



Village of Whitefish Bay, Wisconsin
Public Works Committee Meeting Agenda
TUESDAY, OCTOBER 25, 2022 at 4:45pm
In Person Meeting - Village Hall - 2nd Floor Board Room

AGENDA

1. Call to Order
2. Review and Approve Minutes of September 27, 2022 Public Works Committee Meeting
3. Review and Possible Recommendations on Pedestrian, Bike and Vehicle Safety Improvements
4. Review and Possible Recommendations on Park Improvements
5. Review and Possible Recommendations on Private Tree Regulations
6. Next scheduled meeting – *Tuesday, November 29, 2022 @ 4:45pm (tentative)*
7. Adjournment

Cc: Village Board, Village Manager, Public Works Superintendent, Department Heads, Village Attorney

Posted: 10/21/2022 Note: It is possible that members and/or possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; action will not be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in the notice.



Public Works Committee Minutes

Tuesday, September 27, 2022 at 4:45 pm

1. Call to Order and Roll Call:

Meeting was called to order at 4:47 p.m.

Present: Chairperson Serebin, President Buckley, Trustee Haller, Piper Plummer Mehigan

Absent: Tom Kindschi

Also Present: John Edlebeck – Public Works Director, Chris Jaekels – Village Attorney, Paul Boening – Village Manager, Tom Harrigan – Assistant Village Manager

2. Review and Approve minutes of July 25, 2022 Public Works Committee Meeting

President Buckley moved to approve the minutes as submitted, Trustee Haller seconded. Motion carried 4-0.

3. Review and Possible Recommendation on Private Tree Regulations

Mr. Edlebeck provided contextual background as to why the possible Private Tree Regulation is being brought to the Committee for discussion. Mr. Edlebeck introduced Building Services Director, Joel Oestreich, who summarized the Village's existing ordinance as it pertains to tree regulation.

Mr. Oestreich indicated the existing ordinance is light on the regulation of private trees. The only reference to tree regulation is found within the Design Guidelines for new construction. Although, this section states that tree preservation is not mandatory, rather a suggestion.

Trustee Serebin noted there is currently no permit requirement for the removal of a private tree.

Mr. Oestreich reviewed several scenarios as to why a property owner would desire to remove their private tree.

Ms. Plummer Mehigan opined the Village regulates many aspects of private properties, however tree removal is not one. Feels there should be some form of regulation as it relates to tree preservation. Perhaps the diameter of the tree. Also acknowledged the burden which a tree regulation may create on staff time.

President Buckley stated he is concerned about regulating home owners who wish to remove a tree on their private property. That ordinances regulate many things doesn't mean we shouldn't be cautious about more regulation. Perhaps there is a public interest when it comes to environmentalism.

Trustee Haller acknowledges the Village regulates many aspects of private property. A 70 year old silver maple is very different than a small spruce when it comes to perceived value.

Suggests that if a home owner is going to cut down a tree for something other than safety, or the health of the tree, perhaps there should be a pause. Acknowledges the fiscal constraints a tree regulation may pose to homeowners.

President Buckley suggested the Committee focus the conversation on “healthy trees” that would be considered for removal.

Attorney Jaekels reviewed the materials he provided the Committee for consideration. Noting the Village may choose to impose penalties if a rational nexus of proportionality is met.

Chairperson Serebin opened the floor to public comment.

Diane Bjella, 906 Circle Drive – There appears to be a lot of haste in the decisions of private property owners who are considering the removal of private trees. There is no speed bump for consideration in place. Appreciates the Village of Fox Point’s ordinance that regulates tree removals. This allows for the adjacent homeowners to have some input on the conversation.

Libby Ellinas, 959 Circle Drive – Commends the Village for the Emerald Ash Borer tree preservation program. If the Village and homeowners continue to remove sick trees and healthy trees by selection, it will look very different in the future. The Village regulates so much already, can it not regulate the removal of private trees?

Ann Cornell, 926 E. Circle Drive – People are clamoring to live in Whitefish Bay. Massive homes are being built on tiny properties. Feels the Village needs to protect the interests of the homeowners.

Chairperson Serebin asked the Committee members if there is any additional discussion.

President Buckley suggested the Committee consider imposing a one year moratorium on private tree removals upon the sale of a property.

Mr. Boening questioned at what time would the prospective buyer be aware of the moratorium.

Diane Bjella, 906 Circle Drive – Stated she is willing to obtain signed petitions from neighbors, if that would be helpful to the Committee.

Chairperson Serebin commented it would be helpful to hear from other residents who reside in different regions of the Village.

The consensus of the Committee was for this item to be tabled to the next Public Works Committee meeting.

4. Review and Possible Recommendation on Pedestrian, Bike and Vehicle Safety Improvements

Mr. Edlebeck views pedestrian and bike safety being integrated with vehicular safety. He indicated there is a need to engage in a next level data study. Currently, local road safety plans are not funded by WIS DOT. There is a Safe Routes to School, grant program. The Local Road Safety Program (LRSP) is a common safety study that is conducted within communities.

Mr. Edlebeck considers the potential safety study to be a second phase to the safety initiatives previously completed by the Village.

President Buckley indicated he views the safety study as an investment.

Trustee Haller has concerns on focusing too heavily on the local road traffic review. Feels it would be very vehicular focused. Feels a bike focused plan is important. Only because so much urban design has been focused on the car. Likes the LRSP, but feels it would come back as vehicle-centric.

Attorney Jaekels left the meeting at 5:43 p.m.

Mr. Edlebeck indicated the quality of the RFP will drive the areas of focus within the study.

President Buckley acknowledged the safety study is the DPW Director's purview. Believes the Committee is in favor to move forward, and suggested it be budgeted for in the 2023 Village Budget.

Chris Erickson, 5141 N. Marlborough – Stated that he had a similar initial reaction, as Trustee Haller, to some of the safety study reports. The analysis tends to be car focused. Urges residents to visit some of the busy thoroughfares and observe the patterns of traffic flow, and the pedestrians who are traversing them. Happy the Village is looking at these reports, and encourages the committee to think outside the box on these ideas.

DPW Director was given direction to move forward with an RFP.

5. Review and Possible Recommendations on Park Improvements

Mr. Edlebeck reviewed the contents of his memo. Stated he is hoping to make improvements on the bluff and has been working with the garden club to that end.

Mr. Edlebeck provided an update on the progress being made as it relates, reviewing potential improvements to the Klode park playground. The working group has made several recommendations.

Mr. Edlebeck will be able to provide more information on this at the next Public Works meeting.

6. Review and Recommend Design, Bidding and Construction Engineering Proposal – Clark Dietz (2023 Alley Reconstruction Project and 2023 Roadway Rehabilitation Project)

Mr. Edlebeck reviewed the engineering proposal.

President Buckley commented that \$90,000 seems like a high number for design and inspection.

Mr. Edlebeck clarified the cost includes design, inspection and bidding. In theory, a third of the entire project would be grant eligible.

President Buckley motioned to recommend the approval and design bidding and construction engineering proposal to Clark Dietz for the 2023 Alley Reconstruction Project and 2023 Roadway Rehabilitation Project, for \$90,000 and \$13,000 respectively. Seconded by Ms. Plummer-Mehigan. Motion carried 4-0.

7. Cahill Park Stormwater Detention Basin drainage update

Mr. Edlebeck provided an overview of how the Cahill stormwater detention system works. There is quite a bit of ground water in that area. Currently, the under drain cannot drain anywhere, creating the pooling effect in the area.

President Buckley asked if there is an opportunity for a local plant nursery to evaluate the overgrown cattails and stagnate water to determine if there is a plant based solution to absorb the water. Perhaps an application of industrial vinegar can be applied, much like the garden club did to Silver Spring Park.

Mr. Edlebeck also suggested the DPW attempt to flush the area out with a hydro truck next summer, when there is a buildup of ground water.

8. Summary of Village Environmental Initiatives

Mr. Edlebeck presented an overview of multiple Green infrastructure initiatives the Department of Public Works has completed within the Village.

Mr. Boening commended Mr. Edlebeck and the DPW for their hard work in taking on the various environmental initiatives.

The Committee members thanked Mr. Edlebeck for his continues efforts.

9. Next scheduled meeting – Tuesday, October 25, 2022 @ 4:45pm (tentative)

The next Public Works Committee meeting will be held on October 25, 2022 at 4:45 P.M.

10. Adjourn


Trustee Haller moved adjourn at 6:41 p.m., seconded by President Buckley. Motion passed 4-0.

Respectfully submitted,

Tom Harrigan, Assistant Village Manager

September 22, 2022 Updated October 20, 2022

Re: **Review and Possible Recommendation on Pedestrian, Bicycle and Vehicle Safety Improvements**

From: John Edlebeck, P.E., Director of Public Works 

At previous Village Public Works Committee meetings several Village residents spoke about the desire to continue to improve pedestrian and bicycle safety throughout the Village. While all in attendance were in agreement that the Village has completed numerous roadway safety related improvements over the past several years to dramatically improve road safety in the Village, all in attendance felt that we should continue to work to facilitate additional roadway safety improvements for all forms of transportation. The Committee has requested Village staff to place this item on future Public Works Committee agendas for discussion. Since the September 27, 2022 Public Works Committee meeting I have had several conversations with traffic, bike and pedestrian safety planners / consultants as well as a representative from the WI Bike Federation (WBF).

I suggest the Public Works Committee support and recommend to the Village Board:

1. Village Public Works / Police Department staff analyze all Village bike/pedestrian accident reports on file from 2017-current to determine patterns and causes and then recommend immediate mitigating actions or improvements to help reduce further similar accidents.
2. The Village apply by February 15, 2023 to become a community member of The League of American Bicyclists Bike Friendly Community (BFC) Program. This application is free and will provide the Village a roadmap to safer bicycle and pedestrian interaction with the motoring public in our community. A large component of the application and review process is community public input on local bicycle and pedestrian safety. The Village of Shorewood, as an example, applied for and was accepted as a Bike Friendly Community in 2011 and then completed a Village Bicycle / Pedestrian Master Plan in 2015.
3. The Village apply for annual community membership with the WI Bike Federation (WBF) in the amount of \$2,500/year. This community membership will allow us access to a wide variety of material resources as well access and advice from their professional staff members. In addition, their staff will assist the Village in applying for the Bike Friendly Community Program at no extra charge as part of our WBF Community Membership status. Even if we are not awarded entry into the BFC Program in 2023, the BFC application process alone will help to inform us of needed areas of attention and initiatives to improve bicycle / pedestrian safety in our community.

Utilizing the information obtained through the BFC Program application and analysis process and leveraging WBF resources, we would be able to determine the next steps we should take to implement specific recommended safety related improvements and programs. Action plans to consider may be:

- Village Pedestrian / Bicycle Plan
- Safe Route to School Study
- Local Road Safety Plan (LRSP)
- School Drop Off / Pickup Area Analysis
- Location-specific Pedestrian/ Bicycle studies (i.e.. school areas only, specific streets or intersections)
- Community Vision Zero initiative
- Complete Street analysis and adoption

Bicycle Friendly CommunitySM Program

The League of American Bicyclists

Wisconsin Bike Federation - member

APPLICATION PROCESS

There are normally two application cycles a year – one in spring and one in fall. The next application deadline is February 15, 2023. There is no fee for this application. After a brief review of the general community profile, the applicant will continue to the reporting portion of the application, which asks questions about the community's engineering, education, encouragement, enforcement and evaluation efforts. We refer to these sections as the Five E's. Most questions are multiple choice. This comprehensive questionnaire is designed to yield a holistic picture of an applicant community's work to promote bicycling. Pedestrian safety is also a part of this process.

PUBLIC SURVEY

Following the BFC deadline, the League distributes public surveys to community residents, League members, bike advocates, and bicyclists who may be familiar with each applicant community.

The public survey is distributed in a number of ways:

- Applicant communities are asked to distribute the survey locally through their website, newsletter, or social media. (This step is strongly encouraged, but not required for applicants.)
- The League will send the survey to all local and statewide bike advocates identified on the BFC application, or who are organizational members of the League. Local advocacy organizations are encouraged to complete the survey *and* to distribute it to their members or local networks.
- All current members of the League who share a zip code prefix with the applicant community will receive the survey link directly from the League via email.
- In the past, the League used a voluntary "Local Reviewer" sign up process to seek local input on BFC applications. We moved to this new method of involving communities, local bike advocates, and current League members in the distribution of the local reviewer survey in 2016, and have seen a great increase in participation as a result. In 2016 we also changed the local review survey to align with questions

from the 2012 NHTSA Attitudes and Behaviors survey so that our local review process can give us, and applicant communities, an understanding of how their community compares to a nationally representative sample of citizens.

- The BFC public survey is open to anyone familiar with bicycling conditions in the community, including those involved in submitting the BFC application. Applicant communities will not be judged on the number of responses received, and public input received does not determine a community's BFC award level. The public survey is meant to provide local context and perspective for the BFC review team's decision-making process, and is used in combination with the online BFC application submitted by the community. Anonymous aggregate survey results are included in each community's feedback materials following awards announcements.

AWARD DETERMINATION

After a deadline the League staff process information provided by a community as follows:

- Point criteria are automatically applied to most data submitted by an applicant. These criteria determine the majority of each community's category scores.
- League staff retrieves census data on the number of estimated bicycle commuters and the percentage of commuters who bike to work.
- Certain data is separated and run through separate point formulas. This is done where our criteria depends upon some relative measure that is produced by comparing different data provided by a community or census data.
- Data is checked for inconsistencies and adjusted if necessary.

Starting in 2016, the League implemented a public input process to provide the opportunity for additional public input on communities. As part of this process the following actions are taken:

- An optional public survey link is sent to all communities to be distributed by the community. This link is also sent to any bicycle and pedestrian advocates that a community identified and provided contact information for in its application.
- The League of American Bicyclists sends an additional survey that provides space for open-ended responses to bicycle and pedestrian advocates that a community identified and provided contact information for and bicycle and pedestrian advocates who are organizational members of the League.

- These surveys are typically distributed within 2 weeks of the closing of a deadline and are open for about a month.

Award decisions are made based upon:

Points assigned to the data by formulas;

- Personal review of each application by League staff and external reviewers, including supplemental materials;
- Comparisons to similar communities in our award database, particularly based upon the Building Blocks of a Bicycle Friendly Community and characteristics such as population and type of community; and
- If necessary, review of public and advocate surveys or direct outreach to local advocates.

Below is a brief description of each of the 10 Building Blocks that appear on Bicycle Friendly Community report cards:

- **High Speed Roads with Bicycle Facilities** - This building block reflects the reported bicycle facilities on roads with posted speed limits of more than 35 mph. It replaced the building block "percentage of arterials and major collectors with bicycle facilities" when our application changed to ask for information on the specific types of bicycle facilities on roads of different posted speed limits. The average Bronze community has bicycle facilities on 19% of its high speed roads.
- **Total Bicycle Network mileage to Total Road Network Mileage** - This building block reflects the entirety of bicycle facilities, located on and off-road, divided by the reported centerline miles of all roadways. The average Bronze community has a ratio of roughly 1 mile of bike network for every 4 miles of road network.
- **Bicycle Education in Schools** - This building block reflects the percentage of elementary, middle, and high schools that offer bicycle education and the type of education offered at each school. Prevalence and type are used to create descriptive categories, with the average Bronze having average Bicycle Education in Schools.
- **Share of Transportation Budget Spent on Bicycling** - This building block reflects the reported percentage of each community's total transportation budget, over the past 5 years, invested in bicycle projects. The average Bronze community reports that 9% of its transportation budget is invested in bicycle projects.
- **Bike Month and Bike to Work Events** - This building block reflects the number of events promoted as part of bike month in each community. The number of events is used to create descriptive categories, with the average Bronze having either average or Good Bike Month and Bike to Work Events.

- **Active Bicycle Advocacy Group** - This building block reflects reported bicycle, active transportation, and transportation equity advocacy groups. Over 90% of communities that apply report the existence of an advocacy group in their community.
- **Active Bicycle Advisory Committee** - This building block reflects whether a bicycle advisory committee exists and how often it is reported to meet. The average Bronze community has a bicycle advisory committee that meets roughly every two months.
- **Bicycle Friendly Laws & Ordinances** - This building block reflects local ordinances or state laws that are reported to protect or restrict bicyclists in each community. The number of restrictive laws is subtracted from the number of protective laws and that number is used to create descriptive categories. The average Bronze community has between acceptable and average Bicycle Friendly Laws & Ordinances.
- **Bike Plan is Current and is Being Implemented** - This building block reflects reported information on the existence of a bike plan, the age of the bike plan, whether that bike plan has goals, and whether those reported goals are being met. Nearly 70% of communities that apply report having a bike plan that is current and is being implemented.
- **Bike Program Staff to Population** - This building block reflects reported information on the number of full-time equivalent employees in each community and the population of each community. We divide the population of each community by the reported full time equivalent employees, so this statistic can be higher than the population of a community. It is reported in the number of thousands of residents per one full-time staff person. The average Bronze community has 148,000 residents per one staff person.



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Bicycle Friendly Communities

The League of American Bicyclists' Bicycle Friendly Community Program ranks communities across the United States as Platinum, Gold, Silver, Bronze and honorable mention.

