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CORRESPONDENCE/MEMORANDUM

DATE: December 16, 2013

TO: Natural Resources Board

FROM: Cathy Stepp, Secretary

SUBJECT: REQUEST FOR RATIFICATION OF STEWARDSHIP GRANT FOR ACQUISITION WITH PROHIBITIONS

The Department requests that the Board approve a determination that the prohibition of two (2) nature-based outdoor activities is necessary on 12.17 acres of land in the City of Merrill, Lincoln County. The Department proposes to award a grant in the amount of \$40,925 to the City of Merrill for the purchase of land on which hunting and trapping will be prohibited to protect public safety.

I. PROJECT DETAILS

Project Sponsor: City of Merrill
Seller: Canadian National Railway Company
Grant sub-program: Acquisition and Development of Local Parks

Project Description: The property is approximately 1.3 miles of abandoned railroad grade and a bridge crossing Prairie River. After crossing the Prairie River, the trail will run adjacent to the Wisconsin River for approximately 1000 feet. Future development will include access to the river for shore fishing and canoe/kayak launching. The long term goal is to connect Merrill's downtown area with Council Grounds State Park. Maps are attached as Appendix A.

Project Goals: Merrill River Bend Trail Acquisition project will provide new public land for nature-based outdoor recreation, and meets the following community and regional goals:

- DNR 2011 Wisconsin State Trails
- City of Merrill Eastside Waterfront Initiative – pages 29 & 30
- City of Merrill Outdoor Recreation Plan 2013-2018 – page 20

The project will also implement the following Statewide Comprehensive Outdoor Recreation Plan (SCORP) Goals:

- Improve Integration of Outdoor Recreation Interests and Needs in Land Use and Other Relevant Planning Efforts
- Continue to Provide and Enhance Public Access to Wisconsin Recreational Lands and Waters
- Address Funding Challenges Associated with Managing Wisconsin Outdoor Recreation Resources
- Promote Outdoor Recreation as a Means of Improving Public Health Among Wisconsinites
- Establish Great Urban Parks and Community Green Spaces

Current/Prior Use of Property: The current use of the property is as a retired railroad grade. The rail line has been removed and grade has a base layer of white rock.

Proposed Public Uses: River Bend Trail will be available to the public 24 hours per day, 7 days per week, and 365 days per year. Recreational users will be able to hike, fish, cross-country ski, canoe, kayak, bike, appreciate nature, and other recreational trail activities. The Sponsor anticipates the 250,000 annual visitors to Council Grounds State Park will enjoy the trail along with city's residents.

Recreational activities include hiking, fishing, cross-country skiing, canoeing, kayaking, biking, nature appreciation, and other trail activities. The Department's analysis of the permitted nature-based outdoor activities is attached in Appendix B.

Hunting and trapping will be prohibited on the property by city and county ordinances. The Department has determined that the prohibition of these two nature-based outdoor activities is necessary to protect public safety.

Property Management: River Bend Trail will be operated and maintained by City of Merrill, consistent with their management policy.

Timetable: City of Merrill closed on the property on October 25, 2013

II. NBOA DETERMINATION

Nature-based outdoor activities (NBOAs) are defined in s. NR 52.02(7), Wis. Adm. Code, as hunting, trapping, fishing, hiking, or cross-country skiing. The City of Merrill proposes to prohibit hunting and trapping on the River Bend Trail. The Northern Regional Public Safety Team determined that the prohibition on these two activities is necessary to protect public safety. This determination is based the following factors:

- The primary purpose of the project (urban trail system);
- Ordinances prohibiting discharging or carrying dangerous weapons and shooting or throwing projectiles;
- The size, shape, and location of the parcels;
- Proximity to homes, schools, and commercial buildings;
- Proximity to roads.

The Department posted public notice about this determination on GovDelivery on November 5, 2013. No comments were received supporting or opposing the grant due to the prohibition of hunting and trapping. The public notice and summary of the comments submitted may be found in Appendix C and D attached to this Green Sheet.

III. PROJECT FINANCES

A. Partnerships:

- City of Merrill
- Department of Natural Resources
- Merrill River District Development Foundation
- National Parks Service – Rivers, Trails, and Conservation Assistance Program

B. Appraisals

As required by s. 23.0917(7)(e)2., Wis. Stats., one appraisal was used to determine the fair market value of the land.

Appraisal 1	\$138,000
Value certified by Department	\$138,000

The purchase price was \$137,500

C. Grant Calculation

As required by s. NR 51.006(1), Wis. Adm. Code, financial assistance is limited to 50% of the acquisition cost. The City completed an Phase 1 and 2 Environmental Assessment to ensure property is safe for trail users.

Parcel purchase price (< certified value)	\$137,500
Associated eligible real estate costs*	<u>\$ 34,350</u>
Total Maximum Project Costs	\$171,850

D. Funding Sources

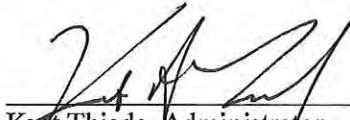
City of Merrill	\$85,925
Federal Recreational Trails Act	\$45,000
Stewardship Grant Award	\$40,925 (24%)

