, in writing, that said nuisance tree or shrub must be treated, trimmed, removed or otherwise abated. Said written notice shall specify the nature and exact location of the nuisance, the manner in which the nuisance shall be abated, and the time limit in which the nuisance shall be abated, which shall not be less than 15 days after issuance of said notice, unless the city forester shall determine that immediate action is necessary for the public safety.
- (3) *Abatement by city.* If the owner of private premises, or his agent, shall refuse or neglect to comply with the terms of the written notice within the time specified, the city forester shall cause the public nuisance to be abated and shall report the expenses thereof to the city clerk who shall enter it as a charge against the property upon which the tree or shrub is located. No damage shall be awarded to the owner for the destruction of trees or shrubs pursuant to this section.

(Prior Code, § 12.24.040; Code 1993, § 6-4-6)

Sec. 14-126. - Regulations regarding public trees and shrubs.

(a) *Clear-sight triangle.* No tree, shrub, hedge, or other growth exceeding 30 inches in height above street grade shall hereafter be planted in any clear-sight triangle within the city. The limits of each clear-sight triangle shall be determined by measuring 30 feet each way at the corner of the street intersection.

- (b) *Obstruction of signs, signals, travel.* All trees and shrubs located upon any public way, or upon any private premises adjacent to the public way, shall be kept trimmed so that the lowest projecting branches provide a clearance height of not less than 14 feet above the public street, and not less than nine feet above the public sidewalk. The city forester may waive the provisions of this section for newly planted or naturally low-profile trees, if he determines that they do not interfere with public travel, obstruct the light of any street light, obstruct the view of any traffic sign or signal, or endanger public safety.
- (c) *Violations.* Any tree, shrub or part thereof, found to be in violation of the provisions of subsection (a) of this section, shall be declared to be a nuisance and shall be subject to abatement as set forth in section 14-125.

(Prior Code, § 12.24.050; Code 1993, § 6-4-7)

Sec. 14-127. - Planting public trees and shrubs.

(a) *Requirements.*

- (1) *Permit required.* No person shall plant, remove, maintain, or protect any public tree or shrub, or cause such work to be done, without obtaining a written permit from the city forester.
- (2) *Application and approval.* Any person desiring to plant, remove, maintain, or protect any public tree or shrub shall apply in writing to the city forester for a permit to do such work. Such application shall specify the location and description of the proposed work. If the city forester determines that the proposed work is necessary and in accordance with the purposes of this article, taking into account the safety, health and welfare of the public, location of utilities, public sidewalks, driveways and street lights, general character and aesthetic quality of the area in which the tree or shrub is located or proposed to be located, and the soil conditions and physiological needs of the tree or shrub, he shall issue a permit to the applicant.
- (3) *Conditions of approval.* The size, genus, species and variety of trees and shrubs to be planted in terraces, tree banks and boulevards and the manner of planting shall be submitted to the city forester for approval before commencement of such work. All planting, maintenance and trimming of trees in terraces shall be the responsibility of the individual property owners. No trees, except the types named in this section, shall be planted in or upon any public street or place. They shall be planted, only after written permission has been received from the city forester, which permit shall state the name of the applicant, his address, the property on which the trees are to be planted and the type to be planted.
- (4) *Permit form, expiration, compliance, inspection.* Permits shall be issued by the city forester on a standard form and shall include a description of the work to be done and shall specify the genus, species, variety, size, grade and location of trees or shrubs to be planted, if any. Any work done under such permit shall be performed in strict compliance with the terms thereof. The city forester may inspect all work performed pursuant to this section. Permits issued under this section shall expire three months after issuance.

(b) *Approved standard trees.*

- (1) Only the following named standard trees shall be planted in the streets of the city with a six-foot terrace:
 - a. Schwedler maple (*Acer platanoides schwedleri*).
 - b. Red or Scarlet maple (*Acer vubrum*).
 - c. Norway maple (*Acer platanoides*).
 - d. Sugar maple (*Acer saccharum*).
 - e. American elm (*Ulmus americana*).