The **Bicycle Friendly Community program** provides incentives, hands-on assistance and award recognition for communities that actively support bicycling through a combination of infrastructure, programs and policies. There are currently **24** Bicycle Friendly Communities in the **League of American Bicyclists Award Database** for Wisconsin:

- **Platinum:** Madison
- **Silver:** Appleton, Fitchburg, La Crosse, Milwaukee, Shorewood, Stevens Point
- **Bronze:** Dane County, Eau Claire, Green Bay, Janesville, Kenosha County, Menasha, Menomonie, Middleton, Monona, Onalaska, River Falls, Sheboygan, Sheboygan County, Sturgeon Bay, Su Prairie, Verona, Wausau MPO



People on bicycles are an indicator species for vibrant, economically healthy communities where people want to live, work, do business and visit. Investments in bicycling yield tremendously high returns at a very small cost. Bicycling is such a cost-effective, simple solution for so many of today's complicated problems, it's no wonder communities across the state are working to make themselves more bicycle friendly.

Get started in applying for a Bicycle Friendly Community Award!

- Begin by downloading and reading the [Bicycle Friendly Community Overview](#).
- Take a few minutes to evaluate your community with this quick [Bicycle Friendly Community Scorecard](#).
- Visit the League's [Application Portal](#). Please note the Bicycle Friendly Community application process is on hold until Fall 2022 when you may begin to fill out the online application. The process will require some research into demographics and infrastructure to complete.
- Plan your strategy for pitching bicycle-friendly improvements.
- Gather support.
- Call your government official and request a meeting.
- Ask for something specific and try to get a specific commitment. A good starting point is to ask if the person will submit the application for Bicycle Friendly Community status.
- Follow up and follow up (and follow up).
- Consider hiring the Bike Fed to create and submit your application – We have a proven track record of procuring designations including Madison's recent Platinum Status

The Five E's of the League of American Bicyclists ranking assessment:

- **ENGINEERING** – Bike lanes, bike routes, trails, bike parking, etc.
- **EDUCATION** – Availability of cycling education, safety materials, Safe Routes to School programs and number of League cycling instructors
- **ENCOURAGEMENT** – Bike to Work Week events, Bike Challenge participation, printed materials such as maps and brochures, fun events like Tour de Fat, etc.



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EQUITY – while not an official “E”, equity is an important consideration, and is the recognition that recognize that youth, women and people of color are underrepresented in many bike advocacy efforts and local transportation decisions.

Keep Wisconsin Biking Strong!

Wisconsin Bike Fed’s advocacy work around this issue and many others is made possible thanks to your support. Consider making a gift today!

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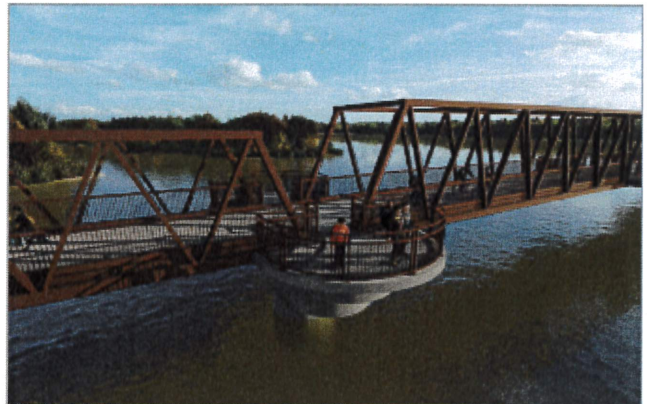


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[Politics & Government](#)

Shorewood Earns "Bicycle Friendly Community" Designation

Energized by the recognition, local cyclists set sights on comprehensive bike plan for village.

 **Rory Linnane**, Neighbor

Posted Fri, Sep 16, 2011 at 9:38 pm CT Updated Mon, Sep 19, 2011 at 2:48 pm CT

 Reply



The League of American Bicyclists designated Shorewood as a [Bicycle Friendly Community](#) Wednesday, lighting a spark of encouragement under local cyclists.

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Shorewood is the first village in Wisconsin to receive the designation, in an effort spearheaded by the [Greater Shorewood Bikers](#). The other Bicycle Friendly Communities in the state are Milwaukee, Madison, Eau Claire, La Crosse, and Sheboygan County.

James Harris, chair of the village Bike and Pedestrian Safety Committee, credited the new bridge on the Oak Leaf Bike Trail over East Capitol Drive, and bike lanes on North Oakland Avenue and Capitol Drive for earning Shorewood the award.

Find out what's happening in Shorewood with free, real-time updates from Patch.

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Let's go!

“It’s recognition that the village is very forward thinking in developing infrastructure for biking and walking,” Harris, who is also the associate director of the urban studies programs at UW–Milwaukee, said. “People are healthier and communities tend to flourish when people are out and active.”

One of 11 communities to earn the designation this fall, Shorewood joined a total of [190 communities](#) nationwide. According to the League of American Bicyclists, 490 communities have applied.

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Shorewood earned the bronze-level designation, behind 50 communities that earned platinum, gold and silver awards.

Harris said he sees the bronze level as a jumping off point for more improvements to cycling infrastructure in the village.

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“We now have a baseline that we’ll work to improve,” he said. “In a small way, we are moving toward the environment of places like Seattle and the twin cities.”

The Bike and Pedestrian Safety Committee is currently drafting a comprehensive bike plan for the village, including a village route map, that they hope to unveil in the spring or summer.

The map will illustrate paths between the Oak Leaf Trail and popular destinations that the committee identifies as the safest for bike travel. Harris said there could be a kiosk on Oak Leaf Trail with maps to invite cyclists into the village.

The committee also plans to install signage along bike-friendly roads to create clear spaces for cyclists.

Harris said they are considering expanding bike lanes from the metro area — like on North Downer Avenue and North Lake Drive — through Shorewood to make a more comprehensive “bicycle grid.”

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Milwaukee also has a bronze designation. According to the League of American Bicyclists, Wisconsin [ranks](#) as the third most bike friendly state in the U.S., behind Washington and Maine.

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More from Shorewood

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Community Memberships

For Municipalities, Convention & Visitor Bureaus, and Community Development Organizations

Communities that are comfortable for biking ages 8-80 offer green, healthy and vibrant lifestyles.

Wisconsin Bike Fed Community Memberships improve the quality of active, healthy lifestyles in their community, improve the economics of the community, increase number of companies supporting biking and walking, and support organizations' efforts to increase the number of miles of infrastructure available for biking and walking.

“Partnering with the Wisconsin Bike Fed was instrumental educating our officers on bicycle safety. They provided the expe

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Community Membership Benefits Include:

Bike Basics Community // \$250 year

- **Community statement** encouraging active transportation.
- **Art for billboards**, yard signs, and safety fliers (stock and available for co-branding).
- **Safety graphics for maps** and other print or web safety pamphlets.
- **Listing in annual Ride Guide** magazine as a Bike Fed Member.
- Exclusive **opportunity to purchase added exposure** through webstories, newsletter sponsorships and social media posts to our dedicated audience of 20,000+ social media followers and 17,000 e-newsletter subscribers.
- **One Newsletter Sponsorship** (17,000 readers). Includes high res image and 50 words.

Bike Advocate Community // \$500 year

- **All Bike Basics Benefits**, plus:
- One set of **Teaching Safe Bicycling signs**.

Bike Focus Community // \$1,000 year

- **All Bike Basics Benefits**, plus:
- Two sets of **Teaching Safe Bicycling signs** with your community's logo.
- **One educational opportunity** (up to one hour).
- Chance to have your community selected to **work with ISG planning experts** and determine best-fit bike-friendly enhancements (quarterly drawing; \$3000 value). [LEARN MORE!](#)

Bike Friendly Community // \$2,500 year

- **All Bike Focus Benefits**, plus:
- **Enhanced listing** in annual Bike Fed Ride Guide magazine
- **Assistance with League of American Bicyclists Bicycle Friendly Community application** (up to 10 hours).
- **Online story** about the bike friendliness of your community (posted on the Wisconsin Bike Fed website and shared by the Bike Fed).

Additional Resources for Communities



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Pedestrian Initiatives

Almost everyone is a pedestrian at some point in their day. People who walk are vulnerable users of the public right of way. The Bike Fed may not have “Pedestrian” in our name, but our staff and board have been fighting for safer places to walk for years. Through our Walking Wisdom curriculum, Vulnerable Users state law changes, and MilWALkee Walks the Bike Fed is involved in many ways to keep these users of our road safe.

Walking Wisdom Curriculum

Developed in 2005 as part of the Safe Routes to School curriculum this program is free to download and use for any school or non-profit organization. It is meant for K5-3rd grade and includes inside discussion and worksheets, a video, hands on intersection activity, and an outdoor guided walk with adults. Bike Fed staff have updated and improved this program over the years and are currently partnering with Milwaukee Public School staff to make the education alignments and activities even more robust. It can be



Milwaukee Walks is a pedestrian advocacy group that makes walking safe, accessible, and fun for all Milwaukeeans. We are dedicated to promoting walking and pedestrian infrastructure in Milwaukee, educating Milwaukeeans and local policymakers concerning the rights and needs of pedestrians of all abilities, and fostering the development of safe and vibrant environments for all pedestrians. Funded through a grant from WisDOT Bureau of Transportation Safety this program is focused on City Of Milwaukee pedestrian safety improvements due to high rate of crashes. [Read more details on MilWALKee Walks here](#)

Vulnerable Users

A bill strongly supported by the Bike Fed, which would increase penalties for careless drivers who kill or injure cyclists and pedestrians, was signed by Governor Scott Walker earlier today. (November, 2017)

The bill (Assembly Bill 201) increases penalties for a host of moving violations that are of particular concern to vulnerable road users like people who ride bikes and walk. It would apply to things like failure to yield to a bike, pedestrian or electric mobility device in a cross walk, failure to stop at an intersection or failure to yield while turning at an intersection (often referred to as a right or left hook).

Under current law penalties for these violations range from \$20 to \$300, but under the bill the penalty could be \$500 if the violation causes serious injury and \$1,000 if it causes death. The bill also requires that the driver's license be suspended for three months in the case of serious injury and nine months in the case of death. And even when a violation does not result in a serious injury or death, drivers would be required to take a vehicle right of way course.

And of course all of that is in addition to any civil suit that might come as a result of the violation.

Thanks to so many of you who responded to a Bike Fed Action Alert earlier this month in which we asked you to contact Rep. Janel Brandtjen (R-Menomonee Falls) and Sen. Luther Olsen (R-Ripon), the bill's primary authors, to thank them for their efforts. While waiting for the Governor, Rep. Brandtjen's aide said, "Man, you guys really can get turn your members out!"

We're building a better, more bike-friendly Wisconsin.

The Bike Fed is here to cultivate, motivate and unite a strong community of residents as well as business and political leaders to move bicycling forward in Wisconsin – through education, legislation and involvement.



BUILDING A BICYCLE FRIENDLY AMERICASM

*A roadmap to
transforming states,
communities,
businesses and
universities*

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Building a BICYCLE FRIENDLY AMERICA

Across the U.S., the interest in bicycling is skyrocketing — and it's easy to see why. A bike is a ticket to health, mobility, freedom and fun. Bicycling isn't just a way to get from one place to another; it's an avenue to a better life. And when communities, businesses and universities get on board, great things happen.

How do you capture and capitalize on the tremendous benefits of biking? The League's Bicycle Friendly America (BFA) program has the answers.

Over the past 10 years, the League has worked with hundreds of engineers, government officials, and bicycle advocates to identify the DNA of bicycle friendliness. Using that expert knowledge, we've determined the specific projects, policies, programs and plans that re-

ally make a difference. The BFA program gives you the specific tools to turn that knowledge into action.

Providing a roadmap to improve conditions for cyclists at the state and local level, the BFA program has expanded and evolved to serve four distinct areas: Communities, States, Businesses and Universities. With comprehensive online applications, the program collects data on activities within five broad areas:

1. **ENGINEERING:** Physical infrastructure and hardware to support cycling
2. **EDUCATION:** Programs that ensure the safety, comfort and convenience of cyclists and fellow road users
3. **ENCOURAGEMENT:** Incentives, promotions and opportunities that inspire and enable people to ride

4. **ENFORCEMENT:** Equitable laws and programs that ensure motorists and cyclists are held accountable

5. **EVALUATION:** Processes that demonstrate a commitment to measuring results and planning for the future

The BFA program is more than an assessment. All applicants get customized feedback on their application and access to technical assistance. If you aren't bicycle friendly yet, we'll help you get there. And once you've made the ranks of a Bicycle Friendly Community, Business or University, the BFA program helps you get to the next level.

Learn how you can get involved in the pages that follow and at www.bikeleague.org/bfa.

Cover photo: Trek



Long Beach Council Member Robert Garcia and Vice Mayor Sujia Lozenthal in Long Beach's separated bike lanes. (Photo: Allan Crayford)

THE BENEFITS OF BICYCLING

"Our Gold Bicycle Friendly designation is a tremendous honor, and it recognizes what a great place Minneapolis is to be a bicyclist. We've made a deliberate effort to be one of the nation's top bicycling cities and those investments mean we have more and more ways for people to commute and experience the city on two wheels."

- Mayor R.T. Rybak, Minneapolis, Minn.

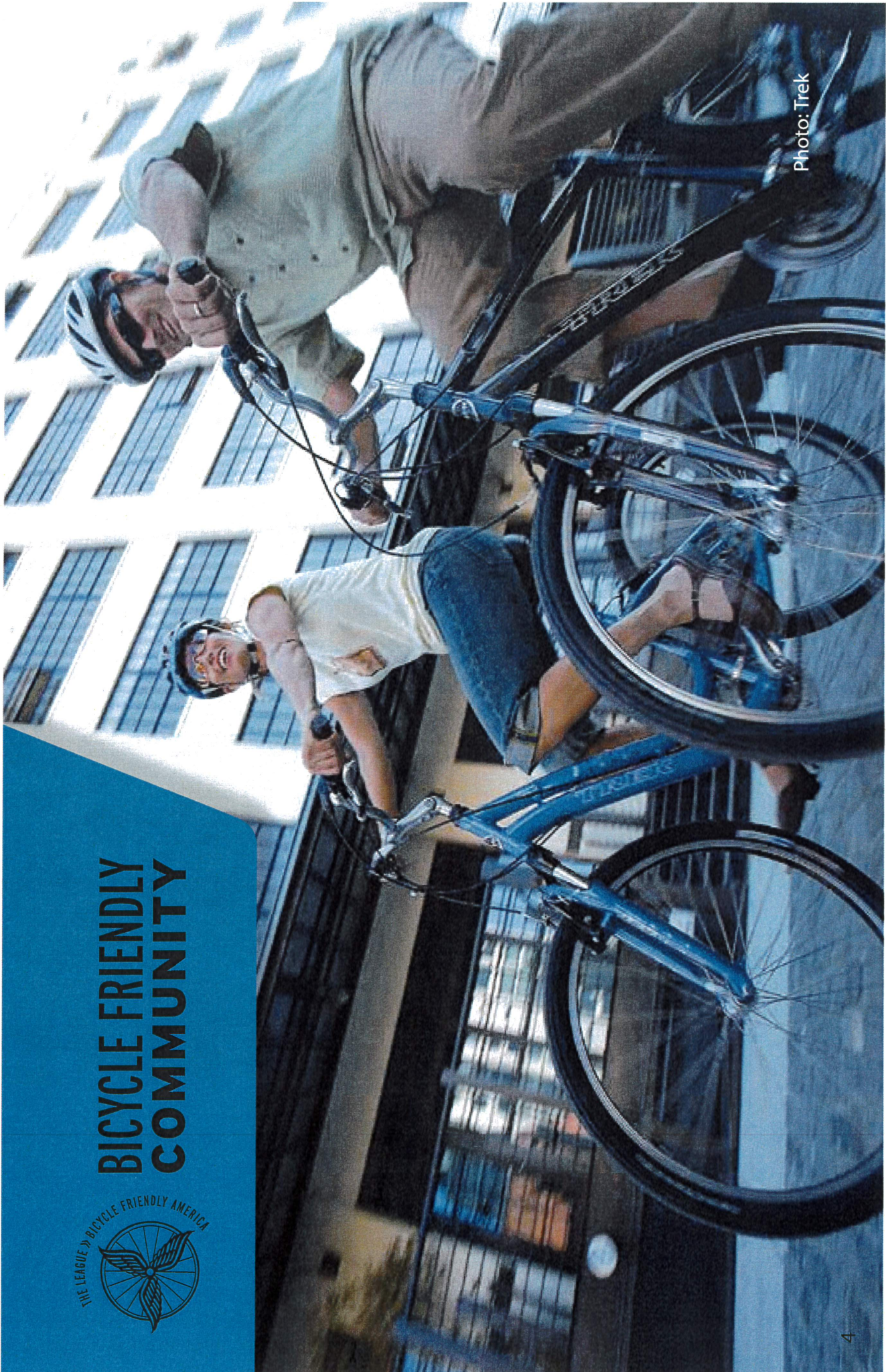
"The #1 Bicycle Friendly State designation recognizes the hard work and cooperation among local and state agencies, bicycle groups and health professionals. The designation is an incentive to continue to refine and develop projects, policies and priorities to retain our position."

- Washington Governor Christine Gregoire

BICYCLE FRIENDLY COMMUNITY



Photo: Trek



Bicycling is more than a practical, cost-effective solution to many municipal challenges. It's an opportunity to make your community a vibrant destination for residents and visitors — a place where people don't just live and work, but thrive. The Bicycle Friendly Community program provides a roadmap to improve conditions for bicycling and direct assistance to make your distinct vision for a better, bikeable community a reality.

WHY SHOULD MY COMMUNITY BECOME A BFC?