III. RECOMMENDED:



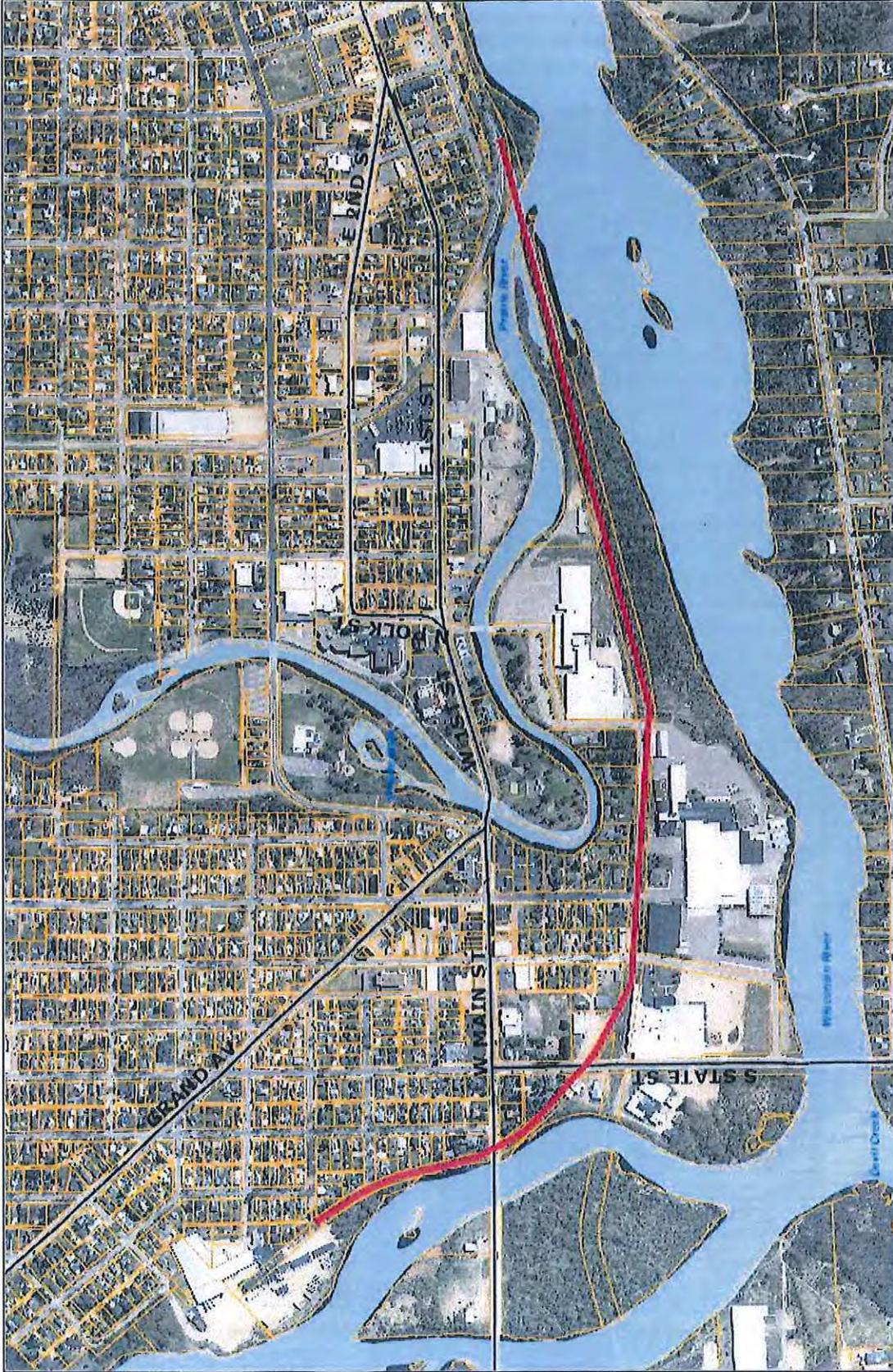
Steve Miller, Director
Bureau of Facilities and Lands

12-18-13
Date



Kurt Thiede, Administrator
Lands Division

12-20-13
Date

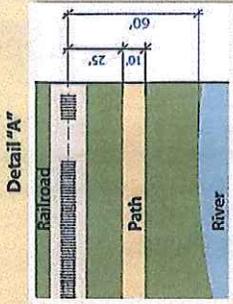


abandoned railroad corridor

Print Date: 1/11/2012

SCALE: 1" = 754'

DISCLAIMER: The City of Merrill Does not guarantee the accuracy of the material contained here in and is not responsible for any misuse or misrepresentation of this information or its derivatives.

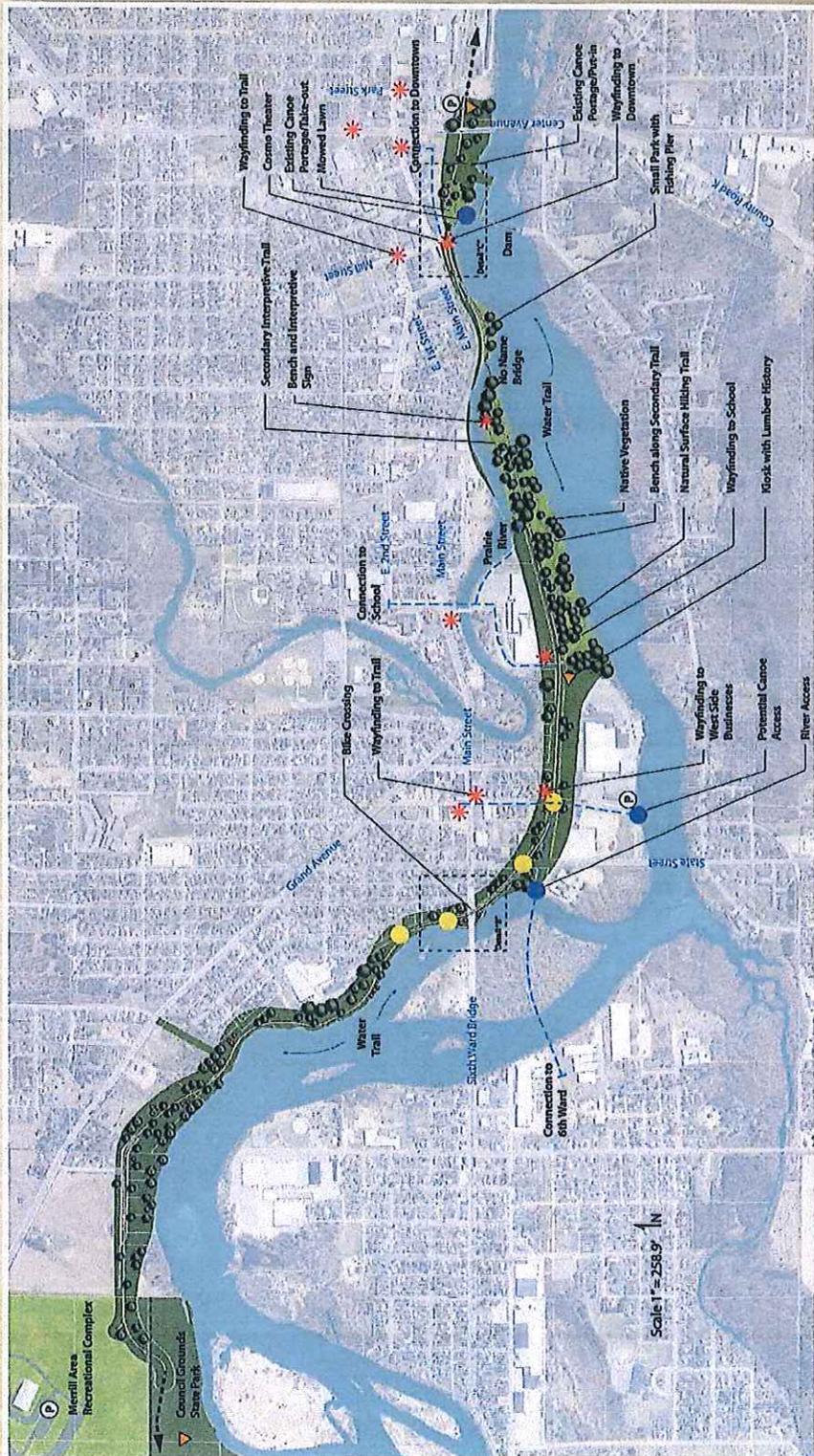


Legend

- Wayfinding Sign
- Parking
- Water Access
- Neighborhood Access
- Kiosk
- Connections
- Railroad
- Trail Corridor
- Park Space

Note: Green corridor is for graphic reference only. It does not imply property acquisition.