- f. Moline elm (*Ulmus americana* var. *moline*).
 - g. Scarlet oak (*Quercus coccinea*).
 - h. Pin oak (*Quercus palustris*).
 - i. Red oak (*Quercus vubra*).
 - j. White ash (*Fraxinus americana*).
 - k. Crimson king Norway maple.
 - l. Schwedler's Norway maple.
 - m. Moraine seedless honey locust.
 - n. White birch.
 - o. Crimean linden (type of basswood).
 - p. Ginkgo (ornamental, slow growing) (male only).
- (2) The city forester may allow planting of hybridized species of the hardwood trees listed in subsection (1) of this section. All trees planted shall have a diameter of not less than 1¼ inches at a point three feet above the ground.
- (c) *Approved trees.* The following named trees are hereby approved for planting where the terrace shall be at least four feet wide:
- (1) Japanese tree lilac (*Syringa amurensis japonica*).
 - (2) Washington hawthorn (*Crataegus phaenopyrum*).
 - (3) Mountain maple (*Acer spicatum*).
 - (4) Scanlon red maple (*Acer rubrum conica scanlon*).
 - (5) Rancho sargent cherry (*Prunus sargentii columnare*).
 - (6) Pyramidal european ash (*Fraxinus excelsior pyramidalis vink*).
 - (7) Globe Norway maple (*Acer platanoides globosum*).
 - (8) Globe single seed hawthorn (*Crataegus monogyna inermis*).
 - (9) Hop hornbeam (*Ostrya virginiana*).
 - (10) Idaho locust.
 - (11) Hawthorne.
 - (12) Flowering crabs.
 - (13) Pyramidal european hornbeam.
 - (14) Oakleaf european hornbeam.
 - (15) Improved columnar maple.
 - (16) Little leaf linden (European basewood).
 - (17) Black Norway maple.
 - (18) Erect Norway maple.
 - (19) Cleveland Norway maple.
 - (20) Crimson king Norway maple.
- (d) *Planting location; objects in terrace.*

- (1) There shall be a distance of 50 feet between terrace area trees depending upon the size of the tree and other factors. Terrace trees shall be planted with equal distance between the sidewalk or proposed sidewalk and back of the curb or proposed back of curb. In terrace areas less than three feet wide, planting will not be permitted. Terrace area trees shall be a minimum of 25 feet from an intersection.
 - (2) Trees to be planted must be offset 25 feet from under any utility wires that are less than 35 feet from the ground. Trees may not be planted within 25 feet of utility or light poles.
 - (3) Evergreen trees or shrubs shall not be planted in a terrace area.
 - (4) It shall be unlawful to plant or maintain shrubbery, ground cover or other plants not considered to be an approved deciduous leaf tree within terrace areas whose growth is in excess of 24 inches in height above the top of the nearest curb, or where no curb exists, above the existing road grade.
 - (5) No plants shall be planted in the terrace islands where two sidewalks intersect.
 - (6) An application for a permit to plant in terrace areas shall be obtained by the property owner at the city clerk's office or the parks and recreation department office and shall be approved or disapproved by the city forester.
 - (7) Terrace areas must not include noxious weeds or noxious grasses; and all lawns and grasses must not exceed eight inches as regulated in section 14-36(b).
 - (8) No foreign objects shall be allowed to enhance the area in or around the terrace areas including, but not limited to, landscape timbers, blocks, rocks, bricks and similar items.
 - (9) If at any time the city, or a utility operating in the city, deem it necessary to do work in a terrace area, they bear no responsibility for damage to plants in the terrace areas.
 - (10) Tree grates shall be provided for terrace trees surrounded by concrete by the adjacent property owner and shall be level with adjacent concrete.
- (e) *Cottonwood and box elder trees prohibited.* No person shall plant or maintain within the city any female tree of the species *Populus deltoidea*, commonly called the cottonwood, or any tree commonly called the seed-bearing box elder or *Acer negundo*, which may now or hereafter, become infested with box elder bugs, and such trees are hereby declared a nuisance. Any person having any such trees on his premises shall cause the same to be removed.
- (f) *Unlawfully planted trees.* Trees, plants or shrubs planted within any terrace or planting easement without the authorization and approval of the city forester may be removed. The city forester shall notify the abutting owner in writing, listing the unlawfully planted trees, plants or shrubs, ordering their removal, and establishing a reasonable time within which such removal shall be accomplished. In the event that removal is not accomplished within the time specified, the city may remove such trees, plants or shrubs and assess the costs thereof to the owner.