Simple steps to make bicycling safe and comfortable pay huge dividends in civic, community and economic development. Given the opportunity to ride, residents enjoy dramatic health benefits, reduced congestion, increased property values and more money in their pockets to spend in the local economy. When your community is bike-friendly, tourism booms, businesses attract the best and the brightest, and governments save big on parking costs while cutting their carbon emissions.



Photos: Tucson/East Pima region (L) and Missoula, Mont. (R)

Innovative infrastructure isn't just for big cities. Missoula, Mont., recently rose to Gold BFC status thanks in part to the addition of protected bike lanes. "The City of Missoula, together with citizen advocates, has worked hard to integrate and promote bicycle commuting, and we're proud that our extensive off-street bike trail system, together with our miles of bike lanes, and bike education and encouragement programs, reflect that," says Missoula Mayor John Engen.

The Tucson/East Pima region attained Gold BFC status with an array of exceptional education programs. "The Bicycle Ambassador program has taught more than 1,000 adults safe cycling skills each year and the Safe Routes to School program has now expanded into the middle schools and includes summer bicycle camps," says Ann Chanecka, Senior Transportation Planner, Pima Association of Governments.

WHAT MAKES A BICYCLE FRIENDLY COMMUNITY?

A Bicycle Friendly Community welcomes cyclists with trails, bike lanes, share the road campaigns, organized rides, Bike to Work Day events and so much more. A rich matrix of options that recognizes your area's unique resources, the BFC application evaluates how your community encourages people to bike for transportation and recreation through the 5 Es: engineering, education, encouragement, enforcement, and evaluation.

WHAT'S THE BENEFIT OF BEING A BFC?

The popularity of the program speaks for itself: As of 2013, more than 600 communities have applied, and 242 have been awarded Bronze, Silver, Gold or Platinum designation. But, even if your community doesn't quite make the grade yet, applying is well worth the time. Each applicant receives customized feedback and technical assistance. Once your community becomes a BFC, a League representative will present an award and two highway-quality road signs at a local ceremony or celebration.

HOW DO I GET STARTED?

Turn to page 14 and fill out the BFC scorecard to see if your community is ready to apply. All applications must be submitted with the approval of the community's administration. Access the applications and additional resources at bikeleague.org/community.



Arlington, Va.



New York, N.Y.



Fort Collins, Colo.

Four years ago, Long Beach put an audacious statement on the wall of our City Hall: "Long Beach: The most bike friendly city in the U.S." It wasn't true at the time, but it gave us a something to strive for. And we knew that we needed milestones to measure our progress along the way.

In 2009, we were given Bronze BFC status and we immediately set our sights on becoming Silver, then Gold and eventually Platinum. We knew this recognition would be important to our civic and business leaders, and that the metrics set out in the League's application would be important measures for us.

At the time, we had a few bike lanes along with beach and river paths that were mainly for recreation. But as a result of our efforts, more than 20 new bike-related businesses have opened in Long Beach since 2010. We've added more than 170 bike-friendly businesses to our Bike Saturday program and created four bike-friendly business districts. On some streets, where we have put in new bike infrastructure, we have tripled the number of kids riding bikes to school.

We're now seeing people move to Long Beach because of our biking and our active living culture. We are seeing conventions select Long Beach because of what we are doing. Most importantly we are seeing more and more people on their bikes, riding for fun, to get to school, to get to work and to run errands.

- By Allan Crawford, Bike Long Beach

*Long Beach, Calif.
Photo: Allan Crawford*



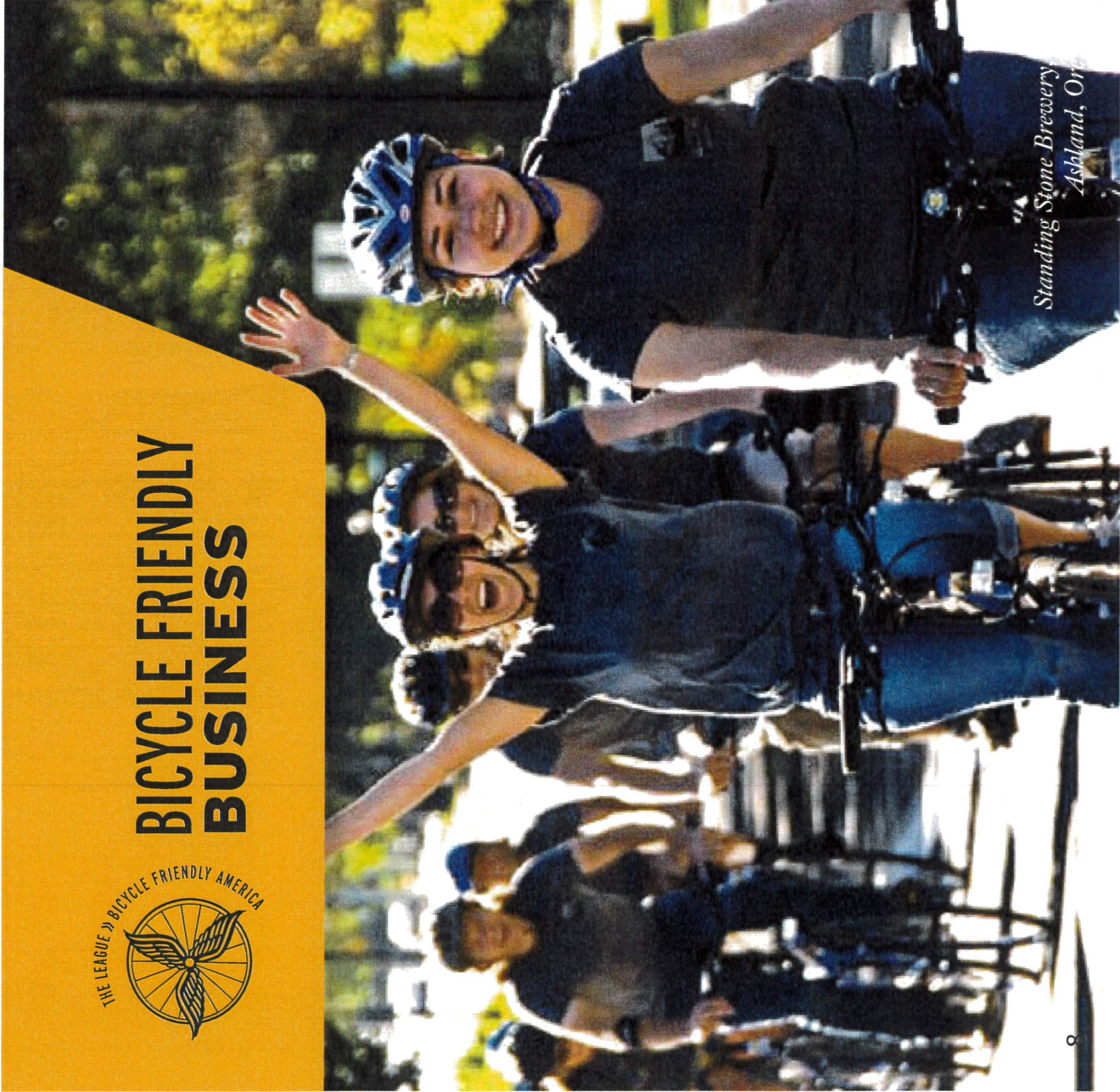


BICYCLE FRIENDLY BUSINESS

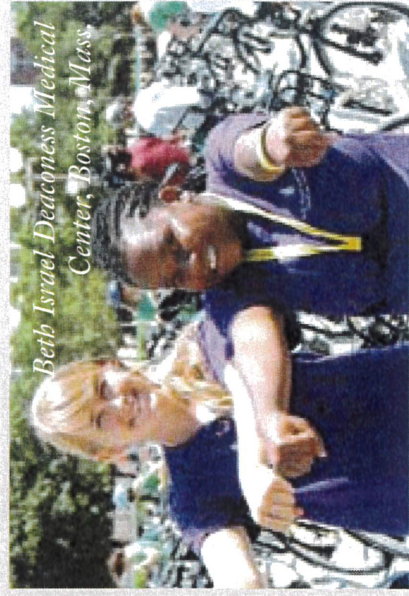
Imagine your employees arriving at their desks energized, alert and more productive than ever. Picture your healthcare costs plummeting and staff morale skyrocketing. Envision customers flocking to your door instead of the competition. How do you get there? Start pedaling and become a Bicycle Friendly Business (BFB).

WHY SHOULD MY BUSINESS BECOME A BFB?

The bicycle isn't just a great transportation option; it's an economic engine that can drive your business to higher profits, happier employees and more loyal patrons. Encouraging bicycling showcases your commitment to sustainability, healthy living and accessibility for all. And biking doesn't just enhance your bottom line — it makes your business a fun, engaging and exciting place to work or shop.



*Standing Stone Brewery
Ashtland, Or*



*Beth Israel Deaconess Medical
Center, Boston, Mass*

WHAT MAKES A BICYCLE FRIENDLY BUSINESS?

BFBs make it easy to pedal to work by providing amenities like secure bike parking and shower facilities. They fire up employees and patrons with incentives to commute by bike, company bike rides, and Bike to Work Week promotions. At a BFB, cycling is part of the business culture and becomes an expression of corporate responsibility. Those attributes shine through in the four areas of the BFB application: encouragement, education, engineering and evaluation.

Any corporation, organization, association, public agency or non-profit that actively promotes bicycling, has a distinct workplace outside of the home, and has two or more employees is eligible to apply.

WHAT'S THE BENEFIT OF BEING A BFB?

The League recognizes deserving businesses at the Bronze, Silver, Gold or Platinum level, but all applicants receive valuable feedback and assistance in becoming more bicycle friendly. When your business joins the more than 400 BFBs across the nation, you'll get

recognition in a national press release, decals for your workplace, a profile on the League website, and in the League's annual yearbook distributed to 10,000 homes across the nation. Silver and higher awards also receive a bicycle print award.

HOW DO I GET STARTED?

Turn to page 15 and fill out the BFB scorecard to see if your business is ready to apply. Access the applications and additional resources at bikeleague.org/business.

BFB PROFILE: THE BURKE GROUP

For employees of The Burke Group in Rosemont, Ill., there are plenty of ways to arrive on two wheels, including the on-street bike route system or the trail leading directly to the building. But the bike friendly atmosphere doesn't end at the front door.

In 2010, the engineering firm was awarded a Silver BFB designation thanks to excellent facilities and innovative programs, like showers, CEO-led social rides and a new bike for the top rider each year. The conversion of car-commuters was slow at first, but more and more employees dusted off their old bicycles as they heard their co-workers raving about the many benefits of riding and saw how the company supported their efforts.

In addition to creating a positive place to work, The Burke Group sees cycling as a means to improving job performance. Engineers who understand the challenges of multi-modal transportation are able to support bicycling in new designs. And the cycling culture has certainly boosted workplace camaraderie.

By 2012, The Burke Group had witnessed 30,000 fewer miles driven on local roads as a result of their efforts – and moved up to a Gold level BFB.



COMMUNITY SCORECARD

ENGINEERING

- Y N Does your community have a comprehensive, connected and well-maintained bicycling network?
- Y N Is bike parking readily available throughout the community?
- Y N Is there a Complete Streets ordinance or another policy that mandates the accommodation of cyclists on all road projects?

EDUCATION

- Y N Is there a community-wide Safe routes to School program that includes bicycling education?
- Y N Are there bicycling education courses available for adults in the community?
- Y N Does your community educate motorists and cyclists on their rights and responsibilities as road users?

ENCOURAGEMENT

- Y N Does your community have an up-to-date bicycle map?
- Y N Does the community celebrate bicycling during national Bike month with community rides, Bike to Work Day or media outreach?
- Y N Does the community host any major community cycling events or rides?
- Y N Is there an active bicycle advocacy group in the community?

ENFORCEMENT

- Y N Do law enforcement officers receive training on the rights and responsibilities of all road users?
- Y N Does your community have law enforcement or other public safety officers on bikes?
- Y N Do local ordinances treat bicyclists equitably?

EVALUATION

- Y N Is there a specific plan or program to reduce cyclist/motor vehicle crashes?
- Y N Does your community have a current comprehensive bicycle plan?
- Y N Is there a Bicycle advisory Committee that meets regularly?
- Y N Does your community have a bicycle program manager?

SCORING (GIVE YOURSELF ONE POINT FOR EVERY "YES.") Score 0-8: Your community

probably has some improvements to make before becoming a Bicycle Friendly Community – apply now to receive a free feedback report that will guide your community in becoming more bicycle-friendly!
 Score 9-17: You've already got a good start – apply now and we'll tell you what you've done well and how you can improve.

Start working with local officials to fill out the Bicycle Friendly Community application and contact us to help you through the process at 202-822-1333 or bfa@bikeleague.org.

BUSINESS SCORECARD

ENGINEERING

- Y N The business provides secure and convenient bike parking.
 Y N Showers are on-site and are free for employee use.

ENCOURAGEMENT

- Y N There are incentives provided by the business for employees to commute to work by bike.
 Y N The business works with local advocates to improve bicycling conditions for the community.
 Y N The business supports a bicycle team/club.

EDUCATION

- Y N The business offers bicycle education classes.
 Y N Bicycling education materials are available to employees on a regular basis.

EVALUATION

- Y N The business has a bike coordinator (full, part-time, or volunteer) to help promote cycling.
 Y N The business sets and evaluates annual goals to help increase ridership.

UNIVERSITY SCORECARD

ENGINEERING

- Y N Does your campus have a well-connected bicycling network?
 Y N Is bike parking readily available throughout the campus?
 Y N Is the college or university easily accessible by bike?

EDUCATION

- Y N Does the school offer bicycle education classes for students and staff?

ENCOURAGEMENT

- Y N Is there an active bicycle advocacy group at the college or university?
 Y N Is there an on-campus bike center for rentals and repairs?

ENFORCEMENT

- Y N Do campus safety/law enforcement officers receive training on the rights and responsibilities of all road users?
 Y N Is there a program on campus to prevent bike theft?

EVALUATION

- Y N Does your school have a current comprehensive bicycle plan?
 Y N Does your college or university have a bicycle program manager?

SCORING (BUSINESS & UNIVERSITY) Score 0-4: Your community probably has some improvements to make before becoming a Bicycle Friendly Business or University - apply now to receive a free feedback report that will guide you in becoming more bicycle-friendly! Score 5 and up: You've already got a good start - apply now and we'll tell you what you've done well and how you can improve.

Start working with local officials to fill out the BFB or BFU application and contact us to help you through the process at 202-822-1333 or bfa@bikeleague.org.



TREK

**THE BICYCLE FRIENDLY AMERICA
PROGRAM** is generously sponsored
by Trek.



LEAGUE OF AMERICAN BICYCLISTS

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BFA@bikeleague.org
www.bikeleague.org

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Wheelmen, Inc. dba League of
America Bicyclists, 1612 K Street NW,
Suite 510, Washington, DC 20006.*



Edlebeck, John

From: Michelle Bachaus <michelleb@wisconsinbikefed.org>
Sent: Wednesday, October 19, 2022 2:47 PM
To: Edlebeck, John
Subject: Re: WI Bike Fed - Community Pedestrian and Bicycle Safety

Hello John,

Thank you for talking with me this morning about the great bike/ped work and next steps for Whitefish Bay. You and your local advocates are right, with constant change, things will always be getting better or worse, we are happy to help you stay on the better side of change!

With your suggestion of sending information that may be good to share in or before your meeting next Tuesday, I offer the following:

[Wisconsin Bike Fed Bike Friendly Community Membership](#) - Includes;

- 2 sets of 9 aluminum signs for your trails - Teaching Safe Bicycling is a Bike Fed and WisDOT program to help children develop skills to avoid the most common crashes they are involved in.
- 10 hours of assistance with organizing groups of staff and community members, then help finalizing your League of American Bicyclists Bike Friendly Community Evaluation which will get you tips and help identify simple tasks to achieve critical results. As opportunities are discovered along the way, we will help guide implementation of education, encouragement and evaluation.
- 1 hour of training in your community
- AND you will be eligible to receive consulting on bicycle and pedestrian planning as a [Community Input Session from experts at ISG Engineering Firm \(\\$3000 value\)](#)

It is great to have the support of ISG and the Bike Fed, this will give you a solid perspective to begin a Bicycle and Pedestrian Plan as well as a community overview helping clarify your best next steps.

Another community contact who can share success stories and offer support is Steve Arnold, Former Mayor of Fitchburg. Steve is very active in the community and has experienced great success following these and other programs we recommend within these plans. Please if you would like to be connected.

We hope this is helpful and look forward to sharing great results!

Michelle Bachaus
Community Engagement
Growing Bicycle and Pedestrian Culture

Wisconsin Bike Fed
Appleton Office
michelleb@wisconsinbikefed.org
(920) 470-1185

Have I helped you at all today?

If so, please consider [joining](#) the Wisconsin Bike Fed, thanks!

June 13, 2022 – updated October 20, 2022

Re: Village Park Improvements

From: John Edlebeck, P.E., Director of Public Works

There have been ongoing discussions at previous Public Works Committee meetings regarding needed improvements within our Village parks. In the approved 2022/2023 Village Borrow, \$800,000 was budgeted for needed improvements in Village parks. After several presentations and discussions on this matter, the Public Works Committee reviewed and voted on June 20, 2022 to approve Public Works Department staff to proceed with the following:

1. Klode Park

a. Beachfront (sand, access, stormwater management, benches, landscaping) (\$50,000)

The beachfront requires stormwater management and access improvements, along with some landscaping upgrades. The current set of access stairs requires some routine maintenance as well.

b. Bluff Area and Bluff Access (stairs, concrete walkway, benches, landscaping) (\$50,000)

The bluff area is in need of a landscaping plan review and planting recommendations, along with concrete sidewalk improvements.

c. Playground Equipment and Park Landscaping (no monetary expenditures at this time)

The current playground has been added onto over the years. A portion of the existing playground equipment may possibly be reused and supplemented with new equipment, however, a new playground layout may not allow for this.