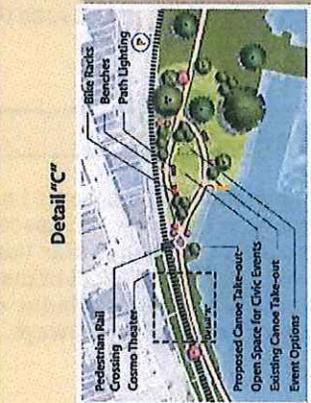
This project received a federal assistance grant from the Rivers, Trails, and Conservation Program of the Assistance Program of the National Park Service.



River Bend Trail of Merrill



River District Development Foundation of Merrill, Inc.



Knowles-Nelson Stewardship Grant Program



**Public Safety Team Analysis of
Nature Based Outdoor Activities on
Projects Purchased with
Stewardship Grant Funds**

Rev. August 2012

NOTE TO DNR STAFF: This completed form will be attached to the NBOA notice that the DNR will publish when considering a request for Stewardship grant funding. Do not list location information for the subject property or the seller's name because WI courts have held that this information is confidential until land ownership has changed hands. CF Staff completes the project proposal section prior to submitting to public safety team for review.

PUBLIC SAFETY REVIEW TEAM

Jeff Dauterman

David Zebro

Regional Recreational Safety Warden

Date

Regional Warden Supervisor

Date

PROJECT DESCRIPTION

Applicant/ Sponsor: City of Merrill

Year of Application: 2013

Project Name:

City of Merrill River Bend Trail (Railroad Grade Acq)

Primary Purpose:

- Habitat Areas
- Natural Areas
- State Trails
- Streambank Protection
- Local Parks
- Urban Rivers
- Urban Greenspace

Project Description:

The City of Merrill proposes to acquire 12.17 acres (1.3 miles) of former railroad grade in downtown Merrill. The city plans to develop a hike/bike trail in the downtown area. Future phases of the project hope to ultimately connect this trail to the city's MARC (Merrill Area Recreational Complex) and the Council Grounds State Park.

FINDINGS OF FACT:

Hunting and trapping would be prohibited per local ordinance, except as needed for removal of nuisance animals, or trapping with specific written authority from the common council. This prohibition has been in place for many years within the City of Merrill. The trail is in a very urban area of the city. There are four schools within 1,700 feet of the trail, and numerous private residents. All portions of this railroad grade are either within the school buffer or within 100 yards of a residence. Given the proximity to homes, schools, businesses, roads, waterways, and size/wldth of this parcel, hunting would be a safety hazard to the public.

Parcel Size, Shape, and Topography: Describe the size, shape, and topography of the parcel and how it relates to public safety for this activity on this site.

Parcel is 1.3 miles of linear surface, with railroad ties removed and existing rock base in place. Grade is level and largely clear/open. Parcel runs through downtown Merrill and is adjacent to homes, schools, businesses, roadways and waterways.

Proposed NBOA Prohibition or Restrictions

HUNTING			
	Gun Prohibition/Restriction	Archery Prohibition/Restriction	List Dates/Seasons (opening and closing)
Waterfowl	Hunting Prohibited	Hunting Prohibited	
Small Game	Hunting Prohibited	Hunting Prohibited	
Turkey	Hunting Prohibited	Hunting Prohibited	
Large Game	Hunting Prohibited	Hunting Prohibited	

Public Safety Team Narrative:
As noted earlier, hunting has historically been prohibited per local ordinance, except as needed for removal of nuisance animals. The trail is in a very urban area of the city. There are four schools within 1,700 feet of the trail, and numerous private residents. All portions of this railroad grade are either within the school buffer or within 100 yards of a residence. Given the proximity to homes, schools, businesses, roads, waterways, and size/width of this parcel, hunting would be a safety hazard to the public.

Public Safety Factors Considered: Check all that apply.

- The sponsor is within its own municipally boundary
- Parcel is within 100 yards of building devoted to human occupancy
- Parcel is within 50 feet of the center line of highways & roads
- Parcel is within 1700 feet of school grounds, hospital, or sanatorium
- Ordinance exists --
 - Discharge or carrying a weapon
 - Hunting within a park
 - Throwing or shooting missiles, arrows, spears, etc.
- Parcel is subjected to a non-sponsor ordinance
- Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists.
- Parcel is adjacent to a public waterway.
- Visitor's expectations of safety at the site, which includes user conflicts that may create public safety issues and impact one or more NBOA's activities. Describe:

Other _____

Prohibition or Restriction Necessary to Protect Public Safety: Yes No

TRAPPING		
Location	Prohibition/Restriction	List Dates/Seasons (opening and closing)
Upland	Trapping Prohibited	Trapping Prohibited
Water	Trapping Prohibited	Trapping Prohibited

Public Safety Team Narrative:
 As noted earlier trapping has historically been prohibited per local ordinance, except as needed for removal of nuisance animals, or with specific written authority from the common council. The trail is in a very urban area of the city. There are four schools within 1,700 feet of the trail, and numerous private residents. All portions of this railroad grade are either within the school buffer or within 100 yards of a residence. Given the proximity to homes, schools, businesses, roads, waterways, and size/width of this parcel, prohibition/restriction of trapping is supported for public safety reasons.

No Water On Site

Public Safety Factors Considered: Check all that apply.

The sponsor is within its own municipality boundary.

Parcel is within 100 yards of building devoted to human occupancy and per s. NR 10.13(1)(b)(12)(c), the following traps are prohibited: conibear body gripping traps (with jaws wider than 60 sq. inches) and cable restraints.

Ordinance exists that prohibits trapping or some type of trapping.

Parcel is subjected to a non-sponsor ordinance

Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists.

Parcel is adjacent to a public waterway.

Visitor's expectations of safety at the site, which includes user conflicts that may create public safety issues and impact one or more NBOA's activities. Describe:

Other _____

Prohibition or Restriction Necessary to Protect Public Safety: Yes No

FISHING		
Method	Prohibition/Restriction	List Dates/Seasons (opening and closing)
Shore	No prohibition	According to State law
Boat	No prohibition	According to State law

Public Safety Team Narrative:

No Water on Site

Public Safety Factors Considered: Check all that apply.

Ordinance exists – _____

Parcel is subjected to a non-sponsor ordinance

Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists.

Parcel is adjacent to a public waterway.