(Prior Code, § 12.24.060; Code 1993, § 6-4-8; Ord. No. 2006-26, § 1, 11-14-2006)

Sec. 14-128. - Removal of trees and shrubs.

- (a) *Standards.* In cutting down trees located in public and terrace areas, the tree shall be removed with the root stump grubbed out, or ground out to a depth of at least nine inches below grade measured in a straight line with the normal grade of sidewalk to top of nine inches below grade measured as a straight line, normal grade of sidewalk to top of curb. All wood and debris must be removed from the street prior to the end of each working day and all holes shall be filled to normal grade level with topsoil as soon as practicable. The abutting property owner shall have a right of first refusal to keep the wood, provided such wood is not diseased.
- (b) *Private removal.* No person, firm, organization or corporation shall plant, injure, trim, remove or destroy any tree or shrub located in or upon any public place, until a permit shall have been issued

by the city forester. Such permit shall be issued only when the removal, trimming or cutting of the tree or shrub is necessary, as determined by the city forester, because of disease, damage, hazardous condition, and/or location, or its location is such that substantial detriment is done to the property upon which the tree or shrub stands, or property abutting the same. Such permit shall expressly state the premises upon which the tree stands and the location of the tree thereon.

- (c) *Disposals.* If any trees are removed from either private property or from public property adjoining private property, pursuant to law, the city forester shall do the following:
- (1) Arrange for the removal of said tree and/or stump, either through the city street department or by private bid contracts.
 - (2) Any such trees which have fire wood value shall, after being cut into removable lengths, first be offered free to the adjoining landowner, if any; said right of the adjoining landowner shall belong to that landowner alone, and not to other citizens, and the landowner so electing to take said wood shall expressly waive any actions or causes of actions against the city or any employee thereof, resulting from in any way the removal of said trees or wood.
 - (3) The said landowner shall be given written notice of his right to remove the wood lengths from the boulevard within 48 hours.
 - (4) If the adjoining landowner does not remove said wood, then said wood shall remain the property of the city, and be removed by the city for sale on the open market:
 - a. Said wood is to be organized at least annually by the city, and the city shall advertise said wood for sale publicly.
 - b. All such wood shall be sold to the highest bidder by sealed written bids, the wood must be removed by the buyer within 20 days of acceptance of the bid.
 - c. Sorting of wood shall not be permitted by the buyer, and the buyer shall remove all wood so purchased; that further, any elm wood shall be disposed of by the buyer no later than April 1, of each year to help prevent the spread of Dutch elm disease.

(Prior Code, § 12.24.070; Code 1993, § 6-4-9)

Sec. 14-129. - Prohibited acts.

- (a) *Damage to public trees.* No person shall, without the consent of the owner, in the case of a private tree or shrub, or without written permits from the city forester, in the case of a terrace-area tree, public tree or shrub, perform or cause to be performed by others any of the following acts:
- (1) Secure, fasten or run any rope, wire sign, unprotected electrical installation or other device or material to, around or through a tree or shrub.
 - (2) Break, injure, mutilate, deface, kill or destroy any tree or shrub or permit any fire to burn where it will injure any tree or shrub.
 - (3) Permit any toxic chemical, gas, smoke, oil or other injurious substance to seep, drain or be emptied upon or about any tree or shrub or place cement or other solid substance around the base of the same.
 - (4) Remove any guard, stake or other device or material intended for the protection of a public tree or shrub, or close or obstruct any open space about the base of a public tree or shrub designed to permit access of air, water and fertilizer.
 - (5) Attach any sign, poster, notice or other object on any tree, or fasten any guy wire, cable, rope, nails, screws or other device to any tree; except that the city may tie temporary no parking signs to trees when necessary in conjunction with street improvement work, tree maintenance work or parades.
 - (6) Cause or encourage any fire or burning near or around any tree.