RECOMMENDED

a. Beachfront access, stormwater management, landscaping removal, benches, replacement and additions.

b. Bluff area sidewalk restoration and landscape removal, benches, replacement and additions.

c. Voted to request Trustee Haller put together a playground design review group of interested Village residents that would be willing to bring forth future recommendations on the removal and replacement of the old playground equipment while attempting to retain the newer equipment.

2. Schoolhouse Park

Landscaping / Pathway / Fountain

(\$75,000)

The water fountain has major leaking, plumbing and electrical issues that plague this 42 year old fountain. The equally as old asphalt pathway around the garden and fountain area is in very poor condition and is difficult to walk on, creating trip hazards. The current plantings lack an irrigation system for the numerous planting beds at this location.

RECOMMENDED

Remove and replace walkways, retain the existing fountain but reseal inside and install new pumps and electrical components, new interior garden bush and planting replacements, bench and refuse receptacle replacement.

3. Cahill Park

Playground Equipment

(\$25,000)

The current playground equipment is in good condition, catering to younger child. There are some playground equipment, perimeter fencing and landscaping needs.

RECOMMENDED

Minor wood chip, sand and tot play feature replacement.

Update on Village Park Improvements as of October 20, 2022

1. Klode Park Bluff and Beachfront (\$100,000)

Following several conversations and onsite meetings with Anne O'Connor (Whitefish Bay Garden Club), Village staff and 2 environmental consultants, the Village will be applying for a 40% Wisconsin Coastal Management Program Grant (60% local match) by November 4, 2022 for 2023/2024 construction. The grant application scope of work will include the revegetation of portions of the bluff, eliminating some grass mowed areas, and the near beach installation of stormwater quality /quantity improvements to reduce soil /sand erosion and improve the water quality of the stormwater runoff into Lake Michigan. Anne O'Connor has reached out to the Whitefish Bay Garden Club, Whitefish Bay Civic Foundation, Wild Ones and WI State Representative Deb Andraca and will be receiving letters of support from all for this grant application. In addition, the Village recently eradicated several different types of invasive plants that were growing on the bluff and brought in additional sand that was placed on the north beach area. It is also anticipated that MMSD Green Solutions monies will be available to aid in project expenses.

Klode Park Playground Equipment (No \$ commitment at this time)

I met onsite with a representative of playground vendor **Northland Recreation (Little Tikes)** to discuss the project, the value and repairs needed for the existing play structures, project scope of work, acquisition methods and timetable. This playground design that was reviewed and approved by the Working Group can be purchased directly through Northland Recreation via Sourcewell (a non-profit cooperative purchasing agency that solicits competitive bids). A final revised playground design and cost estimate have been prepared and were recently submitted to the Village. A summary of those costs are:

5-12 year old inclusive structure	\$93,483.00
2-5 year old structure	\$18,268.00
Inclusive Spinner	\$ 5,615.00
Concerto Musical Equipment	\$ 8,763.00
Replacement swings with new swings	\$ 6,404.00
Tot Builder Truck	\$ 4,245.00
Equipment	\$136,778.0
Sourcewell Discount	(\$31,114.00)
Installation	\$ 34,000.00
Poured in Place Rubber Surfacing	\$118,408.00
Stone Base	\$ 17,364.00
Freight	\$ 2,000.00
Total*	\$277,436.00

***Additional costs needing to be incurred:**

Concrete curbing around portions of the new poured in place rubber surfacing

New benches and trash receptacles purchased and installed

Perimeter fencing with several gated openings

Replace a few worn equipment items on the existing 5-12 year old play equipment that will remain.

Note: Site excavation and existing play equipment removal will be by Public Works Department crews

Note, there is an expected 8 month lead time on the playground equipment delivery. Also a January 1, 2023 price increase of 3-5% is expected if the equipment is order after that date.

2. Schoolhouse Park (\$75,000)

Our Public Works staff met with a commercial irrigation contractor to discuss automated landscape watering for this area. A new electrical service, water service and pump for the fountain were installed in Summer, 2022 along with fountain leak repair, basin sealing and painting. Additional plumbing fixture work will be needed along with new paving walkway bricks, benches, trash receptacles, automated irrigation system and landscaping.

3. Cahill Park Playground Equipment (\$25,000)

Our crews have begun the 2022 CVMIC identified repairs to the playground equipment. The playground equipment vendor has identified a possible 2-5 year old tot lot playground structure replacement (Tot Lot Builder Truck) at Cahill Park estimated at a cost of \$4,245.00 minus Sourcewell discount plus installation and freight costs. I have also requested Public Work staff to proceed with the installation of a fence gate at the northeast corner of the lot.

Note that Village Staff is acting as a general contractor on all of these projects at this time.

Aeschbacher, Erin

From: Edlebeck, John
Sent: Monday, September 26, 2022 10:08 AM
To: Aeschbacher, Erin
Subject: FW: Klode Park Playground Proposal
Attachments: Klode Park Playground Renderings.pdf; Klode Park Quote.pdf; Klode Park 2D.PDF; Klode Park Site Measurements.PDF

Erin:

Please print out the email and all attachments.

Thanks,

John

From: Ericka Steltz - Northland Recreation <ericka@northlandrec.com>
Sent: Friday, September 23, 2022 2:55 PM
To: Edlebeck, John <J.Edlebeck@wfbvillage.gov>
Subject: Klode Park Playground Proposal

Hi John,

I hope that you are well. I am sorry that this took so long but I have been trying to get pricing on the concrete curb. Unfortunately, I have not been able to get pricing on this aspect as there is a Portland cement shortage, so no one wants to provide pricing for 2023 project. I will continue to work on getting pricing for that, but I wanted to provide you the pricing and information for the rest of the project.

I have adjusted the site layout based on the measurements that I took on site, and the equipment that I showed previously will work on site. The only thing that I noticed is that the existing swing bays must be narrower than current standards (this explains why there is only the inclusive swing seat in the one bay). To have enough room for the new 3 bay swing set the swing area will need to be increased by about 4 feet towards the roads.

With the swing and main area becoming slightly larger we have enough room to include 3 Concerto musical instruments and a Tot Builder Truck. I have provided line item pricing for all independent items if you want to remove or add more of these components.

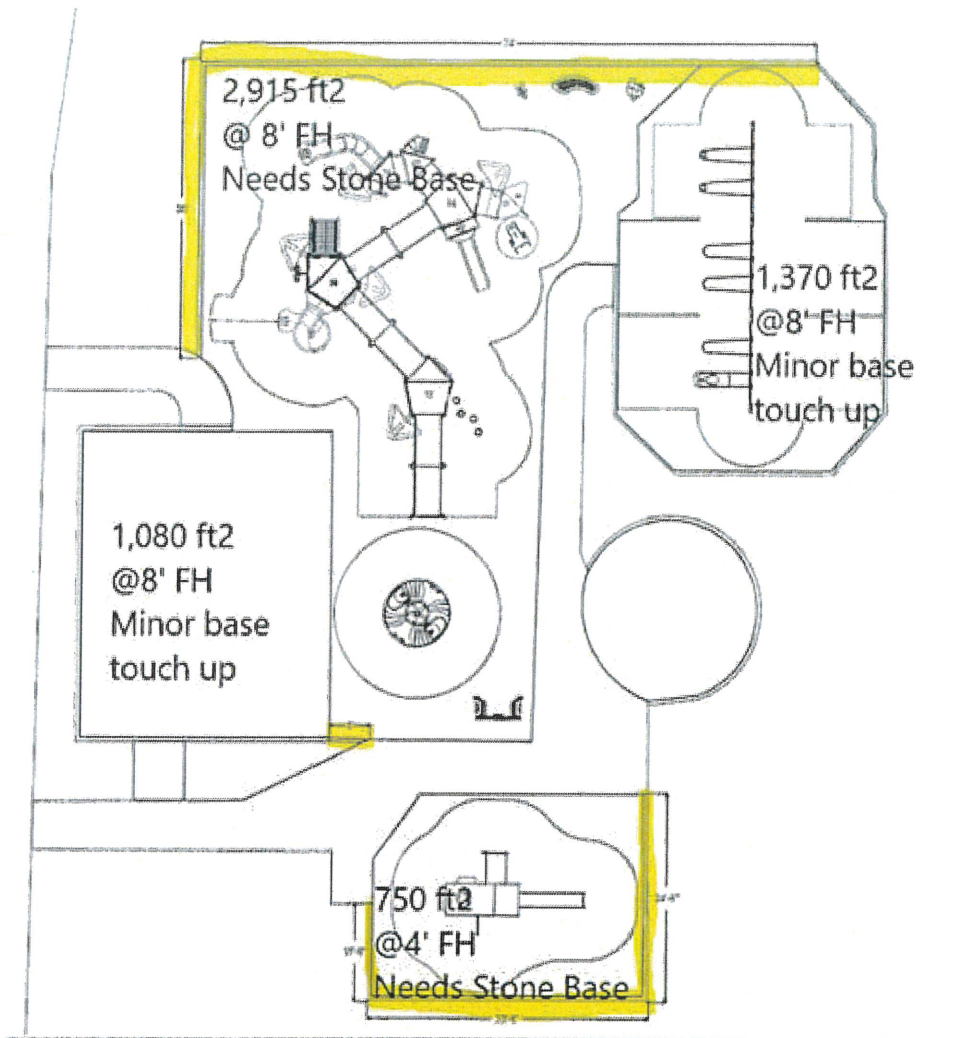
At the bottom of the quote, I have a list price total for all equipment and what the Sourcewell Discount is. Additionally, I have the installation costs, poured in place rubber surfacing and stone base costs listed individually in this area. If the Village is interested in a community installation, I can provide pricing and additional information. As we discussed, we have good luck with community installation at churches and schools, but not always for public parks. However, if the park board thinks that they have the volunteers we can talk about this more and start planning.

The included pricing does not include the site work, removal of existing equipment, removal of existing tile and certain concrete curbs, excavation, drain tile, site restoration. If after discussing the project, you feel that you can not longer provide excavation and removal let me know and I can work on getting pricing on that portion of the work.

I have this listed on the quote, but Tikes does have a 8 month lead time upon the time the equipment order is placed. Additionally, the pricing is based on 2022 pricing. If the equipment order is not submitted until after January 1st, 2023, a price increase may occur. Typically, annual price increased are 3-5% of the list cost.

I show the colors of the equipment in black and forest green to match the existing equipment that will be kept. I did add in lime green and some light grey just to brighten up the equipment a bit. Colors can be change base don feedback.

Please let me know if you have any questions. We can set up a call or another meeting to discuss. Have a great weekend!



Thank you,

Erica Steltz

www.northlandrec.com

Phone: (262) 313-8636

ericka@northlandrec.com





PlayPower LT Farmington, Inc.
 878 E. US Hwy 60
 Monett, MO 65708
 1-800-325-8828

QUOTE: R0324220357
 CUSTOMER: WFISH123
 Project: R0324_44820476192_01

Bill To:

John Edlebeck
 Village of Whitefish Bay
 155 W. Fairmount Ave.
 Whitefish Bay, WI 53217
 414-962-690 Ext. 114 (phone)
 J.Edlebeck@wfbvillage.gov

Prepared by:

Northland Recreation
 10085 Bridgewater Bay
 Woodbury, MN 55129
 2623138636 (phone)
 ericka@northlandrec.com

Quote Number: R0324220357
 Quote Date: 9/23/2022
 Valid For: 30 Days From Quote Date

Klody Park Playground

Product line: KidBuilders
 Age group: 5-12

Supply of a 5-12 year old rated Little Tikes Commercial play structure as shown on the plan. The structure features three wheelchair accessible decks. The accessible decks have 4 play panels, stepping stones, elevated transfer deck with 48" slide, and two climbers that provide access to a 96" deck that is stacked above the 24" deck. The 96" deck also has a spiral slide and a play panels. Leading off of the 36" deck there are stairs that features two decks that have 2 climber and an additional slide. The structure has 5 diamond roof components.

The main play area also has 3 inclusive concerto musical instruments, 1 Tot Builder truck, 1 inclusive revolution spinner, and a three bay swing set with 1 inclusive swing seat, 3 belt swing seats and 2 tot seats.

5-12 Inclusive Structure \$93,483.00

Part Number	Description	Qty	Total
200006959	BRACKET DECK TO POST KB	1	265.00
200007112	PANEL ARCH BUBBLE DKMT. KB	1	1,143.00
200008193	TOOL BOX KID BUILDERS #2, S.S. (MM)	1	0.00
200013795	KB 10' GALV POST WITH CAP	10	3,600.00
200013801	KB 176" GALV POST WITH CAP	3	1,545.00
200013808	KB 8' GALV POST WITH CAP	6	1,920.00
200013810	KB 148" GALV POST WITH CAP	2	870.00
200013813	KB 4165/164" GALV POST WITH CAP	2	940.00
200013920	LOOP ASSY HAND-HOLD KB	1	327.00
200013924	LOOP ASSY SAFETY KB	4	2,284.00
200115328	PANEL ARCH TOP GEAR F/KB	1	1,752.00
200127136	KB 120" GALV POST F/ARCH (2002)	1	348.00
200127137	KB 136" GALV POST F/ARCH (2002)	1	377.00
200127142	KB 200" GALV POST F/ARCH (2002)	3	1,617.00
200131019	KB 180" GALV POST WITH CAP	1	497.00
200200188	KB DK/DK PLATE 12"/305MM (FACES)	1	219.00
200200305	PANEL ARCH FUN W/WORDS DKMT. KB	1	1,525.00
200200384	RAMP 3660 MM/12' W/GUARD RAILS KB_(SMAL	3	13,638.00
200200401	STEPS DK/DK 610MM W/SFTY RLS F/KB SMLHL	1	1,729.00
200200530	KIT MAINTENANCE KB W/PAINT W/O LIST	1	0.00
200200663	KB TELESCOPE PANEL (DKMT)	1	1,498.00
200201110	NRG ROSS ICE SHELF	1	1,624.00
200201307	KB STEPS DK/DK 406MM W/SFTY RL(SM.HOLE)	1	1,981.00
200202252	KB FIRE ESCAPE CLIMBER 64"	1	1,927.00

200202281	KB PICTURE BRAILLE PANEL DKMT	1	1,137.00
200202420	KB SILO CLIMBER 2400(96")	1	2,097.00
200202470	KB RECYCLED TREEHOUSE POD CLIMBER 80"	1	3,320.00
200202502	KB DECK REST SMALL HOLE 11GA	4	9,032.00
200202504	KB DECK TRIANGLE SMALL HOLE 11GA	2	1,736.00
200202555	KB TRANS STAT 915 SFTY RL (SM HL)11GA	1	3,284.00
200203124	KB QUANTUM II SLIDE 8' SPIRAL LEFT	1	5,805.00
200203268	KB 80" QUANTUM II SLIDE	1	4,632.00
200203326	KB WAVE SLIDE 48" W/2014 HOOD	1	1,359.00
200203381	KB DIAMOND ROOF BENT POST	5	7,515.00
200203414	NU-EDGE-X HALF DIAMOND CLIMB F/KB	1	7,061.00
200203470	KB ACTIVITY PANEL FRAME DKMT	1	447.00
200203474	ACTIVITY PANEL HYPNOTIZE INSERT	1	970.00
200203509	KB ELEV TRANSFER DECK W/RAILS	1	1,807.00
HW7704-1	HRDW PKG F/CLAMP ELIMINATION S1/1	1	129.00

Inclusive Revolution Spinner \$5,615.00

200203413	REVOLUTION INCLUSIVE SPINNER	1	5,615.00
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Concerto Musical Equipment \$8,763.00

200203438	CONCERTO VIBES	1	5,121.00
200203440	CONCERTO SPIN CABASAS MEDIUM	1	1,138.00
200203443	CONCERTO 3-CONGAS	1	2,504.00

Replacement Swing Set W/ New Swing Seats \$6,404.00

200203433	INCLUSIVE SWING SEAT W/CHAINS 8'	1	1,327.00
200202835	ASSY BELT SEAT F/8' SWING W/CHAIN	3	429.00
200202836	ASSY TOT SEAT F/8' SWING W/CHAIN	2	498.00
200202202	MAXPLAY 8' STANDARD BEAM	1	1,484.00
200202204	MAXPLAY 8' ADD-ON STANDARD BEAM	2	2,666.00

Tot Builder Truck \$4,245.00

LT0881ING	TOT BUILDERS TRUCK	1	4,245.00
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Klode Park 2-5 Play Area

Product line: KidBuilders

Age group: 2-5

Supply a 2-5 year old rated Tot Builder Community Helper structure with crawl tunnel and slide.

Components

Part Number	Description	Qty	Total
LT0880ING	TOT BUILDERS COMMUNITY HELPERS	1	18,268.00

Surfacing

Poured in Place Rubber Surfacing \$118,408.00

Supply and installation of approximately 6,115 square feet of poured in place rubber surfacing. The rubber surfacing will be the standard mixture of 50% standard color and 50% black. The new 5-12 playground area is approximately 2,915 ft2, the slightly expanded existing swing area is 1,370 ft2 and the existing 5-12 freestyle play area is 1,080 ft2. These three areas will receive 3.5" thick based on an 8' fall height. The 2-5 play area is 750 ft2 and will have a thickness based on a 4' fall height.