Visitor's expectations of safety at the site, which includes user conflicts that may create public safety issues and impact one or more NBOA's activities. Describe:

Other _____

Prohibition or Restriction Necessary to Protect Public Safety: Yes No

HIKING		
Location	Prohibition/Restriction	List Dates (opening and closing)
On-Trail	No prohibition	
Off-Trail	No prohibition	
Public Safety Team Narrative:		
<p>Public Safety Factors Considered: Check all that apply.</p> <p><input type="checkbox"/> Parcel is subjected to a non-sponsor ordinance</p> <p><input type="checkbox"/> Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists.</p> <p><input type="checkbox"/> Parcel is adjacent to a public waterway.</p> <p><input type="checkbox"/> Visitor's expectations of safety at the site, which includes user conflicts that may create public safety issues and impact one or more NBOA's activities. Describe:</p> <p><input type="checkbox"/> Other _____</p>		
Prohibition or Restriction Necessary to Protect Public Safety: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

CROSS COUNTRY SKIING		
Type of Trail	Prohibition/Restriction	List Dates (opening and closing)
Off-Trail (un-groomed)	No prohibition	
On-Trail (un-groomed)	No prohibition	
On-Trail (groomed)	No prohibition	
Public Safety Team Narrative:		
<p>Public Safety Factors Considered: Check all that apply.</p> <p><input type="checkbox"/> Parcel is subjected to a non-sponsor ordinance</p> <p><input type="checkbox"/> Parcel is adjacent to a parcel where the NBOA's to be prohibited already exists.</p> <p><input type="checkbox"/> Parcel is adjacent to a public waterway.</p> <p><input type="checkbox"/> Visitor's expectations of safety at the site, which includes user conflicts that may create public safety issues and impact one or more NBOA's activities. Describe:</p> <p><input type="checkbox"/> Other _____</p>		
Prohibition or Restriction Necessary to Protect Public Safety: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		



CITY OF MERRILL

Office of the City Attorney

Thomas N. Hayden, City Attorney
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Phone (715) 539-3510 • FAX (715) 536-0514
e-mail: tom.hayden@ci.merrill.wi.us

MERRILL
WISCONSIN
City of Parks

October 16, 2013

Jillian Steffes
WDNR Service Center
107 Sutliff Ave.
Rhineland, WI 54501

Hunting and Trapping in the City of Merrill

Dear Ms. Steffes:

Attached is City of Merrill Code of Ordinance Section 28 Parks and Recreation. The ordinance is quite clear. We direct your attention to the sections outlined below. There is no hunting, trapping, shooting arrows or throwing stones or other objects that could be defined as missiles in a city park.

- 28-1(c)(5) *Throwing Stones and Missiles Prohibited* – No person shall throw stones or other missiles in or into any park.
- 28-1(c)(7) *Trapping* – No person shall trap in any park, unless specific written authority is first obtained from the Common Council.
- 28-1(c)(19) *Arrows* – No person shall use or shoot any bow and arrow in any city park, except in authorized areas.
- 28-1(c)(21) *Firearms; hunting* – Possessing or discharging of any firearm or weapon of any kind is prohibited in all city parks.

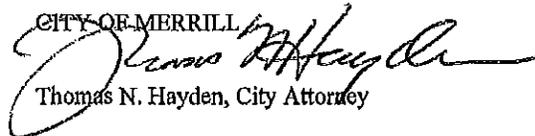
We also have a separate ordinance Section 6-94 *Trapping of Animals* - that prohibits trapping of animals in or on city owned land. Also, Section 26-21 *Regulation of Firearms and Explosives; Hunting* this goes into more detail as to no hunting, trapping, use of a bow and arrow and firearms in the corporate limits of the city. This ordinance would seem to effectively outlaw "hunting" as that term is ordinarily used.

The City has adopted a hunting resolution effective for a limited period of time in the fall to control the deer population. However the areas designated are not in our park system and all hunters must first register with our Police Department.

Please advise if you need further information pertaining to hunting regulations in the City of Merrill.

Very truly yours

CITY OF MERRILL


Thomas N. Hayden, City Attorney

TNH:dw
CC: Dan Wendorf, Park and Recreation Director

"Focusing on the Future"

An equal opportunity/affirmative action employer.

Merrill, Wisconsin, Code of Ordinances >> PART I - CODE OF ORDINANCES >> Chapter 28 PARKS AND RECREATION >>

Chapter 28 PARKS AND RECREATION

ARTICLE I. - IN GENERAL

ARTICLE II. - SPECIFIC REGULATIONS

Merrill, Wisconsin, Code of Ordinances >> PART I - CODE OF ORDINANCES >> Chapter 28 - PARKS AND RECREATION >> ARTICLE I. IN GENERAL >>

ARTICLE I. IN GENERAL

Sec. 28-1. Park regulations.

Sec. 28-2. Park operation.

Secs. 28-3—28-22. Reserved.

Sec. 28-1. Park regulations.

- (a) *Purpose.* In order to protect the parks, parkways, recreational facilities and conservancy areas within the city from injury, damage or desecration, these regulations are enacted.
- (b) *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Park means and includes all grounds, structures and watercourses which are or may be located within any area dedicated to the public use as a park, parkway, recreation facility or conservancy district in the city.

(c) *Specific regulations.*

- (1) *Littering prohibited.* No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any park or public waters, except in containers provided for that purpose. Where receptacles are not provided, all such litter shall be removed from the park by the person responsible for its presence and properly disposed of elsewhere in a lawful manner. It shall be unlawful for any person to dump or deposit any rubbish, refuse, earth or other material in any park containers provided for rubbish, refuse or garbage disposal, unless generated from the usage of the public park.
- (2) *Sound devices.* No person shall operate or play any amplifying system, unless specific authority is first obtained from the parks and recreation commission. Vulgar, boisterous behavior, overly loud music and loud speakers which tend to interfere with the enjoyment of the park by others shall not be permitted.
- (3) *Pets.* No person shall permit any dog, cat or other pet owned by him to run at large in any park. Pets are prohibited in swimming areas and children's playgrounds.
- (4) *Bill posting.* No person shall post, paste, fasten, paint or attach any placard, bill, notice, sign or advertising matter upon any structure, tree or other natural object in