- (b) *Excavations.* All trees on any parkway or other publicly owned property near any excavation or construction of any building structure or street work shall be sufficiently guarded and protected by those responsible for such work as to prevent any injury to said trees. No person shall excavate any ditches, tunnels or trenches, or install pavement within a radius of ten feet from any public tree without a permit from the city forester.
- (c) *Interference with city forester prohibited.* No person shall:
 - (1) Interfere with or prevent any acts of the city forester, or his agents or employees, while they are engaged in the performance of duties imposed by this section.
 - (2) Refuse to permit the city forester, or his duly authorized representative, to enter upon his premises at reasonable times to exercise the duties imposed by this section.
 - (3) Permit any public nuisance to remain on any premises owned or controlled by him when ordered by the city forester to abate such nuisance.

(Code 1993, § 6-4-10)

Sec. 14-130. - Appeal from determinations or orders.

Any person who receives a determination or order under this article from the city forester, and objects to all or any part thereof, shall have the right to appeal such determination or order, subject to the provisions of this chapter, to the parks and recreation commission within seven days of receipt of the order and the parks and recreation commission shall hear such appeal within 30 days of receipt of written notice of the appeal. After such hearing, the parks and recreation commission may reverse, affirm or modify the order or determination appealed from and the grounds for its decision shall be stated in writing. The parks and recreation commission shall, by letter, notify the party appealing the order or determination of its decision within ten days after the hearing has been concluded. The parks and recreation commission shall file its written decision with the city clerk.

(Code 1993, § 6-4-11; Ord. No. 96-04, 2-13-1996)

Secs. 14-131—14-158. - Reserved.



February 2021 Parks & Recreation Director's Report

Parks: Winter is flying by surprisingly fast so far and it is hard to believe that it is February already. The weather has been very nice for our outdoor rinks and we have been seeing very good usage on them. It is great to see people getting outside to recreate and I think it is definitely related to the difficulty of many organizations to host events and programs. I am glad that our outdoor rinks can provide that opportunity for our residents and it is great to see. Obviously with our lack of snowfall (amount and frequency) we haven't had to remove as much snow as the previous years. It has been a good thing for our small crew to get caught up on other maintenance projects in our shop and around the parks. Our 1999 one-ton dump truck sold on Wisconsin Surplus Online Auction a few weeks ago for \$6,675, which I thought was a very good price for a well-used truck like that. Our new one-ton has been working very well thus far. We have been using that as our rink flooding truck and it has handled it very well. I have started chipping away at our capital projects that were funded this year so I can keep up with them and the timing of them this year. It is always great to have the funding but the real work begins when someone has to make all of the arrangements and follow through with everything from start to finish. I posted and advertised for all of our seasonal positions, as well as our new full time position and have been getting a slow and steady stream of applications coming in. I advertised our full time position in the Foto News (Merrill, Wausau, and Tomahawk), as well as our website, the City website, Facebook, and on the Wisconsin League of Municipalities website as well. Hopefully we find exactly what we are looking for with our full time person. As for seasonal positions, we are a bit light on applications after a few weeks and I really hope that picks up. One concern from having a year of being shut down is that those applicants might have found other jobs and won't return. We will continue to promote this as much as possible in hopes of being able to fill our positions. If we are unable to do so, we might have to adjust what we do in the summer time. If we do not, we will try again until we find the right fit. After one month of park shelter reservations over the phone, we are doing pretty well. I think we are right about where we were last year. Due to the length of the document, I emailed you our Safe Routes to School plan that I was a committee member for (along with Street Superintendent Bonack, City Engineer Akey, Police Chief Bennett, SRO Heckendorf, and MAPS Administrators). It is a very thorough plan that obviously is looking to promote and address safe alternative/pedestrian travel to and from schools. We are not bound to any of the projects but it is there for reference and for our children's safety if/when we are doing or considering projects in those areas and around the community. The plan needs to be approved via the resolution format and passed onto City Council for their consideration and approval as well. By endorsing and approving this plan, it also qualifies us for State and Federal Grants so it is a good plan to support.