Stone Base \$17,364.00

Supply and installation of stone base into the new playground areas. This will include approximately 6" of stone base into the new 5-12 area (2,915 ft2) and new 2-5 area (750 ft2). This will also include the installation of approximately .75" of stone base into the existing tile areas. 1,080 ft2 (existing equipment area) and 1,370 ft2 (existing swing area). The

rubber tiles are slightly taller than what the PIP surfacing will be. So, additional stone base will be needed to bring the surfacing to the correct finish height.

Totals:

Equipment List:	\$136,778.00
Sourcewell Discount:	-\$31,114.00
Installation:	\$34,000.00
Poured in Place Rubber Surfacing:	\$118,408.00
Stone Base:	\$17,364.00
Estimated Sales Tax*:	Exception
Freight:	\$2,000.00
Grand Total:	\$277,436.00

Please note:

***I am still working on getting concrete curb pricing. With the Portland cement shortage, it is difficult to get contractors to provide pricing on any form of concrete work for 2023. I hope to be able to get a quote for your soon.

***The above listed pricing does not include site excavation or removal of existing equipment. Excavation of existing equipment would need to include both existing swing sets and the main wooden play structure. I would also recommend removing the existing 2-5 structure, but it is out of the new play area so I supposed it could stay.

Removal will also need to include the removal of the existing rubber tiles within the existing play area and main swing area, as well as the removal of the existing concrete curb between both 5-12 areas and the existing swing area.

The large maple tree will need to be removed, including all main tree roots. The area will then need to be compacted very well to prevent a depression from forming in a few years. There is a possibility that the crab apple next to the 2-5 area would also need to be removed, but is just outside of the play area.

Excavation of the new main 5-12 will be needed to a depth of 9.5" and the 2-5 play area will need to be excavated to 8".

Drain tile will be needed inside of the concrete curb, and a plan of how to get the water off site will need to be formalized. Site restoration and fencing is not included in this quote and should be considered by owner.

***Little Tikes Commercial currently has an 8 month lead time from the date that the order has been placed. We will do everything that we can to get the project completed in a timely manner, but it will be based on the manufacturing and shipping of equipment.

***This pricing is based on the equipment being ordered in 2022, and if ordered after the first of the year a price increase may occurred. The Village will not be billed for the equipment until the equipment has been manufactured and shipped.

Make Purchase Orders Out To:

PlayPower LT Farmington, Inc.

Remit Purchase Orders To:

PlayPower LT Farmington, Inc.
Attention: Sales Administration
878 E US Hwy 60
Monett, Missouri, USA 65708
1-800-325-8828

Make Checks Payable To:

PlayPower LT Farmington, Inc.

Remit Checks To:

PlayPower LT Farmington
PO Box 734155
Dallas, TX 75373-4155

NOTE:

* Applicable sales taxes will be confirmed once order and any tax certificates are received

† Denotes drop ship item.

Unloading, storage, installation, surfacing and site work are not included unless specifically noted on quotation.
Not responsible for filter cloth, irrigation rerouting, grass damage, or checking for underground utilities.

If installation is quoted, it is assumed that the site has been prepared and that any grade slope in any direction does not exceed 2%. In the event that unexpected soil conditions, such as subsurface rock, are encountered during installation, additional costs to the customer will be applicable.
The acceptance signature below serves as authorization to order the items quoted and indicates acceptance of the prices listed. All terms are subject to credit approval.

COMMENTS:

This playground contains 10.76% recycled content
This playground qualifies for 1 LEED point(s)

This Quote shall not become a binding contract until signed and delivered by both Customer and PlayPower LT Farmington Inc ("PPLT"). Sales Representative is not authorized to sign this Quote on behalf of PPLT or Customer, and signed Quotes cannot be accepted from Sales Representative. To submit this offer, please sign below and forward a complete signed copy of this Quote directly to "PPLT Sales Administration" via fax (417)354-2273 or email outdoordes@LTCPS.com. Upon acceptance, PPLT will return a fully-signed copy of the Quote to Customer (with copy to Sales Representative) via fax or e mail.

THIS QUOTE IS LIMITED TO AND GOVERNED BY THE TERMS CONTAINED HEREIN. PPLT objects to any other terms proposed by Customer, in writing or otherwise, as material alterations, and all such proposed terms shall be void. Customer authorizes PPLT to ship the Equipment and agrees to pay PPLT the total amount specified. Shipping terms are FOB the place of shipment via common carrier designated by PPLT. Payment terms are Net-30 days from invoice date with approved credit and all charges are due and payable in full at PO Box 734155, Dallas, TX 75373-4155, unless notified otherwise by PPLT in writing. Customer agrees to pay all additional service charges for past due invoices. Customer must provide proper tax exemption certificates to PPLT, and shall promptly pay and discharge all otherwise applicable taxes, license fees, levies and other impositions on the Equipment at its own expense.

CUSTOMER HEREBY SUBMITS ITS OFFER TO PURCHASE THE EQUIPMENT ACCORDING TO THE TERMS STATED IN THIS QUOTE AND SUBJECT TO FINAL APPROVAL BY PPLT.

Submitted By	Printed Name and Title	Date
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THE FOREGOING QUOTE AND OFFER ARE HEREBY APPROVED AND ACCEPTED BY PLAYPOWER LT FARMINGTON INC.

By: _____ Date: _____

ADDITIONAL TERMS & CONDITIONS OF SALE

1. Use & Maintenance. Customer agrees to regularly inspect and maintain the Equipment, and to provide, inspect and maintain appropriate safety surfacing under and around the Equipment, in accordance with PPLT's product literature and the most current Consumer Product Safety Commission Handbook for Public Playground Safety.
2. Default, Remedies & Delinquency Charges. Customer's failure to pay any invoice when due, or its failure to otherwise comply with the terms of this Quote, shall constitute a default under all unsatisfied invoices ("Event of Default"). Upon an Event of Default, PPLT shall have all remedies available to it at law or equity, including, without limitation, all remedies afforded a secured creditor under the Uniform Commercial Code. Customer agrees to assist and cooperate with PPLT to accomplish its filing and enforcement of mechanic's or other liens with respect to the Equipment or its location or its repossession of the Equipment, and Customer expressly waives all rights to possess the Equipment after an Event of Default. All remedies are cumulative and not alternative, and no exercise by PPLT of a remedy will prohibit or waive the exercise of any other remedy. Customer shall pay all reasonable attorneys' fees plus any costs of collection incurred by PPLT in enforcing its rights hereunder. Subject to any limitations under law, Customer shall pay to PPLT as liquidated damages, and not as a penalty, an amount equal to 1.5% per month of any payment that is delinquent in such month and is not received by PPLT within ten (10) days after the date on which due.
3. Limitation of Warranty/ Indemnity. PPLT MAKES NO EQUIPMENT WARRANTIES EXCEPT FOR THOSE STANDARD WARRANTIES ISSUED WITH THE EQUIPMENT, WHICH ARE INCORPORATED HEREIN BY THIS REFERENCE. PPLT SPECIFICALLY DISCLAIMS ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE AND ANY LIABILITY FOR INCIDENTAL OR CONSEQUENTIAL DAMAGES.

CUSTOMER AGREES TO DEFEND, INDEMNIFY AND SAVE PPLT HARMLESS FROM ALL CLAIMS OF ANY KIND FOR DAMAGES OF ANY KIND ARISING OUT OF CUSTOMER'S ALTERATION OF THE EQUIPMENT, ITS FAILURE TO MAINTAIN THE EQUIPMENT, ITS FAILURE TO PROPERLY SUPERVISE EQUIPMENT USE, OR ITS FAILURE TO PROVIDE AND MAINTAIN APPROPRIATE TYPES AND DEPTHS OF SAFETY SURFACING BENEATH AND AROUND THE EQUIPMENT IN ACCORDANCE WITH PPLT'S INSTALLATION AND OWNER'S MANUALS AND THE MOST CURRENT CONSUMER PRODUCT SAFETY COMMISSION HANDBOOK FOR PUBLIC PLAYGROUND SAFETY.

4. Restrictions. Until all amounts due hereunder are paid in full, Customer shall not: (i) permit the Equipment to be levied upon or attached under any legal process; (ii) transfer title to the Equipment or any of Customer's rights therein; or (iii) remove or permit the removal of the Equipment to any location not specified in this Quote.

5. Purchase Money Security Interest. Customer hereby grants, pledges and assigns to PPLT, and PPLT hereby reserves a purchase money security interest in, the Equipment in order to secure the payment and performance in full of all of Customer's obligations hereunder. Customer agrees that PPLT may file one or more financing statements, in order to allow it to perfect, acquire and maintain a superior security interest in the Equipment.

6. Choice of Law and Jurisdiction. All agreements between Customer and PPLT shall be interpreted, and the parties' obligations shall be governed, by the laws of the State of Missouri without reference to its choice of law provisions. Customer hereby consents to the personal jurisdiction of the state and federal courts located in the city and county of St. Louis, Missouri.

7. Title; Risk of Loss; Insurance. PPLT Retains full title to all Equipment until full payment is received by PPLT. Customer assumes all risk of loss or destruction of or damage to the Equipment by reason of theft, fire, water, or any other cause, and the occurrence of any such casualty shall not relieve the Customer from its obligations hereunder and under any invoices. Until all amounts due hereunder are paid in full, Customer shall insure the Equipment against all such losses and casualties.

8. Waiver; Invalidity. PPLT may waive a default hereunder, or under any invoice or other agreement between Customer and PPLT, or cure such a default at Customer's expense, but shall have no obligation to do either. No waiver shall be deemed to have taken place unless it is in writing, signed by PPLT. Any one waiver shall not constitute a waiver of other defaults or the same kind of default at another time, or a forfeiture of any rights provided to PPLT hereunder or under any invoice. The invalidity of any portion of this Quote shall not affect the force and effect of the remaining valid portions hereof.

9. Entire Agreement; Amendment; Binding Nature. This fully-executed Quote, as supplemented by Change Orders and invoices containing exact amounts of estimates provided herein, constitutes the complete and exclusive agreement between the parties. A Change Order is a written instrument signed by the Customer and PPLT stating their agreement as to any amendment in the terms of this Quote. Customer acknowledges that Change Orders may result in delays and additional costs. The parties agree that all Change Orders shall include appropriate adjustments in price and time frames relating to any requested amendments. Upon full execution, this Quote shall be binding upon and inure to the benefit of the parties and their successors and assigns.

10. Counterparts; Electronic Transmission. This Quote, any invoice, and any other agreement between the parties, may be executed in counterparts, each of which shall constitute an original. The facsimile or other electronic transmission of any signed original document, and retransmission of any signed facsimile or other electronic transmission, shall be the same as the transmission of an original. At the request of either party, the parties will confirm facsimile or other electronically transmitted signatures by signing an original document.



WHITEFISH BAY
Wisconsin

Klode Park Playground Improvements



Reverse View



5-12 Play Area





2-5 Play Structure

Tot Builder Community Helper Structure

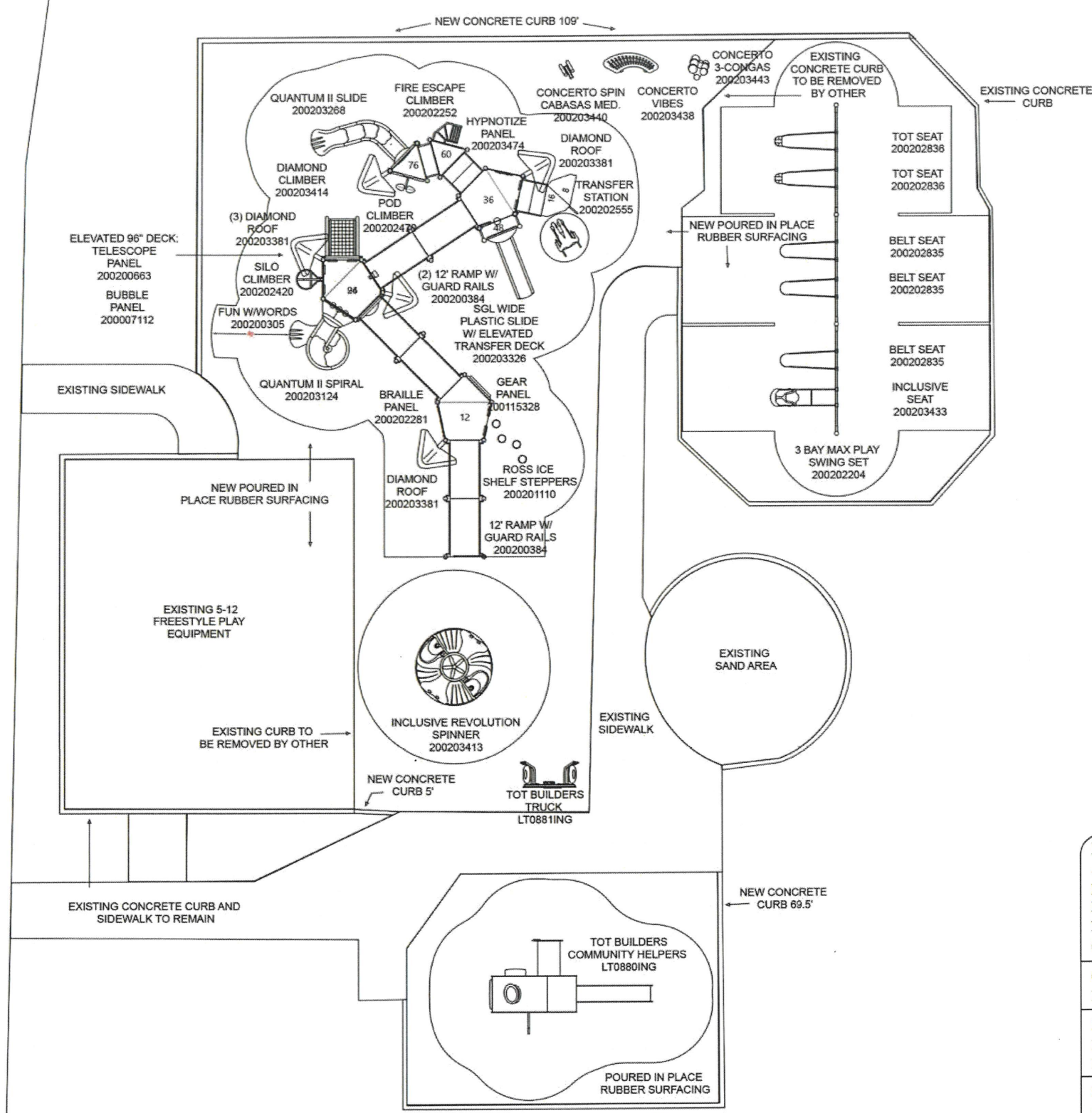


General Notes:

Age Group

2-5yrs 5-12 yrs 12-17yrs 18+ yrs

- The Americans with Disabilities Act (ADA) may require that you make your park and/or playground accessible when viewed in its entirety. Please consult your legal counsel to determine if the ADA applies to you.
- For playground equipment to be considered accessible, accessible surfacing must be utilized in applicable areas.
- Although a particular playground design may not meet the proposed Access Board Regulations in regards to the appropriate number of ground level events, the actual playground may be in compliance when considering existing play components.
- All deck heights are measured from top of ground cover.
- Fall absorbing ground cover is required under and around all play equipment.
- The minimum recommended fall zone around the entire play structure is shown. This zone is to be free of all tripping or collision hazards (i.e. roots, rocks, border material, etc.).
- All post lengths are identified by text showing the post lengths. i.e. 96 represents a 96 inch post.
- Not all equipment may be appropriate for all children. Supervision is required.



EXISTING PLAY EQUIPMENT

Project: KLODE PARK
WI WHITEFISH BAY, WI
LTCPS rep:
Ericka Steltz
Northland Recreation, LLC.
(262) 313-8636

Ground Space: 58'-0" x 101'-6"
Protective Area: 81'-0" x 109'-0"

Drawn by: Ericka Steltz
Date: 9/23/2022
DWG Name: R0324_44820476192

LTCPS - Farmington
878 East Highway 60
Monett, Missouri 65708
Voice: 1-800-325-8828
Fax: 417-354-2273

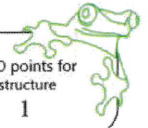
Playground Layout Compliance:

- ASTM F1487 - Playground Equipment for Public Use.
- CPSC Handbook for Public Playground Safety



The play components identified in this plan are IPEMA certified. The use and layout of these components conform to the requirements of ASTM F1487.