- any park, except park regulations and other signs authorized by the parks and recreation commission.
- (5) *Throwing stones and missiles prohibited.* No person shall throw stones or other missiles in or into any park.
 - (6) *Removal of park equipment prohibited.* No person shall remove benches, seats, tables or other park equipment from any park.
 - (7) *Trapping.* No person shall trap in any park, unless specific written authority is first obtained from the common council.
 - (8) *Making of fires.* No person shall start, tend or maintain a fire, except in personal grills or designated fireplaces. Personal grills shall be used only in designated picnic areas. The use of personal grills is permitted; provided lawns and vegetation are not endangered. Unburned fuel and ashes shall be disposed of in such a manner as to prevent fire or damage to any park property.
 - (9) *Protection of park property.* No person shall kill, injure, disturb or attempt to injure or disturb waterfowl, birds or animals, wild or domestic, within any park, except as permitted by this chapter. No person shall climb any tree or remove flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove or in any manner injure, deface, write upon or ill use any tree, shrub, flower, flower bed, turf, soil, sand, fountain, ornament, building, structure, apparatus, bench, table, official notice, sign or other property within any park.
 - (10) *Motorized vehicles.* Except for authorized maintenance vehicles, no person shall operate an unlicensed or licensed motorized vehicle outside of areas specifically designated as parking areas or areas where the operation of such vehicles is specifically permitted. Motor vehicles are restricted to the roads and drives and parking areas. No motor vehicles of any nature may be used on the seeded areas, except vehicles which have a parks and recreation commission authorization for shows, rides or exhibits and then only for the purpose of loading and unloading. No person shall operate any off-the-road vehicle, motorcycle, trail bike, all-terrain vehicle, truck or other motorized vehicle in any park, playground or other public ground where pathways or trails have been developed and/or designated for walking, hiking, jogging, running, bicycling, cross-country skiing, sledding or other pedestrian use. All motorized vehicles are limited to use of roadways specifically for their use and according to other restrictions in this Code.
 - (11) *Snowmobiles.* Snowmobiling will only be permitted in Ott's, Riverside and Prairie Trail Parks in designated areas as determined by the parks and recreation commission, or its designee, at times when county snowmobile trails are officially open.
 - (12) *Speed limit.* No person shall operate any vehicle in a city park in excess of 15 mph, unless otherwise posted.
 - (13) *Glass beverage bottles prohibited.* No person shall bring into, carry onto or possess while in any public park glass bottles or glass containers, including those containing or normally used for containing soda water, fermented malt beverages or alcohol.
 - (14) *Reckless driving prohibited.* No person shall operate a motor vehicle in a reckless manner in any of the city's public parks.
 - (15) *Parking.* No person shall park any motor vehicle in any park in the city, except in a designated parking area.
 - (16) *Horse and carriages.* No person shall ride a horse or drive a horse-driven vehicle in any park, except on roads or designated bridle paths, except when approval of the parks and recreation commission is first obtained. It shall be unlawful for any person

to ride a horse or drive a horse-driven vehicle in a careless, negligent or reckless manner which may endanger the safety and well-being of others. Horseback riding shall be allowed only during the daylight hours. No person shall ride a horse which cannot be held under such control that it may be easily turned or stopped. No horse shall be ridden in a reckless manner. Pedestrians shall have the right-of-way when crossing a bridle path, and whenever groups of people are visible within 300 feet horses shall be ridden at slow gait.

- (17) *Removing tree protectors.* No person shall remove any device for the protection of trees or shrubs.
- (18) *Golfing and sporting activities.* No golfing or practicing golf in city parks or recreation areas shall be allowed, except with the use of a whiffle ball. All sporting activities must be held in areas so designated for that purpose.
- (19) *Arrows.* No person shall use or shoot any bow and arrow in any city park, except in authorized areas.
- (20) *Fees and charges.* The common council, upon the recommendation of the parks and recreation commission, shall have the authority to establish such fees as deemed necessary for use of any park facility, shelter or land area. It shall be unlawful to use such areas without payment of such fee or charge when required.
- (21) *Firearms; hunting.* Possessing or discharging of any firearm or weapon of any kind is prohibited in all city parks.
- (22) *Fish cleaning.* Cleaning of fish in shelters, toilet facilities or picnic areas is prohibited in all city parks.
- (23) *Controlled substances.* Possessing, using or dispensing of a controlled substance in violation of the Uniform Controlled Substances Act is prohibited in all city parks.
- (24) *Camping.* Overnight camping is not permitted in any city park, except by prior written permission from the parks and recreation commission.
- (25) *Commercial enterprise.* No person shall sell, or offer for sale, any article, thing, privilege or service in any park without prior written permission from the parks and recreation commission.
- (26) *Posted regulations.* In addition to the regulations herein contained and provided, the parks and recreation commission may post from time to time specific rules and regulations; and such specific rules and regulations shall be incorporated by reference in to this chapter as fully as set forth herein.

(Code 1993, § 12-1-1; Ord. No. 2000-13, 6-13-2000)

State law reference— Removal of rubbish, Wis. Stats. § 66.0405; local regulations of firearms, Wis. Stats. § 66.0409; sound producing devices, Wis. Stats. § 66.0411.

Sec. 28-2. Park operation.

- (a) *Hours; exception.*
 - (1) *Closing hours.* All grounds and facilities in the city park system shall be open between 6:00 a.m. and 10:30 p.m. daily with the exception that boat loading areas may be used for the loading or unloading of boats only at any time.
 - (2) *Exceptions.* The restrictions set forth in subsection (a) of this section, shall not apply to the following individuals:
 - a. Individuals who are attending or participating in city-authorized community celebrations or events held at the park. However, all such individuals exempted

by this subsection shall be out of the park within one-half hour of the end or closing of the celebration or the event for that evening.

- b. Individuals or groups who have received permission from the parks and recreation commission or common council for any special group activity.
 - c. Individuals who are law enforcement officers, firefighters, emergency personnel, city employees or city officers who are in the course of their official duties.
- (b) *Public road; exceptions.* A person driving through a park on a public road; however, stopping shall not be permitted within a park. The common council may modify closing hours for particular events.
- (c) *Authority for closure and dates of operation.* The common council will have full authority to open and close any park, swimming area, recreational facility or area because of season, condition, construction or when, in the interest of public safety, it is deemed necessary.

(Code 1993, § 12-1-4)

Secs. 28-3—28-22. Reserved.

Merrill, Wisconsin, Code of Ordinances >> PART I - CODE OF ORDINANCES >> Chapter 28 - PARKS AND RECREATION >> ARTICLE II. SPECIFIC REGULATIONS >>

ARTICLE II. SPECIFIC REGULATIONS.

Sec. 28-23. Radio-controlled model airplanes prohibited.

Sec. 28-24. Turf protection on public property.

Sec. 28-25. Ultralight aircraft regulated.

Sec. 28-26. Reservation of park space.

Sec. 28-23. Radio-controlled model airplanes prohibited.

No person shall fly a radio-controlled model airplane or helicopter, in any city park, except in areas specifically designated and posted for such purpose.

(Code 1993, § 12-1-2)

Sec. 28-24. Turf protection on public property.

Except as authorized by the parks director, no person shall dig into the turf of any city-owned park property for any purposes whatsoever or remove any trees or flowers. Absent authorization by the parks director, the use of metal detectors and digging for buried objects on city park property is prohibited.

(Code 1993, § 12-1-3)

Sec. 28-25. Ultralight aircraft regulated.

(a)

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

Ultralight aircraft, vehicle or hang glider means an unpowered or powered aircraft which is not subject to extensive regulation by the Federal Aviation Administration by virtue of its characteristics as an ultralight vehicle pursuant to 14 CFR 103.1 and Wis. Stats. § 114.195.

(b) *Usage regulations.*

- (1) No person shall operate any ultralight aircraft within the city in such a manner or in such a location as to endanger or injure any person or property. No person shall operate an ultralight aircraft in the city in violation of any applicable state and federal regulation and standard. No person shall cause an ultralight aircraft to land, or to take off from any property without permission of the owner or occupant of said property; provided that an emergency landing may be made to prevent a catastrophe. In the case of landing or taking off from a city public park or other city property, the operator of such ultralight aircraft shall first obtain a permit from the parks and recreation commission. No fee shall be charged by the parks and recreation commission for such permit which may be issued for a period up to 30 days, nor shall the parks and recreation commission sponsor such activity.
- (2) Any person desiring to land or to take off from any property owned by the city shall, prior to receiving a permit, procure evidence of insurance providing for not less than \$500,000.00 of coverage for each occurrence for damage to property or personal injury. Evidence of such insurance shall include a certificate of insurance naming the city as an additional insured and said certificate shall be filed with the city clerk at the time the applicant seeks a permit.