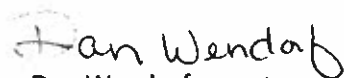
Forestry: As part of our 2021 WDNR Urban Forestry Grant, I have started working on reviewing all of our municipal forestry ordinances. I helped create them in 1999 as part of my internship and they are good but some of them are a bit outdated and there are a few things that I would like to be considered for change/addition/deletion. I have been doing some homework with other communities to review

their ordinances and it will be helpful for our process to compare. The other half of the grant will be funding to purchase additional trees for planting this year, which is always great to get more trees. At our meeting this month I will discuss some of the ordinance revisions in general terms and will work towards a presentable product hopefully in March for review. There is no hurry for the ordinance review/changes; it needs to be finished by the end of the year for grant funding. I have started getting ready for late winter/spring tree inspections so I can get ahead of the Street Department again this year. The winter conditions we have had thus far have been very good to our trees, so hopefully we continue the average trends. I met with Kate Drewek, our City GIS Specialist, to begin working towards potentially transferring all of our TreeKeeper Online Forestry information over to our own in-house program. This would not only save us money on a yearly basis, but would increase our efficiency within our department and Street Department because they already use the same program for other things. So thanks to Kate, I think we can make this a reality by the end of the year and get rid of that contract with TreeKeeper.

Recreation: As previously mentioned, we are proceeding with our planning as though we are going to have a normal season (with alternate plans in place if restrictions still exist). We are going to try our Easter Egg Hunt on April 3rd, similar to how we did it last August. We will hide eggs in a few parks and encourage nuclear families to get out safely and explore our parks for an egg and return it for a prize at Ott's Park. At Ott's Park, we will be masked and gloved up to hand out those prizes drive through style so as to be as safe as possible for us and for our participants. We are also going to be trying to do our Children's Festival again this year, but obviously much different than in the past due to COVID. This year we are going to try a "walk through" style in the Smith Center. Vendors will have informational only "grab & go" items that people can take as they walk through (physically distanced) in a one directional flow through the building. It will be a good way for people to get their information out to the public and start to bring a little bit of "normal" back. We are looking forward to any and everything that we can offer in 2021!

Smith Center: We have been back up and running with ice time for over a month and a half again after being shut down and things have been going very good once again. The extra sanitizing that we are doing, along with user group volunteers, has hopefully made a difference for everyone. We have hosted a good number of games in the arena and everyone has been very respectful of our COVID protocols, which we appreciate very much. We have another full month and a half of ice time that we intend to finish on a very positive note just like we started. It is my hope that we are able to finish the year at some point with some public skating. That is going to take local recommendations to lessen, and happen sooner rather than later but I think it is a good thought. I also wanted to point out that our one and only HVAC person who has been working on our equipment for the past 17 years (from Mechanical Inc./Tweet Garot) has moved to Stainless Specialists. I met with him and Stainless Specialists recently to discuss our services. I would like to stick with this person because you simply cannot replace his institutional knowledge as it relates to every piece of equipment we have in this building. We do not have a contract with his previous employer so we are not tied to them at all. And surprisingly, it won't be long and we will be taking the ice out and getting ready (hopefully) for dry floor events.

Respectfully Submitted,



Dan Wendorf
Parks & Recreation Director
City of Merrill