LEED points for this structure
1

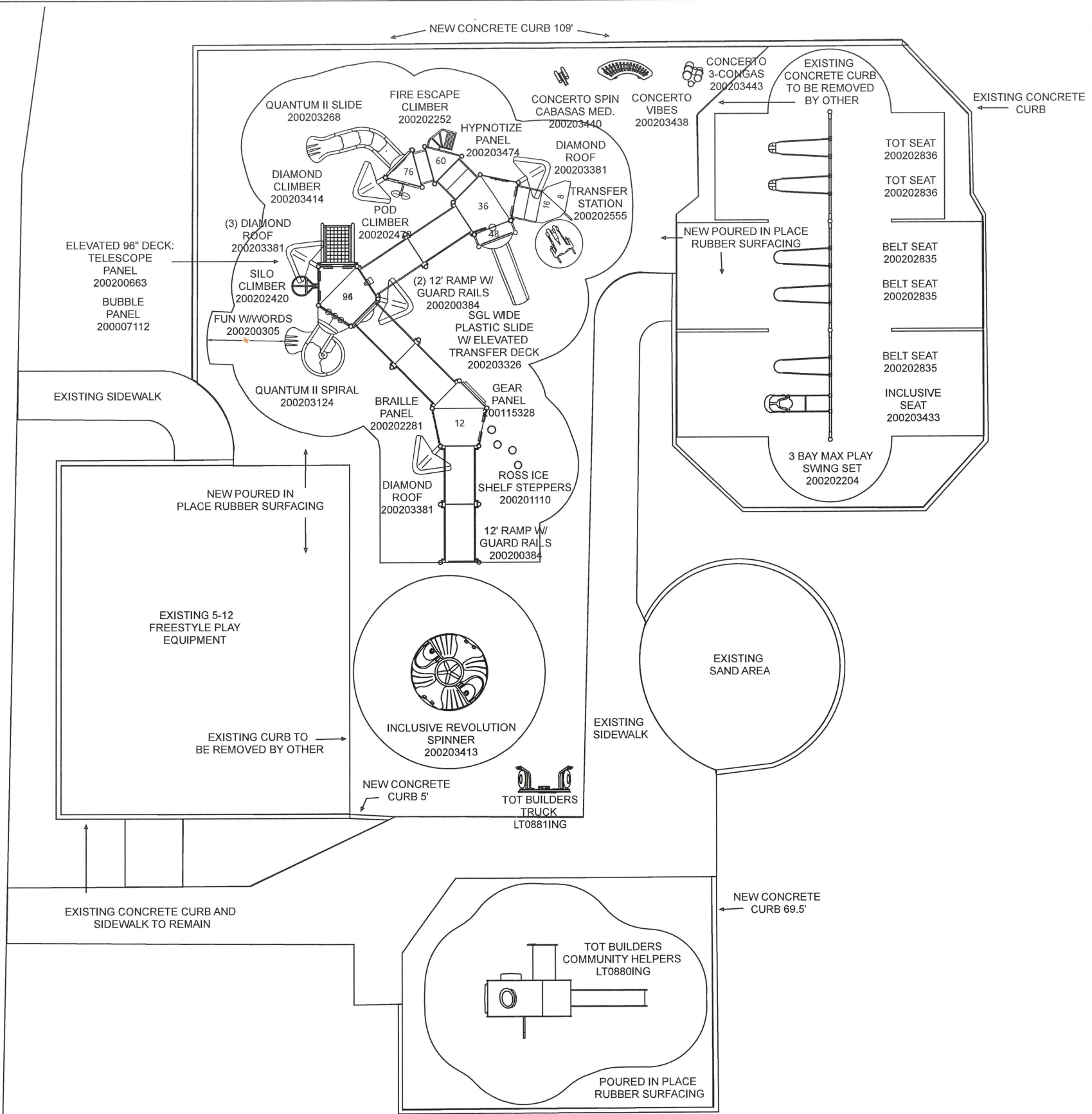


General Notes:

Age Group

2-5yrs 5-12 yrs 2-12yrs 13+ yrs

- The Americans with Disabilities Act (ADA) may require that you make your park and/or playground accessible when viewed in its entirety. Please consult your legal counsel to determine if the ADA applies to you.
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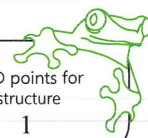
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- CPSC Handbook for Public Playground Safety



The play components identified in this plan are IPEMA certified. The use and layout of these components conform to the requirements of ASTM F1487

LEED points for this structure
1



Project: KLODE PARK
WI WHITEFISH BAY, WI
LTCPS rep:
Ericka Steltz
Northland Recreation, LLC.
(262) 313-8636

Ground Space: 58'-0" x 101'-6"
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DWG Name: R0324_44820476192

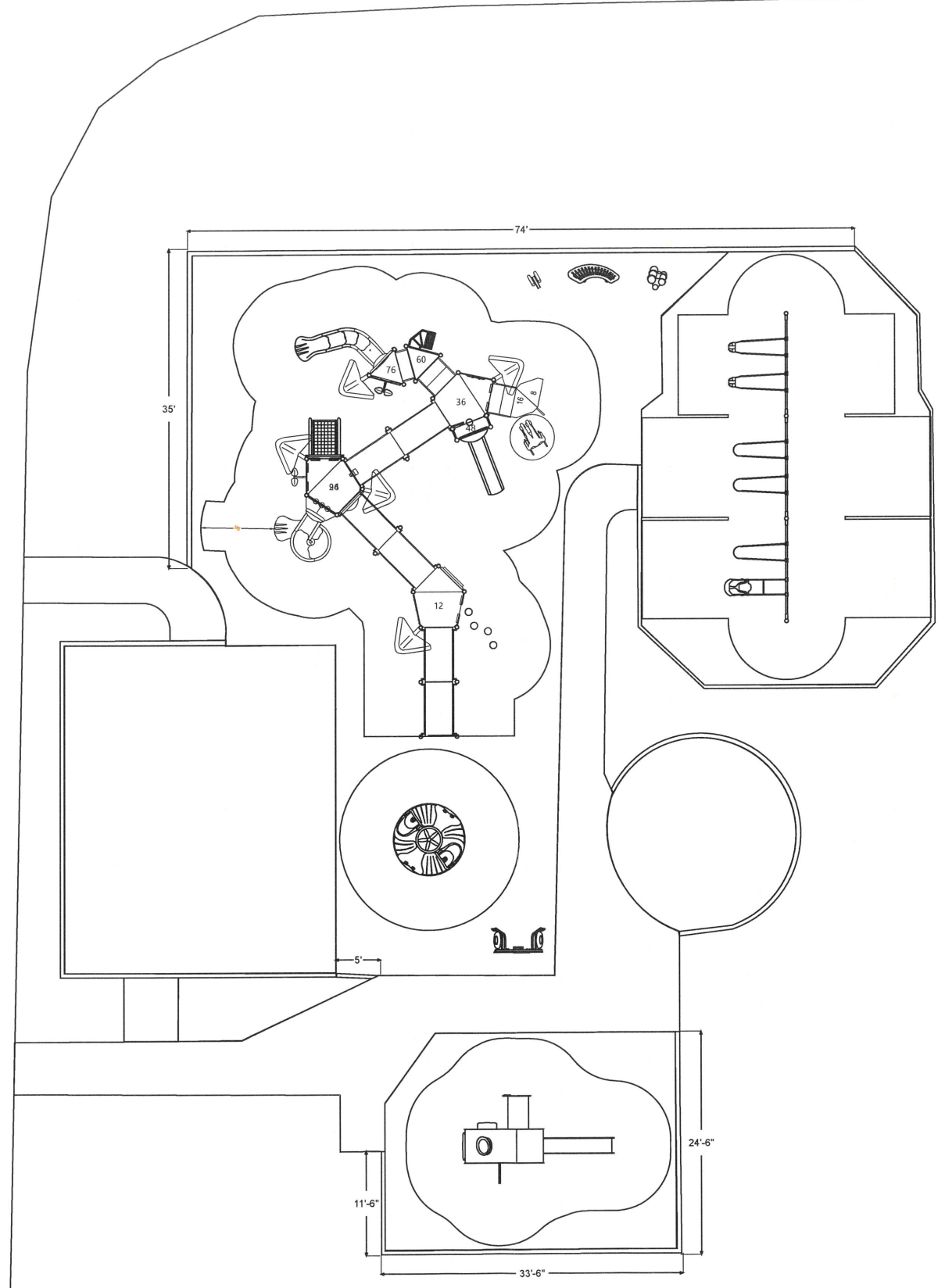
LTCPS - Farmington
878 East Highway 60
Monett, Missouri 65708
Voice: 1-800-325-8828
Fax: 417-354-2273

General Notes:

Age Group

2-5yrs 5-12 yrs 12-18yrs 18+yrs

1. The Americans with Disabilities Act (ADA) may require that you make your park and/or playground accessible when viewed in its entirety. Please consult your legal counsel to determine if the ADA applies to you.
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Project:
 , WI
LTCPS rep:
 Ericka Steltz
 Northland Recreation, LLC.
 (262) 313-8636

Ground Space: 58'-0" x 101'-6"
Protective Area: 81'-0" x 109'-0"

Drawn by: Ericka Steltz
Date: 9/16/2022
DWG Name: R0324_44820476192

LTCPS - Farmington
 878 East Highway 60
 Monett, Missouri 65708
 Voice: 1-800-325-8828
 Fax: 417-354-2273

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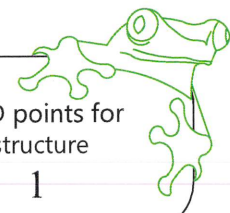
- ASTM F1487 - Playground Equipment for Public Use.
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The play components identified in this plan are IPEMA certified. The use and layout of these components conform to the requirements of ASTM F1487.

LEED points for this structure

1



September 22, 2022

Re: **Review and Possible Recommendations on Private Tree Regulations**

From: John Edlebeck, P.E. Director of Public Works



Currently there are limited Village of Whitefish Bay Municipal Code regulations that relate to the removal of trees on private property as it relates to either new home construction, home remodeling or just lot clearing not connected to any home construction projects.

Attached with this memo are review memos on this topic by myself, Joel Oestreich, Director of Building Services and Village Attorney Chris Jaekels. We each reviewed the Village of Fox Point and City of Mequon's private tree removal regulations and commented on those.

Recommendations can be found in each memo for the Public Works Committee to consider. Any action by the Committee would then be a recommendation directly to the Village Board.

Paul:

I did reach out to both the Fox Point and Mequon Public Works Directors regarding this matter.

As you are aware, the average sized residential lots in each of those communities are much larger than in Whitefish Bay. The idea of lot clearing of trees takes on a very different meaning on a ¼ acre, ½ acre or larger lot than the typical lot sizes in our Village.

The City of Mequon has a very regulated and detailed private tree clearing policy / ordinance. This regulation involves a City Tree Board, Planning Commission and City Forester from their separate Parks Department. There is a hierarchy of tree species desirability when removed that regulates the need for new tree plantings. New development landscape plans are also required to identify tree preservation easements as well.

In the Village of Fox Point tree clearing approval is required by the Village Manager through a permit if over 50% of the trees onsite are to be cleared. This is managed through either new development review or by complaint. There are also "open area" regulations that are enumerated by ordinance. All of these regulations are somewhat difficult to enforce throughout the entire Village as explained to me by Scott Brandmeier.

Regarding the removal of private trees on private lots within the Village of Whitefish Bay, a detailed private tree clearing / removal permit system would be difficult to manage for both the residents and Village staff. With some properties having very few trees to begin with, a 50% maximum allowable removal rate may not make sense. Trees removed in the front yard verses back yard are treated the same but will have very different aesthetic appeal. I suggest that some type of Village private tree replacement policy as healthy private trees are cut down for various reasons could work. A new tree (at a 1:1 ratio) would need to be planted somewhere on the property to make up for each healthy tree removed. This would include any type of healthy tree removal reason whether it was due to safety, age of tree or property improvements. I think that most residents could find a place on their property to plant a tree that fits the size and shape they would desire as identified of a Village approved tree species list. Any private tree removed due to disease or poor tree condition would be exempt from this regulation.

Feel free to contact me if you should have any other questions on this matter.

John Edlebeck P.E.
Director of Public Works
Village of Whitefish Bay
155 W. Fairmount Avenue
Whitefish Bay, Wisconsin 53217
Office (414) 962-6690 Ext. 114
Cell (715) 496-3080
j.edlebeck@wfbvillage.gov

Edlebeck, John

From: Oestreich, Joel
Sent: Wednesday, September 7, 2022 1:04 PM
To: Edlebeck, John
Subject: tree ordinance

Hi John,

Below is the only place in WFB's zoning code that trees on residential properties are addressed. Keep in mind the language is very vague. I'm not even sure they are enforceable. I have attached the beginning of the code section. It reads, "*This section contains additional guidelines in the form of recommendations intended as suggestions for application in the single- and two-family design review process to minimize the impact of new houses or additions on neighboring houses. Taking care to avoid noise, light, shade, privacy and aesthetic impacts on neighboring properties will always be appreciated and will often make the difference between support for and opposition to the new house or addition. While not mandatory design features, the guidelines presented in this section are highly desirable for incorporation into all new residential construction.*"

16-101 A. (3) Site plan. Siting of the project should not impair the lot's natural beauty or that of the neighborhood. It should respect the shape and physical attributes of the lot and of the neighborhood, including drainage matters, mature trees, sun penetration and views as much as possible. These aspects should be taken into consideration with respect to the project's effects on neighboring properties. The site plan should attempt to address drainage, to eliminate or minimize the loss of mature trees and vegetation and to minimize or reduce alteration of natural topography.

16-101 B. Remedial approaches. If appropriate, the Architectural Review Commission may require remedial approaches to mitigate impacts on adjacent properties, including, but not limited to, the following:

(7) Avoiding destruction of mature trees and vegetation.

If we were to adopt a tree ordinance, I would suggest the language from this section be removed.

Joel Oestreich
Director of Building Services
5300 N. Marlborough Drive
Whitefish Bay, WI 53217
414-962-6690 Ext. 130

My initial thoughts on a tree ordinance. *luo*

If WFB wanted a tree-cutting ordinance obviously, a tree-cutting permit (w/ fee?) would need to be in place. This would take quite a bit of staff time. There would need to be an initial plan review, possible site review prior to cutting, and then final inspection to make sure the contractor adhered to proposed cutting application. The approval would need to happen prior to the ARC submittal. If appealed, would this go to Plan Commission, BOA, or a created Tree Board?

Submittals would need to include:

1. Application
2. Survey/site plan showing trees and diameter of trees
3. Site plan identifying type of tree (genus and species)
4. Site plan showing what trees were proposed to be removed
5. Site plan showing new planting (replacement program)

Village of Fox Point -tree cutting ordinance review

I spoke with the following individuals:

Scott Botcher (Village Manager)

Mike Rakow (Building Inspector)

John Gall (Forester)

The Village of Fox Point does have a Tree Commission. They meet 4 times a year to review the tree codes.

Construction sites that remove 50% of the trees should apply for Forrester review

Forrester can approve removal of trees and require the planting or replacement of new trees

Forrester said that he does 2-3 reviews a year.

Forrester stated that most of his tree work is with nuisance trees or dead trees

Related Ordinances

1. 310-20
2. 745-26
3. 681-3

In speaking with staff, it appears that the commercial sites/new homes are being reviewed far more than residential addition/remodel sites. The residential tree cutting inspections/permits seemed to be on a complaint basis, which means the trees are already cut down by the time staff gets there. They do have the ability to issue citations and require replacement trees.



MEMORANDUM

To: Paul Boening, President – Village of Whitefish Bay
From: Christopher J. Jaekels, Whitefish Bay Village Attorney
Date: August 9, 2022
Subject: Tree Cutting – Follow-up for Village Board

Introduction

You have asked me to review various municipal ordinances with regard to tree preservation and the regulation of tree cutting. You have also asked for a review of applicable law and a survey of some other approaches to regulation of tree cutting. Finally, you ask which legal requirements might apply to limit Village regulation of tree cutting.

The Mequon and Fox Point Ordinances

The Mequon ordinance provided with your inquiry includes the City of Mequon Policy Manual for Tree Protection and Preservation along with the applicable Mequon Code. It is important to note that Mequon has vast areas of standing timber and unoccupied woodlands. Therefore, while portions of the Mequon ordinance and Manual could be adopted for the Village of Whitefish Bay, there would be some serious editing and re-writing necessary to adopt the Mequon regime in Whitefish Bay.

The Fox Point Ordinances on the other hand would be more appropriate for Whitefish Bay since lot sizes and lakeshore and public wooded areas are similar. The current fox Point Code could be adopted with relative ease. The administration and enforcement of such an ordinance is the real challenge.

In adopting such an ordinance, issues of note include:

1. Cutting of trees on steep slopes can cause erosion and should be regulated.
2. Tree cutting ordinances that have been brought before the courts have a de minimis exception for tree cutting on properties less than a certain size
3. Protection of trees during construction can address everything from damage to bark, root structures, or canopies. There are various best practices for these requirements.

-
4. The size and nature of trees can be addressed by ordinances to protect certain trees with a trunk diameter in excess of a minimum standard. In addition, many trees are protected under municipal ordinances as “grand trees” where circumference height and crown measurements are the size and character to total the minimum points for a particular species as set for in a schedule in the ordinance. Trees can be protected based on size or species depending on Village policy decisions including specimen and special trees. In some instances, specific species of trees are protected. Essentially these lists are similar to landmark property lists and identify certain “special” trees.
 5. Village Trees are protected in nearly all municipalities with permitting and penalty provisions. Trees in the right-of-way or on public properties are the property of the Village. They can only be pruned or cut down with the permission of the Village. The Code should provide requirements for tree protection and penalties for damage or destruction.
 6. Any tree cutting ordinance will require substantial inventorying and enforcement from the Village Arborist.
 7. Tree trimming or cutting for views and vistas (especially lake shore properties) will need to be regulated.

Tree Ordinances as Taking of Property

The 6th Circuit Court of Appeals in Cincinnati (one court below the United States Supreme Court) has determined that a tree ordinance that required permits to remove certain trees and payments into a Village fund for the planting of new trees (as well as fines for violating or failing to obtain a permit) violated the Takings Clause of the United States Constitution. The Court determined that imposing a flat fee for cutting down trees in violation of or without a required permit, required an “essential nexus and rough proportionality of the penalty verses the negative impact of the trees having been cut down without or in violation of a permit.” (Article attached).