(Code 1993, § 12-1-5; Ord. No. 96-04, 2-13-1996)

State law reference—Ultralight identification, Wis. Stats. § 114.195.

Sec. 28-26. Reservation of park space.

- (a) *Policy.* The city-owned park, park facilities and shelter areas are primarily for the nonexclusive use of the residents and visitors of the city. However, under proper circumstances, exclusive use of the same or parts thereof may be permitted. This section is intended to regulate exclusive use of municipally-owned parks, park facilities, park shelters or parts thereof in the city to the end that the general welfare of the city is protected.
- (b) *Reservation.* A person or group, firm organization, partnership or corporation may reserve the use of a park facility or a park shelter by written application filed with the parks and recreation director for a permit for exclusive use of the same. The parks and recreation director shall issue permits for exclusive use of a portion of a park or park shelter, while the parks and recreation commission shall issue permits for the exclusive use of city parks. Park facilities are reserved on a first-requested, first-reserved basis.
- (c) *Application.* Applications shall be filed with the parks and recreation director at least 14 days prior to the date on which the exclusive use of the entire park is requested, or at least three days prior to the date on which a park shelter or a portion of a park is to be used, and shall set forth the following information regarding the proposed exclusive use:
 - (1) The name, address and telephone number of the applicant.
 - (2) If the exclusive use is proposed for a group, firm, organization, partnership or corporation, the name, address and telephone number of the headquarters of the same and the responsible and authorized heads or partners of the same.

- (3) The name, address and telephone number of the person who will be responsible for the use of the said park, area or facility.
 - (4) The date when the exclusive use is requested and the hours of the proposed exclusive date.
 - (5) The anticipated number of persons to use the said park, area or facility.
 - (6) Any additional information which the parks and recreation commission or parks and recreation director finds reasonably necessary to a fair determination as to whether a permit should be issued.
- (d) *Fee schedule.*
- (1) All applicants for reservation of park space or shelter for which a permit is required shall pay a fee for the city's maintenance and cleanup expenses. The fee shall be as established by the common council, from time to time, and, as indicated on the schedule of licenses and fees appearing in chapter 16 of this Code.
 - (2) Fifty dollars of the fee shall be returned if cleanup or repair by the city is not required.
- (e) *Action on application.* The parks and recreation commission shall act promptly on all applications for permits for exclusive park use, not shelter use, after consulting with the applicant, if necessary.
- (f) *Denial.* Applicants may be denied for any of the following reasons:
- (1) If it is for a use which would involve a violation of federal or state law or any provision of this Code.
 - (2) If the granting of the permit would conflict with another permit already granted or for which application is already pending.
 - (3) If the application does not contain the information required by subsection (c) of this section.
 - (4) The application is made less than the required days in advance of the scheduled exclusive use.
 - (5) If it is for a use of the park or park facility at a date and time when, in addition to the proposed use, anticipated nonexclusive use by others of the park or park facility is expected and would be seriously or adversely affected.
 - (6) If the law enforcement requirements of the exclusive use will require so large a number of persons as to prevent adequate law enforcement to the park, park facility or shelter area involved or of the rest of the city.
 - (7) The exclusive use will reasonably create a substantial risk of injury to persons or damage to property.
 - (8) The exclusive use is so poorly organized that participants are likely to engage in aggressive or destructive activity that will endanger public health or safety.
- (g) *Indemnification.* Prior to granting any permit for exclusive use of the park, the city may require the permittee to file evidence of good and sufficient sureties, insurance in force or other evidence of adequate financial responsibility, running to the city and such other third parties as may be injured or damaged, in an amount depending upon the likelihood of injury or damage as a direct and proximate result of the exclusive use sufficient to indemnify the city and such third parties as may be injured or damaged thereby, caused by the permittee, its agents or participants.
- (h) *Permit—Not required for city activity.* A permit is not required for exclusive use of the park or a park facility sponsored by the city.
- (i) *Same—Revocation.* The common council, mayor, parks and recreation commission and/or chief of police after granting a permit may revoke a permit already issued if it is deemed that

such action is justified by an actual or potential emergency due to weather, fire, riot, other catastrophe or likelihood of a breach of the peace or by a major change in the conditions forming the basis of the issuance of the permit.

- (l) *Same—Form of permit.* Each permit shall be in a form prescribed by the parks and recreation commission and shall designate the park, park facility or shelter area involved, date, hours of the exclusive use, purpose of the exclusive use and the name of the person, group, firm, organization, partnership or corporation to which the permit is issued.
- (k) *Class B fermented malt beverage licenses.* When fermented malt beverages are sold at any event authorized by this section, a valid fermented malt beverage license shall be obtained and the provisions of sections 4-33 and 26-91 shall be fully complied with. Said license must be held by the person who filed the original license and shall be presented to any law enforcement officer upon request.

(Code 1993, § 12-1-6; Ord. No. 03-05, 2-11-2003)

State law reference— Class "B" licenses, Wis. Stats. § 125.26.

Sec. 6-94. Trapping of animals.

- (a) In the interest of public health and safety, it shall be unlawful for any person, in or on city-owned land, to set, place or tend any trap for the purpose of trapping, killing, catching, wounding, worrying or molesting any animal, except by use of live box-type traps only. The term "live box-type traps" means those traps which capture and hold an animal in an alive and unharmed condition.
- (b) This section shall prohibit the use of all traps other than live traps as described in subsection (a) of this section, including, but not limited to, traps commonly known as leg traps, pan-type traps or other traps designed to kill, wound or close upon a portion of the body of an animal.
- (c) All such traps set, placed or tended shall comply with Wis. Stats. ch. 29 as they relate to trapping.
- (d) This section shall not apply to trapping on private property.
- (e) Nothing in this section shall prohibit or hinder the city or its employees or agents from performing their official duties.

(Code 1993, § 7-1-16)

State law reference— Local regulation of wild animals, Wis. Stats. § 29.038.

Sec. 26-21. Regulation of firearms and explosives; hunting.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
- Firearm* means any instrumentality from or with which a shot, bullet or pellet may be discharged or expelled, regardless of whether the propelling force is provided by air, spring or other similar mechanical device, or gunpowder.
- (b) *Discharging and carrying firearms and air guns.*
- (1) No person shall fire or discharge any firearm, rifle, air gun or handgun in the city.
 - (2) No person shall have in his possession or under his control any rifle, in the city, unless it is unloaded and knocked down or enclosed within a carrying case or holster.
 - (3) No handguns, either holstered, cased or uncased shall be worn on a person while the person is inside a public building which has been posted to prohibit the carrying of a concealed weapon.
- (c) *Exceptions.* This section shall not apply to the following:
- (1) A sheriff, deputy sheriff, warden, constable, U.S. marshal, state trooper, police officer or other law enforcement officer while engaged in official duties;
 - (2) The maintenance and use of city-approved supervised rifle or pistol ranges, shooting galleries or firearm, rifle air gun or handgun safety courses;
 - (3) The firing or discharging of BB guns upon private premises by persons over 16 years or persons under such age under the direct personal supervision of a parent or guardian;
 - (4) Display of unloaded firearms, rifles, air guns or handguns in public premises;
 - (5) Display or possession of unloaded or loaded firearms, rifles or guns on private premises;
 - (6) A licensed or certified security agency, while actively engaged in the handling or transporting of money, security or other items of value and only as previously authorized by the chief of police or county sheriff.
- (d) *Explosive devices; permit required.* No person shall discharge or detonate any dynamite, nitroglycerin or other explosive within the city without first obtaining a permit to do so from the chief of police.
- (e) *Hunting prohibited.* Hunting is prohibited within the corporate limits of the city. Notwithstanding the foregoing, in recognition of the need to effectively manage wildlife, hunting by shotgun, muzzle loader, pistol or bow and arrow only is permitted on lands owned by the state and maintained as parkland, but only as regulated and permitted by the state department of natural resources. Persons hunting on lands owned by the state within the city shall be required to observe all hunting regulations established by the state department of natural resources and subject to the regulations of this article.
- (f) *Exception; wildlife overpopulation.*
- (1) The common council may designate certain areas of the city as being so overpopulated with certain forms of wildlife, such as deer, that it may designate those areas as animal nuisance areas, and allow the hunting and destruction of the nuisance animals within that area.

1309260

RESOLUTION NO. 2328

A RESOLUTION DESIGNATING PARTS OF THE CITY OF MERRILL AS ANIMAL NUISANCE AREAS AND ALLOWING BOW AND ARROW HUNTING WITHIN THOSE AREAS

WHEREAS, the City of Merrill has received numerous complaints of deer damage within the City of Merrill; and

WHEREAS, the Health and Safety Committee has given public notice, conducted a public hearing, and found sufficient evidence to warrant the designation of the following ten animal nuisance areas for the hunting season; and

WHEREAS, the Common Council has formulated rules and boundaries to insure the safety of the public during a "hunt";

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 10th day of September, 2013, that the Common Council of the City of Merrill designates the following areas as animal nuisance areas:

Area #1: The Hillside Cathedral church property north to the city limits on Pier Street (approximately 20 acres).

Area #2: The bottom lands of the Prairie River from Pier Street to Jefferson Street on both sides of the river bank. And the area from the east side of Jefferson Street to Lakeview Street on the west side of that street; from the south side of Taylor Street to the North side of Sixth Street; and those areas in between these boundaries, excepting a block bounded by Jefferson Street, Tenth Street, Adams Street and Eighth Street. Additional hunting area for Area 2 is 10th to Taylor, Genesee to Jefferson.

Area #3: The area from Oregon Street to California Street, following the line south of Devils Creek to City Limits.

Area #4: That area south of the railroad tracks from the junction of the Wisconsin River and the Prairie River west to the property line belonging to Hurd Millwork.

Area #5: That area from Schulz Street on the west side to Center Avenue on the east side; from the south city limits north to the Wisconsin River.

Area #6: The island between the 6th Ward Bridges south to the Wisconsin River.

Area #7: That area from Ohio Street on the east side to Division Street on the south side to the Wisconsin River on the north and west sides.

Area #8: That area west on Glen Drive bordered by Glen Drive on the south and the railroad right-of-way on the north. Additional boundaries are the residence at 2806 Glen Drive on the east and the north/south power lines to the west. These power lines cross Glenn Drive. This area is commonly known as the Eric Roth Farm.

Area #9: That 80 acre parcel bordered by STH 64 on the north and Heldt Street to the south. This area is directly south of the Heinz Roth residence located at 2701 W. Main Street. This area is commonly referred to as the Roth Farm, except the East 360 feet of the South 360 feet of the Southeast ¼ of the Northwest ¼ a/k/a 2801 Heldt Street property.

Area #10: A parcel of land lying bordered by Ninth Street on the south, Mill Street on the East, the North City limit line to the north and following the Section 2 line to Pier Street on the west.

BE IT FURTHER RESOLVED that any person wishing to hunt deer with a bow and arrow or crossbow may hunt deer within the designated area during the State of Wisconsin's archery season; and

BE IT FURTHER RESOLVED that any person wishing to hunt within the City of Merrill limits must first register with the Merrill Police Department and abide by the rules and hours established by both the State of Wisconsin and the Common Council of Merrill.

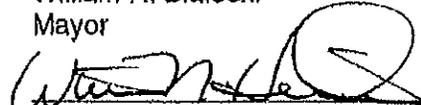
Recommended by: Health & Safety
Committee

CITY OF MERRILL, WISCONSIN

Moved: Alderman Schwartzman

William R. Bialecki
Mayor

Passed: September 10, 2013


William N. Heideman
City Clerk

CORRESPONDENCE/MEMORANDUM

DATE: December 2, 2013

TO: Steve Miller
LF Bureau DirectorFROM: Jillian Steffes
Community Grants Specialist in Rhinelander

SUBJECT: NBOA News Release/Announcement Comment Period Closure and Approval

PROJECT NAME: City of Merrill, River Bend Trail RR Grade Acquisition

The River Bend Trail RR Grade land acquisition Stewardship grant proposal was required to meet the public notice requirements in ch. NR 52.04. The public notice was posted on GovDelivery on November 5, 2013 and the fifteen day public review period ended on November 22, 2013.

The Department received no comments concerning this proposal.

In conclusion, the Department has met the public notice requirements for Stewardship land acquisition grant proposals.

Jillian Steffes
Signature of Contact Person

12/2/13
Date

NBOA Public Notice Certification:

Lavane Hessler
Lavane Hessler, Stewardship LUG Grant Manager

12-11-13
Date



Wisconsin Department of Natural Resources

Appendix D

City of Merrill seeks grant for acquisition of land

News Release Published: November 5, 2013 by the Central Office

Contact(s): Jillian Steffes, DNR Grants Specialist, (715) 365-8928

Grant requested for Stewardship Acquisition and Development of Local Parks project in the City of Merrill

MERRILL, Wis. – The City of Merrill has applied for a 50 percent matching grant from the Acquisition and Development of Local Parks sub-program of the Knowles-Nelson Stewardship Program to assist with the purchase of 12.17 acres of land in the City of Merrill in Lincoln County. The City of Merrill will provide match to the grant award.