Put simply, in order to impose and enforce a permitting requirement and enforce that requirement with permit fees, fines and assessments, the Village would have to establish that the amount of such fine or costs is roughly proportionate to the damages inflicted on the Village and the public, and that the cutting of the tree does in fact inflict (rather than is likely to inflict) damage upon the Village and the public interest.

Conclusion

Any tree cutting ordinance that the Village enacts will, in order to have its appropriate enforcement mechanisms, have to be drafted very carefully to make sure that there is “nexus and rough proportionality” or any fines or assessments would be in violation of the Takings Clause of Constitution entitling the tree owner to damages. With regard to Village trees and any damages inflicted on them, the nexus and rough proportionality test can be met with limitation of assessments and fines to the cost of tree replacement or rehabilitation.

Home / Daily News / Tree ordinance was an unconstitutional taking,...

FIFTH AMENDMENT

Tree ordinance was an unconstitutional taking, 6th Circuit rules

BY DEBRA CASSENS WEISS ([HTTPS://WWW.ABAJOURNAL.COM/AUTHORS/4/](https://www.abajournal.com/authors/4/))

OCTOBER 14, 2021, 11:02 AM CDT

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A Michigan township’s ordinance requiring property owners to replace trees that they remove from their property or pay into a tree fund was an unconstitutional condition on their rights under the takings clause, a federal appeals court has ruled.

The 6th U.S. Circuit Court of Appeals at Cincinnati ruled against the Charter Township of Canton, Michigan, in a lawsuit filed by F.P. Development, which wanted to develop land to expand a traffic-control sign business.

The Volokh Conspiracy (<https://reason.com/volokh/2021/10/13/sixth-circuit-concludes-local-tree-ordinance-constitutes-an-unconstitutional-taking/>) has highlights from the Oct. 13 opinion (<https://www.opn.ca6.uscourts.gov/opinions.pdf/21a0240p-06.pdf>).

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Yes

F.P. Development didn’t comply. It removed fallen trees and debris from a drainage ditch on its



Image from Shutterstock (<https://www.shutterstock.com/image-photo/tree-stump-forest-420901027?noReload=true>).

property, along with several other trees, without applying for a permit. Canton surveyed the property and determined that F.P. Development removed 14 landmark trees and 145 other trees. To comply with the ordinance, F.P. Development had to replant 187 trees or deposit nearly \$48,000 into the Canton's tree fund. F.P. Development sued.

"We agree with F.P. that the ordinance violates the Fifth Amendment, through the 14th Amendment, based on the unconstitutional-conditions doctrine," the 6th Circuit said in an

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legitimate ^{Yes} interest in mitigating the impact of development "to pursue governmental ends that lack an essential nexus and rough proportionality to those impacts."

The court said F.P. Development’s case raises “an interesting question whether Canton’s application of the tree ordinance to F.P. falls into the category of government action covered” by the Supreme Court’s cases on unconstitutional conditions. But the parties didn’t raise the issue, so the court instead evaluated arguments on nexus and rough proportionality.

The township seemed to assume that its tree-replacement requirements were appropriate, rather than providing evidence, the appeals court said. And its information on tree-replacement costs was based on 2006 figures.

“That limited and arguably stale information does not suffice,” the appeals court said.

“Canton has pointed to nothing indicating, for example, that F.P.’s tree removal effects a certain level of environmental degradation on the surrounding area,” the appeals court said. “Nor does it demonstrate whether it considered that F.P.’s clearing of the clogged ditch on its property or its removal of dead trees may have improved the surrounding environment. The only evidence on that point suggests that even if F.P. offset its tree removal in a manner not contemplated by the township, Canton would still demand its preset mitigation.”

The 6th Circuit said its decision “accords with analogous decisions handed down by state courts.”

The case is *F.P. Development v. Charter Township of Canton, Michigan*.

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Yes

Village of Fox Point, WI
Thursday, August 4, 2022

Chapter 310. Trees, Shrubs and Other Plant Material

Article IV. Clear-Cutting

§ 310-20. Findings and intent.

To protect the quality of life in the Village of Fox Point and to help sustain the property values of all Village homes, it is in the best interest of landowners to protect and nurture the trees, shrubs and other vegetation that grow on their land. This article recognizes that woods, hedgerows and other natural areas that remain in the Village of Fox Point after more than seven decades of intensive land development are still there because our residents have deemed them to be an important community asset. It is the intent of this article to protect those limited natural resources that remain within the Village in a manner such that Fox Point will continue to be an attractive, highly valued community in which to live.

§ 310-21. Permit required.

A landowner, tenant, or person in possession or control of a lot or property within the Village of Fox Point shall not severely cut back more than 50% of the healthy trees upon any such lot or property without having first received a permit from the Village Manager.

§ 310-22. Exceptions.

This article shall not apply to cutting by or on behalf of the Village, county, or public utility engaged in a public works project or repair.

§ 310-23. Violations and penalties.

In addition to all other penalties as provided by § 1-4 of the Village Code, a person found guilty of violating this article shall be fined not less than \$1,000 nor more than \$5,000. Each act of violation and every day upon which a violation occurs or exists constitutes a separate offense.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

Village of Fox Point, WI
Thursday, August 4, 2022

Chapter 745. Zoning

§ 745-26. Modification of open area.

- A. The open area, but not the setback requirement, for a lot in any residence district may be reduced as set forth herein, below the open area required by this chapter.
- B. Application shall be made to the Building Board which, along with other papers required for a building permit, shall include a plat plan showing, among other things, the location of the proposed structure on the lot, all in such detail as the Building Board may reasonably require.
- C. If the erection of the proposed structure will reduce the open area of the lot on which it is to be built more than 5% below the open area requirement for the lot, then the following additional obligations shall apply:
- (1) The application to the Building Board shall include a plan, in such detail as the Building Board may require, showing: the location and type (Genus and species) of all trees six inches in diameter at breast height (dbh) or larger that are within the greater of the following areas (whether located on the subject parcel or elsewhere):
 - (a) Within 20 feet of the proposed structure; or
 - (b) Within an area that is affected in any manner by the proposed construction activity.
 - (2) Except as to any tree that is being removed, the "tree protection zone" of all trees that are three inches or larger dbh shall be preserved and protected from any disturbance, by the exclusion of all heavy equipment and heavy machinery. The tree protection zone shall be marked on the property. The tree protection zone shall mean that area around a tree trunk that extends vertically from the top of the tree canopy to 36 inches below ground level and horizontally in all directions from the outer edge of the tree trunk one foot for every inch of the tree's diameter at breast height (dbh).
 - (3) If any tree that the Village Forester deems to be desirable, and that is three inches or larger dbh, will be removed in conjunction with the construction, whether the tree is on public or private property, tree replacement is required. The Village Forester shall determine what replacement tree(s) is required. The replacement tree(s) required by the Village Forester shall have a total diameter at breast height (dbh) of 50% up to 100% of the total dbh of the removed tree(s). No replacement tree shall have a dbh of less than 1.5 inches.
- D. The reduction of open area shall be authorized when the Building Board, after its examination of the application and accompanying documents and after viewing the site of the proposed structure, has found as a fact:
- (1) That the reduction of open area of the lot resulting from the erection of the proposed structure will not cause a substantial depreciation of the property values of the neighborhood; and
 - (2) That the erection of the proposed structure will not reduce the open area of the lot on which it is to be built more than 15% below the open area requirement for the lot.

Village of Fox Point, WI
Thursday, August 4, 2022

Chapter 681. Property Maintenance

§ 681-3. Plantings and lawns.

[Amended 9-10-2001 by Ord. No. 2001-10]

- A. Every owner of real estate in the Village shall be responsible for creating and sustaining a condition of stability of the landscape on every parcel of land which he/she shall own or control, whether this be accomplished by traditional means (feeding, watering, cutting turf, pruning) or by the maintenance or restoration and management of native or natural-appearing plant communities. This section recognizes the fundamental right of every landowner to develop and manage his/her landscape in the manner of his/her choosing, insofar as it does not present a hazard to the public health or safety, or to the natural or cultivated environment, and meets the other standards set out in this section.
- B. Every real estate owner possessing lawns of the conventional turf grass type shall be responsible for managing the turf grass at a height not to exceed four inches. A native or natural appearing landscape is not and cannot be achieved by the abandonment of a mown lawn. Such a determination will be made by the Village Manager or his/her agent.
- C. Dead or dying trees or shrubs adjacent to structures or conventional turf grass lawns shall be removed. Any tree which in the opinion of the Village Manager or his/her agent is likely to fall upon any public sidewalk, public street or public ground shall be declared a public nuisance and shall not be permitted to remain standing in the Village.

Edlebeck, John

From: Kristen Lundeen <KLundeen@ci.mequon.wi.us>
Sent: Tuesday, July 26, 2022 10:59 AM
To: Edlebeck, John; Scott Brandmeier; McCarthy, Patrick; Sipek, Ray
Subject: RE: Private Property Tree Removal and Preservation

Good morning,

For the City of Mequon, you only identified one document, where as we have several others including, but not limited to, the EAB Policy and City ordinances.

1. Through the Tree Board, Planning Commission and the City Forester (Parks/Forestry Superintendent). The City has a specimen tree ordinance, which defines trees that are protected. Removal of non-specimen trees are generally not regulated unless they result in a secondary violation such as erosion control. Requests from removal of specimen trees are recommended by the City Forester to the Planning Commission for action. Preservation of trees planted by a developer in association with an approved building/site plan is typically achieved through either landscape plan approval or with a tree preservation easement.
2. We have a nuisance tree ordinance that is administered by the City Forester, or as defined by the ordinance. For ash trees, it is further supported by the EAB policy.

There were a lot of questions in a consolidated list, so if the answers do not get to the “meat” of the issue, I am happy to answer further or direct you to the Parks/Forestry Superintendent for reference.

Thank you,
Kristen

Kristen Lundeen

Director of Public Works/City Engineer

City of Mequon

11333 N. Cedarburg Road

Mequon, WI 53092

klundeen@ci.mequon.wi.us

262-236-2938



From: Edlebeck, John <J.Edlebeck@wfbvillage.gov>

Sent: Friday, July 22, 2022 2:56 PM

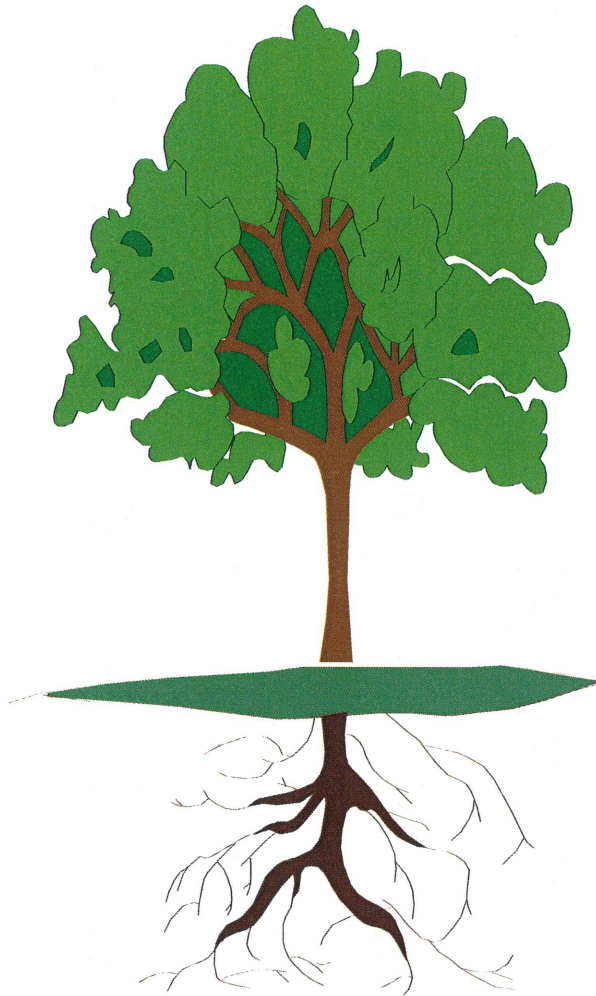
To: Scott Brandmeier <sbrandmeier@villageoffoxpoint.com>; Kristen Lundeen <KLundeen@ci.mequon.wi.us>; Edlebeck, John <J.Edlebeck@wfbvillage.gov>; McCarthy, Patrick <P.McCarthy@wfbvillage.gov>; Sipek, Ray <R.Sipek@wfbvillage.gov>

Subject: Private Property Tree Removal and Preservation

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Kristen and Scott:

**CITY OF MEQUON POLICY MANUAL
FOR TREE PROTECTION AND PRESERVATION**



Administrative Guidelines

Approved by Common Council February 19, 2007

Administrative Guidelines
CITY OF MEQUON POLICY MANUAL
FOR TREE PROTECTION AND PRESERVATION
&
STREET TREE REQUIREMENTS

<u>SECTION</u>	<u>PAGE</u>
(1) <u>PURPOSE AND INTENT</u>	1
(2) <u>DEFINITIONS</u>	1
(3) <u>AUTHORITY AND APPLICABILITY</u>	3
(4) <u>PERMIT PROCEDURES</u>	3
A. <u>For development on existing residential platted lots</u>	3
B. <u>For existing commercial, industrial, or park platted lots</u>	4
C. <u>For proposed subdivisions, condominiums and land divisions</u>	5
(5) <u>REMOVAL OF TREES AND REPLACEMENT LANDSCAPING</u>	6
(6) <u>SPECIMEN TREE LIST</u>	8
(7) <u>EXHIBIT #1 – EXAMPLE LANDSCAPE PLAN</u>	10
(8) <u>APPENDIX A</u>	11
<u>Street Tree Approval Process</u>	12
<u>Street Tree List</u>	15
(9) <u>APPENDIX B</u>	17
<u>Tree Planting Guidelines</u>	18
(10) <u>APPENDIX C</u>	

CITY OF MEQUON POLICY MANUAL
FOR TREE PROTECTION AND PRESERVATION

(1) PURPOSE AND INTENT

- (a) Trees and woodlands help to reduce storm water runoff and erosion, replenish ground water supplies, preserve and enhance nesting areas for birds and other wildlife which in turn assist in the control of insects, provide wildlife habitats, ameliorate air pollution, enhance and preserve air quality, assist in maintaining symbiotic relationships between plants and animals, moderate climate, reduce noise and glare, protect and increase property values and provide people with the opportunities for scientific, educational and recreational pursuits;
- (b) A substantial part of pre-settlement Mequon consisted of Southern Mesic Forest ("Old Growth Forest"). Most Old Growth Forest has been destroyed and the portions of Old Growth Forest which remain are now part of a disappearing ecosystem. Preservation is essential, because regeneration of forest of this caliber can take 150 years, provided that conditions exist within which the forest was originally formed;
- (c) It is declared a matter of public policy that preservation of intact remnants of Old Growth Forest and preservation and/or replacement of trees during the land development/building construction process in the City of Mequon is a public benefit and is desired in the interest of preserving the health, safety, welfare and prosperity of the people;
- (d) While allowing for the reasonable improvement of land within the City of Mequon, it is the intent of this ordinance to provide for the preservation of Old Growth Forest and to provide standards for the preservation/replacement of other trees and woodlands in the City of Mequon, as an important public resource enhancing the quality of life and the general welfare of the City, in furtherance of this policy.

(2) DEFINITIONS

All words in this ordinance shall have their customary dictionary definition except as specifically defined herein. The words "shall" and "must" are mandatory, and the words "may" and "should" are permissive.

Building Activity Area: The buildable area of a lot in where construction and building activities are limited to the smallest possible area on a lot or parcel. The building activity area includes the entire area affected by building and grading activities related to the proposed construction (including driveway and lateral construction) and shall be determined with maximum regard for existing mature trees. Lands designated floodplain, wetland, conservancy or similarly identified as unbuildable shall be excluded from this definition.

Caliper: The American Association of Nurserymen standard for trunk measurement of nursery stock. Caliper of the trunk shall be taken six (6) inches above the ground for up to and including four (4) inch caliper size, and twelve (12) inches above ground for larger sizes.

Canopy Drip Line: A vertical line extending from the outer surface of a tree's branch tips down to the ground.

City Forester: A recognized and qualified professional in the field of forestry, botany, horticulture or arboriculture retained by the City of Mequon and operating under the direction of the Tree Board for the purpose of administration and enforcement of the Tree Preservation Ordinance.

Diameter at Breast Height (DBH): A standard measure of tree size. A tree trunk diameter measured in inches at a height of four and one-half (4½) feet above the ground. If a tree splits into multiple trunks below the 4½-foot mark, then the trunk is measured at its most narrow point beneath the split.

Land Disturbance Activity: Any manmade change of the land surface including removal of a tree(s) or vegetative cover, excavating, filling, and grading, but not including agricultural land uses such as planting, growing, cultivating and harvesting of crops.

Lot, Platted: Any plot of land for residential, commercial, park or industrial use that has been subdivided through a subdivision plat, condominium plat or certified survey map.

Lot, Unplatted: Any plot of land that has yet to be subdivided through a subdivision plat, condominium plat or certified survey map.

Natural Areas: Any area found on a parcel of land that includes but may not necessarily be limited to one of the following: wooded areas (trees, shrubs, etc.), undisturbed areas, prairie grasses, wetlands and natural ecosystems.