The property is being acquired to develop a river walk trail in downtown Merrill, known as the River Bend Trail and will include fishing, hiking, cross-county skiing, bicycling, snowshoeing, non-motorized boat access, swimming access, nature appreciation, bird watching, picnicking, etc. The property includes approximately 1,000 feet of frontage along the Wisconsin River. The department is proposing to make the determination that the prohibition of hunting and trapping is necessary protect public safety based on the parcel's proximity to residential buildings, schools and roads, the size of the parcel, proximity to a public waterway, and a city ordinance prohibiting the discharge of weapons and trapping within the park.

The Department's initial assessment of the allowed Nature Based Outdoor Activities (pdf) may be downloaded from the Stewardship Public Notice page of the DNR website or you may request a hard copy by contacting the project contact listed below. Public written comments on the proposed acquisition can be mailed to Kurt Thiede, Administrator, Division of Land, care of Jillian Steffes, DNR Grants Specialist, 107 Sutliff Ave, Rhinelander, WI 54501 or sent by email to Jillian.Steffes@wisconsin.gov.

If you have questions about this project, Jillian Steffes can be reached by phone at (715) 365-8928. Written comments will be accepted through November 22, 2013. In accordance with s. NR 52.04 (2) (b), Wis. Adm. Code, objections about the prohibited activities on this property must show the proposed prohibition to be inconsistent with s. 23.0916 (2) (b), Stats., and s. NR 52.05, Wis. Adm. Code.

To receive e-mail notices of Stewardship Grant project news releases, please subscribe by putting a check mark by DNR Stewardship News under the News & Announcements heading.

The Official Internet site for the Wisconsin Department of Natural Resources

101 S. Webster Street . PO Box 7921 . Madison, Wisconsin 53707-7921 . 608.266.2621

 101 S Webster St, Madison, WI 53703



1. Head northwest on S Webster St toward E Main St



go 0.1 mi
total 0.1 mi

 2. Take the 2nd right onto E Washington Ave
About 8 mins



go 4.1 mi
total 4.2 mi

 3. Turn left onto Hwy 51 N/US-51 N/N Stoughton Rd
Continue to follow Hwy 51 N/US-51 N
About 6 mins



go 4.4 mi
total 8.6 mi

 4. Take the ramp onto I-39 N/I-90 W/I-94 W
About 21 mins



go 23.7 mi
total 32.2 mi



- 5. Keep right to continue on I-39 N, follow signs for Wisconsin 78 Trunk S/Merrimac/US-51/Wausau/Portage
About 1 hour 29 mins



go 103 mi
total 135 mi



- 6. Continue onto Hwy 51 N
About 18 mins



go 20.7 mi
total 156 mi



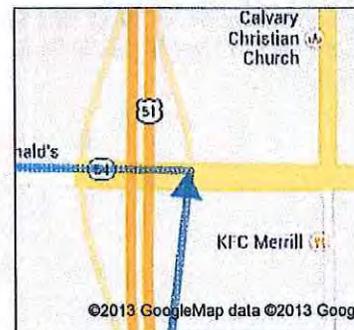
- 7. Take exit 208 for WI-64 toward Merrill/Antigo/WI-17



go 0.4 mi
total 156 mi



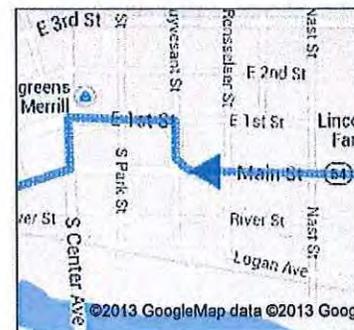
- 8. Turn left onto WI-64 W/State Trunk Hwy 64 W
About 4 mins



go 1.7 mi
total 158 mi



- 9. Turn right onto S Stuyvesant St



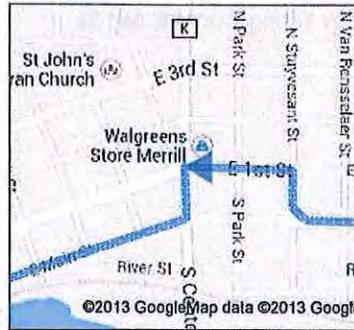
go 397 ft
total 158 mi

10. Turn left onto E 1st St



go 0.1 mi
total 158 mi

11. Turn left onto S Center Ave



go 341 ft
total 158 mi

12. Take the 1st right onto E Main St
About 1 min



go 0.4 mi
total 159 mi

Total: 159 mi – about 2 hours 29 mins

 E Main St



total 0.0 mi

13. Head east on E Main St toward S Cleveland St



go 233 ft
total 233 ft

14. Take the 1st left onto **S Cleveland St**



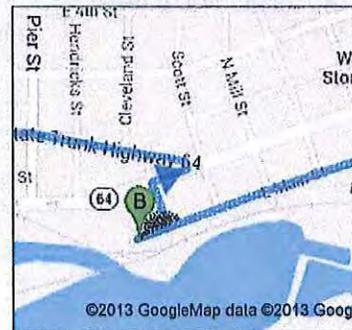
go 322 ft
total 0.1 mi

15. Take the 1st right onto **E 1st St**



go 259 ft
total 0.2 mi

16. Sharp left onto **E 2nd St**
About 2 mins



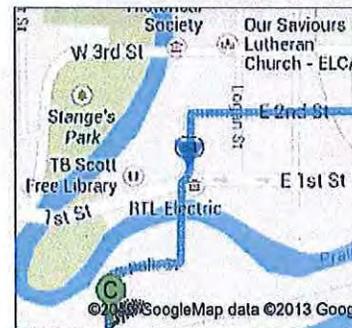
go 0.5 mi
total 0.7 mi

17. **E 2nd St** turns left and becomes **N Polk St**



go 387 ft
total 0.7 mi

18. Keep right to continue on **S Polk St**
About 1 min



go 0.3 mi
total 1.0 mi

Total: 1.0 mi – about 5 mins



S Polk St

total 0.0 mi

19. Head south on S Polk St

go 161 ft
total 161 ft

20. Continue onto Stange St

go 0.2 mi
total 0.2 mi



21. Turn left onto S Genesee St

go 0.1 mi
total 0.4 mi



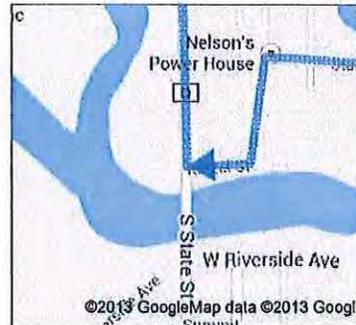
22. Turn right onto Kinzel St

go 430 ft
total 0.5 mi



23. Turn right onto S State St
About 58 secs

go 0.2 mi
total 0.7 mi



Total: 0.7 mi – about 3 mins



S State St

total 0.0 mi

24. Head north on S State St toward W Main St
About 45 secs

go 0.2 mi
total 0.2 mi



25. Take the 3rd left onto Division St

go 0.1 mi
total 0.4 mi



Total: **0.4 mi** – about **1 min**

 Division St

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

Map data ©2013 Google

Directions weren't right? Please find your route on maps.google.com and click "Report a problem" at the bottom left.