Protected Zone: All lands in the City of Mequon that fall outside of the Building Activity Area of a lot, all areas of the lot required to remain in open space and all areas required to remain as landscaping strips according to provisions of the City of Mequon Zoning Code, or conditions of site plan approval. The protected zone shall include the required offset, setback and other designated unbuildable areas such as wetlands, woodlands, floodplain and conservancy areas within the City of Mequon.

Specimen Tree(s) or Stand: Any tree or grouping of trees which has been determined to be of a high value by the City Forester or his associate because of its species, size, age, historic significance or other professional criteria and has been so designated in the Tree Preservation Guidelines and Administrative Standards.

Tree: Any self supporting woody plant having a well-defined stem, a well-defined crown and has attained a height of at least eight (8) feet with a trunk of not less than three (3) inches diameter at breast height (DBH). Or, a cluster of main stems having an aggregate diameter of not less than three (3) inches DBH. (Note: Containerized trees and nursery stock trees kept for resale in licensed commercial nurseries are exempt from the provisions of this policy.)

Tree Preservation Guidelines and Administrative Standards: Tree Preservation and Protection Standards and Guidelines that shall be established by the Mequon Tree Board and published by the Department of Community Development that shall be used by the City Forester or his associate, developers and residents of Mequon in identifying, preserving and protecting specimen and other trees. The guidelines shall also identify street tree planting requirements and policies along with tree planting specifications.

(3) AUTHORITY AND APPLICABILITY

Standards for tree preservation are established under the authority of the City of Mequon Tree Preservation Ordinance, adopted August 3, 1993, and revised May 15, 2003. This policy manual constitutes the administrative guidelines of said ordinance. Except as otherwise noted herein, the terms of this policy shall apply to all proposed land disturbance activity associated with subdivision, land division, residential, commercial, industrial and park development. All land disturbance activity, regardless of whether building permits and/or erosion control permits are required pursuant to Chapter 38-674 of the Zoning Code, shall be subject to this policy.

No building permit and/or erosion control permit shall be granted by the Engineering and/or Inspection Departments without prior consent from the Department of Community Development and/or City Forester or his associate that the proposed land disturbance/development project is in conformance with the provisions of this policy.

Provisions of this policy shall not apply to the following:

1. Platted lots, except with regard to removal and protection of specimen trees;
2. Projects initiated by the City, as determined by the Common Council on a case-by-case basis, where the public good and/or health and welfare are at stake (i.e., installation of sanitary sewer, public roads and/or drainage improvements).

(4) PERMITTING PROCEDURES

A. For development on existing residential platted lots

1. At the time in which an applicant applies for Architectural Board approval, the City Forester or his associate shall conduct a site inspection to determine if the proposed development on the lot will destroy and/or encroach upon any trees.
2. The City Forester or his associate must make an onsite inspection if any trees exceeding 5" DBH are present, no building permit shall be issued until the City Forester or his associate identifies those specimen trees located in the area of construction and 10' from the proposed construction. The City Forester or his associate shall also identify those specimen trees whose root zone would be damaged by proposed construction. Subsequently, the City Forester or his associate may suggest a modification and/or alternate location for site development in order to protect specimen trees wherever possible.
3. No specimen trees shall be removed from any lot, unless approved by the Planning Commission and with the City Forester's knowledge or his associate in accordance with Chapter 60 of the Tree Preservation Ordinance.
4. To protect the specimen trees, as identified by the City Forester or his associate, the developer/owner shall install snow fences no closer than ten (10) feet outside from the dripline of the specimen. Additionally, signs shall be posted informing the public and site workers that the area fence is a protected zone and the zone shall not be changed in the protected zone unless approved by the City Forester or his associate and Engineer.

5. There shall be no storage/parking of vehicles or equipment allowed in the protected zone, and it shall be the responsibility of the developer/owner/contractor to ensure compliance.
6. Drainage of the site shall be designed so that after construction is completed the same amount of water and rate of discharge will reach the trees as it did prior to construction.
7. After stipulations 1 thru 6 have been completed, the owner/developer/contractor shall contact the Building Inspector to arrange an inspection for site compliance. A building permit shall be issued only after the owner/developer has completed these requirements and the City Forester or his associate has inspected the site.
8. After the building permit is issued, the City Forester and/or his associate shall inspect the site periodically to make sure the aforementioned guidelines are being followed. If the site is found to be in violation, the City Forester or his associate will stop project work immediately, until the violations are corrected. If the developer/owner/contractor fails to correct the violations, the City Forester or his associate may issue a municipal citation.

B. For Existing Commercial, Industrial or Park Platted Lots

1. At the time in which an applicant applies for any Planning Commission or Park Board approval, it will be necessary to inform staff if there are any trees on the parcel. The City Forester or his associate shall be requested by City staff to inspect the designated site for specimen and/or other trees for the purpose of preservation if any trees exceeding 5" DBH are present. The City Forester or his associate shall also identify those specimen trees whose root zone would be damaged by proposed construction. Based upon the City Forester's or his associate inspection of a platted lot, the City Forester or his associate and Planning Commission, in the case of non-parkland, or the City Forester or his associate and Park Board, in the case of parkland, may require a plan modification and/or alternate location for site development if, in their opinion, it may preserve specimen trees in accordance with the Tree Preservation Ordinance. This recommendation shall be stated in writing.
2. No specimen trees shall be removed, unless approved by the Planning Commission and with the City Forester's or his associate's knowledge in accordance with Chapter 60 of the Tree Preservation Ordinance.
3. To protect the specimen trees, as identified by the City Forester or his associate, the developer/owner/contractor shall install snow fences no closer than ten (10) feet outside the dripline of the specimen. Additionally, signs shall be posted informing the public and site workers that the area fenced is a protected zone and the zone shall be left undisturbed. The grade shall not be changed in the protected zone unless approved by the City Forester or his associate and Engineer.
4. There shall be no storage/parking of vehicles or equipment allowed in the protected zone, and it shall be the responsibility of the developer/owner/contractor to ensure compliance.

5. Drainage of the site shall be designed so that after construction is completed the same amount of water and rate of discharge will reach the trees as it did prior to construction.
6. A building permit shall be issued only after the owner/developer/contractor has completed the aforementioned requirements and the City Forester or his associate has inspected the site.
7. After the building permit is issued, the City Forester or his associate shall inspect the site periodically to make sure the aforementioned guidelines are being followed. If the site is found to be in violation, the City Forester or his associate will stop project work immediately, until the violations are corrected. If the developer/owner/contractor fails to correct the violations, the City Forester or his associate may issue a municipal citation.

C. For Proposed Subdivisions, Condominiums and Land Divisions

1. The City Forester or his associate shall be requested by City staff to inspect the designated site for specimen and/or other trees for the purpose of preservation if any trees exceeding 5" DBH are present.

Based upon staff's inspection and review of development plans, the City Forester or his associate and Planning Commission, in the case of non-parkland, or the City Forester or his associate and Park Board, in the case of parkland, as applicable, may suggest a development modification and/or alternate location for site development if, in their opinion, it may preserve trees in accordance with the Tree Preservation Ordinance. This recommendation shall be in writing.

2. Prior to preliminary plat or land division approval, the developer must submit a landscape plan (see Exhibit I for an example). The location of all specimen trees shall be exactly indicated on the plan, and the plan shall further identify all natural areas and wetlands within the proposed subdivision, condominium and land division. With the plan, the following additional information shall be provided:
 - (a) A list of species, including trees and shrubs, shall be identified that are present in each natural area;
 - (b) Tree sizes shall be identified in each natural area by indicating the approximate average DBH and the range of DBH sizes found in each natural area;
 - (c) If the species existing within the different natural areas throughout the proposed subdivision and land division are found to differ from one another substantially, a separate species list and DBH measurements shall be provided for each natural area.
3. No specimen trees or other substantial trees, as identified by the City Forester or his associate or Planning Commission, shall be removed in accordance with Chapter 60 of the Tree Preservation Ordinance unless specifically approved by the Planning Commission.

4. To protect and preserve the trees, as identified on the landscape plan or by the Planning Commission, the owner/developer/contractor shall install snow fences no closer than ten (10) feet outside the outer dripline of the tree. Additionally, signs shall be posted informing the public and site workers that the area fenced is a protected zone and the zone shall be left undisturbed. The grade shall not be changed in the protected zone unless approved by the City Forester or his associate and Engineer.
5. There shall be no storage/parking of vehicles or equipment allowed in the protected zone, and it shall be the responsibility of the developers/owner to ensure compliance.
6. Drainage of the site shall be designed so that after construction, the same amount of water and rate of discharge will reach the trees as it did prior to construction.
7. A building permit/erosion control permit shall be issued only after the owner/developer/contractor has completed the aforementioned requirements and the City Forester or his associate has inspected the site.
8. After the building permit/erosion control permit is issued, the City Forester or his associate shall inspect the site periodically to make sure the aforementioned guidelines are being followed. If the site is found to be in violation, the City Forester or his associate will stop project work immediately, until the violations are corrected. If the developer/owner/contractor fails to correct the violations, the City Forester or his associate may issue a municipal citation.

(5) REMOVAL OF TREES AND REPLACEMENT LANDSCAPING

- A. It shall be unlawful to remove, injure, destroy, or undertake any procedure that may cause the death or substantial destruction of any specimen tree located anywhere on **any land in the City of Mequon** without the express written permission of the City Planning Commission.
- B. The Planning Commission may require the owner/developer to additionally landscape with trees and/or plant materials within the protected zone, in accordance with the Zoning Code.
- C. No trees shall be removed in the protected zone of an **unplatted lot** except as provided in Section (5) of this policy. Documentation requesting removal shall be submitted to the Planning Commission in the case of non-parkland, or the Park Board in the case of parkland, as applicable, as part of a landscape plan, in accordance with these Tree Preservation Guidelines prior to preliminary plat or land division approval.
- D. If a specimen tree is proposed to be removed in the buildable area on **any land in the City of Mequon**, the City Forester or his associate shall review the site for any alternative located for driveway, building and/or other construction in order to preserve the specimen trees.
 1. If it is found that construction cannot occur on the **existing platted lot** without removal of the specimen tree, the City Planning Commission, with City Forester's or his associate's knowledge in the case of non-parkland, or City Forester or his associate and Park Board, in the case of parkland, as applicable, may allow the

tree(s) to be removed, in accordance with the purpose and intent of the Tree Preservation Ordinance and this policy that permits reasonable improvement of land. If necessary, the City Forester or his associate may recommend the homeowner/developer seek setback and/or offset variances at the Board of Appeals in order to preserve specimen trees.

2. If it is found that construction cannot occur on **the unplatted lot**, without removal of specimen or any other tree(s), the Planning Commission **may** require reconfiguration of the proposed lot lines of a proposed subdivision/condominium plat or certified survey map in an effort to preserve trees. The Planning Commission and City Forester or his associate may authorize the removal of specimen and other trees on **unplatted lands**. When authorization is granted a landscape plan shall provide for tree removal, tree replacement and additional tree planting that results in an overall improvement in the environmental condition and aesthetic character of the proposed subdivision/land.
- E. Authorization for the removal of any specimen tree located on **any land in the City of Mequon** may be granted for the following reasons:
1. The tree is dead or dying; or
 2. The tree has a disease which may spread and threaten other trees; or
 3. The tree is damaged or injured to the extent that it is likely to die or become diseased; or
 4. Where removal will avoid or alleviate unreasonable difficulty or hardship. However, tree removal requested for the purpose of allowing greater building density shall not constitute unreasonable difficulty or hardship; or
 5. As determined by the Planning Commission with the Forester's knowledge in the case of non-parkland or City Forester or his associate and Park Board in the case of parkland, as applicable, in accordance with Chapter 60.
- F. The owner/developer shall replace any specimen tree removed in each of the following instances, as directed by the City Forester or his associate and Planning Commission in the case of non-parkland or City Forester or his associate and Park Board in the case of parkland or Board of Appeals, as applicable:
1. In the event the removal of the tree is authorized by the Planning Commission to avoid or alleviate a practical difficulty or unnecessary hardship;
 2. In the event the tree is damaged or injured by other than natural causes to the extent that it is likely to die or become diseased, or it constitutes a hazard to persons or property;
 3. In the event the tree is unlawfully removed in violation with this policy.
- G. Where replacement is required, the City Forester or his associate will direct the size and type of tree to be planted. The total DBH of all replacement trees shall be 75% of the total DBH of the removed specimen trees. The City Forester or his associate shall select replacement species after considering the species removed and those present on the lot. Strong preference shall be given to Wisconsin native species. For example, if a tree measuring 20" in DBH is removed, then eight (8), 2" caliper

trees might be required to replace it. If space is not available for replacement trees on the lot, the City Forester or his associate and Planning Commission may direct the planting at a City park, or in lieu of planting, a payment equal to the calculated value from the ISA Guide for Plant Appraisal may be placed in a non lapsing account for future street tree and urban forest projects.

(6) SPECIMEN TREE LIST

A. The following trees (or grouping of trees) have been determined to be of a high value by the City Forester or his associate because of species, size, age, historic significance or other professional criteria. Any tree in fair or better condition which equals or exceeds the following diameter sizes at breast height (DBH):

<u>*Acer rubrum – Red Maple 10”</u>	<u>*Celtis occidentalis – Common Hackberry 16”</u>
<u>*Acer saccharum – Sugar Maple 12”</u>	<u>*Fagus grandifolia – American Beech 12”</u>
<u>*Alnus species Alders 10”</u>	<u>*Quercus species – All Oaks 12”</u>
<u>*Amelanchier species – Amelanchiers 6”</u>	<u>*Pinus strobus – White Pine 12”</u>
<u>*Carpinus caroliniana – Musclewood 6”</u>	<u>*Juglans cinerea – Butternut 12”</u>
<u>*Carya species – All Hickories 12”</u>	<u>*Prunus serotina – Black Cherry 12”</u>
<u>*Juglans nigra – Black Walnut 12”</u>	<u>*Ostrya virginiana – Ironwood 6”</u>
<u>*Juniperus virginiana – E. Red Cedar 8”</u>	<u>*Thuja occidentalis – White Cedar – 12”</u>
<u>*Larix Laricina – Tamarack 12”</u>	<u>*Tilia americana – Basswood/American Linden 20”</u>
<u>*Gymnocladus dioicus – Kentucky Coffeetree 12”</u>	

* = native tree

Note: A lesser-sized tree can be considered a specimen if it is a rare or unusual species, of exceptional quality, or is of historical significance.

B. Standards used in determining whether a tree is in fair or better condition must meet the following minimum criteria:

1. The tree must have a life expectancy of greater than fifteen (15) years.
2. The tree must have a relatively sound and solid trunk with no extensive decay or cavity, and less than 20% radial trunk die-back.
3. The tree must not have more than one (1) major and several minor dead limbs (deciduous only).
4. The tree must not have any major insect or pathological problems.

C. Specimen tree stands shall be identified as a contiguous grouping of trees which contain 25% specimen trees and which have been determined to be of high value based upon the following criteria:

1. A relatively mature native stand which is in process of regeneration.
2. A stand with diversity of native species of a rare or unusual nature.
3. A stand of historical significance.
4. A stand with exceptional aesthetic quality.

5. A stand with endangered wildlife or vegetation.

D. General information regarding the Specimen Trees identified previously in this document:

1. It has been found that all Oaks, all Hickories, and the American Beech are large trees, very durable, some have excellent fall color, and are hard to replace (not sold in nurseries).
2. It has been found that the Black Cherry, Sugar Maple, White Ash, Hackberry, Kentucky Coffeetree, Butternut, and Black Walnut are large trees, durable in woodland settings, have interesting bark and fall color, and some are rare in woodland settings.
3. It has been found that the White Pine, White Cedar, Red Cedar, and Tamarack have native needle-shaped leaves, most are evergreen, and have high wildlife value.
4. It has been found that the Basswood, Alder, and Red Maple are large bottomland trees suitable for wetland areas and have high wildlife value.
5. It has been found that the Ironwood, Musclewood, and Amelanchier are small, understory or located at the edge of woodland trees, are very durable, have interesting bark features and have high wildlife value.

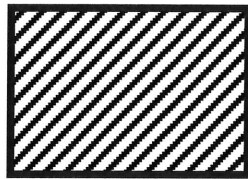
SECTION (7)

EXHIBIT #1 – EXAMPLE LANDSCAPE PLAN

Landscape Plan for Outskirt Ridge

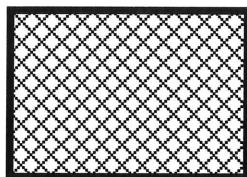
The attached plan give a general outline of the location of trees and shrubs on the Outskirt Ridge development. The following color key will give you a general guideline as to the type and more importantly the size of the trees on the development.

Natural Area #1



Areas of thick brush and trees along north exterior lot line and interior sections. The trees range in size from three (3) inches and smaller to old growth specimen trees of sizes greater than twenty-four (24) inches in diameter. The average DBH is twelve (12) inches. Species include Sugar Maples, Crimson Maples, Summit Ash and White Pine.

Natural Area #2



Areas along north exterior lot line and south east exterior lot line in which a variety of trees are planted in four (4) rows between ten (10) and fifteen (15) feet apart. The trees range in size between seven (7) and ten (10) inches in diameter. The average DBH is eight (8) inches. Species include Black Walnuts, Patmore Ash and Sugar Maples.

Marked Xs:

Either large specimen trees or trees transplanted to interior portion of field in mid-1980s. Specimens are specifically identified and include: Sugar Maple, Black Walnut, White Pine.