

**City of Eau Claire
Waterways and Parks Commission
Wednesday, October 24, 2018
7:00 p.m.
Conference Room – Central Maintenance Facility**

Agenda

- I. Approval of minutes from the September 26, 2018 meeting.
- II. Recognition – CAPRA (Dawn Comte, Todd Chwala)
- III. New Business
 - a. Recommendation to approve visual encroachment work on city-owned property along the Eau Claire River at 7 S. Dewey Street. (Todd Chwala)
 - b. Recommendation to approve visual encroachment work on city-owned property along the Eau Claire River corridor at Boyd Park. (Todd Chwala)
 - c. Recommendation to approve the Chippewa Valley Railroad Agreement. (Jeff Pippenger)
- IV. 2018 Special Events list (Information only)
- V. Directors Report (Information only)
- VI. Adjournment

**Please call the Community Services Office
(715-839-4649) if you cannot attend this meeting!**

"Any person who has a qualifying disability as defined by the Americans With Disabilities Act that requires the meeting or materials at the meeting to be in accessible location or format must contact the ADA Coordinator for the City of Eau Claire, at 839-4921 or at 203 South Farwell Street by 2:00 PM the Monday prior to the meeting so that any necessary arrangements can be made to accommodate each request."

**CITY OF EAU CLAIRE
WATERWAYS AND PARKS COMMISSION**

September 26, 2018

MINUTES

Members Present: Joshua Miller, Meredith Ball, Susan McLeod, Kate Beaton, John Bodkin, Kirk Dahl, Megan Kremer, Terry Weld

Members Absent: Tom Fiedler, Ron Doering, Jenni Sterling

Staff Present: Jeff Pippenger, Pat Ivory

The meeting was chaired by Joshua Miller at the City's Central Maintenance Facility Conference Room and called to order at 7:00 p.m.

Minutes: The minutes of the August 22, 2018 meeting were approved as written.

Business Agenda.

A. Recommendation on Acceptance and Dedication of Land along Schwenk Street as right-of-way. Kristine Basom, from the City Finance Department was present at the meeting to present a request from the Wisconsin DOT to deed back land along the north side of the North Crossing to the west of Welsh Court. The land would become right-of-way. The parcel abuts the Chippewa River.

ACTION TAKEN: Terry Weld moved to recommend approval. Kirk Dahl seconded the motion. All votes were in favor. Motion carried

B. Presentation on Update of the City's Bicycle and Pedestrian Plan. Pat Ivory provided an overview of the update of the City's Bicycle and Pedestrian Plan. The City Engineering Department and City Department of Community Development have been working on the update plan, which is an element of the City's Comprehensive Plan. The current plan was adopted in 2010. The objective of the plan is to serve as a guide for the City and set forth policies to work towards providing improved pedestrian and bicycle connectivity from our neighborhoods to major destination points within the City including the City's schools and parks and open space facilities.

Pat noted that staff utilized the City's Bicycle and Pedestrian Advisory Committee as the primary group in the review and development of the plan. In addition, several open houses were held to obtain public input on the plan as well as posting the draft plan on the City's website. Pat added that he had worked with staff from the Parks Division to identify pedestrian and bicycle deficiencies related to the City's parks.

Pat then reviewed sections of the plan and answered Commission questions. Questions about crosswalks to the south of the Senior Center and signal timing along Madison Street were also

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September 26, 2018
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discussed. The plan will be presented to the Plan Commission and City Council this fall. The Commission thanked Pat for his presentation.

Other Items.

-The Commission reviewed the special events listing and Director's Report.

The meeting was adjourned at 8:15 p.m.

Submitted by,
Susan McLeod, Secretary

PARKS, RECREATION AND FORESTRY

STAFF REPORT

PROJECT NAME: Recognition

To: Waterways and Parks Commission

Date: October 24, 2018

From: Dawn Comte & Todd Chwala

Description: CAPRA Accreditation Recognition

Location: N/A

Background: The City of Eau Claire Department of Community Services - Parks, Recreation and Forestry was recognized and received National Accreditation Status by the Commission for Accreditation of the Park and Recreation Agencies (CAPRA) and the National Recreation and Park Association (NRPA) at the 2018 NRPA Congress September, 2018

Justification: Recognition

Proposed Location: N/A

Facilities Features: N/A

Storm Water: N/A

City of Eau Claire Park and Open Space Master Plan: N/A

City Comprehensive Plan: N/A

Financial: N/A

LAWCON: N/A

PARKS, RECREATION AND FORESTRY

STAFF REPORT

PROJECT NAME: Waterway Viewshed Improvement

To: Waterways and Parks Commission

Date: October 24, 2018

From: Todd Chwala

Description: Recommendation to approve encroachment work on city owned property

Location: N/A

Background: Private party desires to have a better vista/view of Eau Claire River from their property. Trust Point, the private entity who owns the property at 7 S. Dewey Street, would like to hire Tree Savvy, an approved and licensed contractor, to execute the details of this project. Trust Point will pay for the entire cost of the project.

Justification: The project is consistent policy 7.7 of the Eau Claire Parks, Recreation and Forestry Department Policies and Procedures Manual and with the Waterway Plan adopted in 2012.

Proposed Location: Eau Claire River Corridor at 7 S. Dewey St.

Facilities Features: N/A

Storm Water: N/A

City of Eau Claire Park and Open Space Master Plan: Yes

City Comprehensive Plan: Yes

Financial: N/A

LAWCON: N/A



Tree Savvy llc

Tree Savvy LLC proposes to do the following work on City-owned property for Trust Point, 7 S. Dewy St.

- Remove all invasive/non-native trees along the South bank of the Eau Claire river starting at the Dewy St. bridge and working approximately 300 feet East.
- Cut foliage shall be treated with herbicide to prevent re-sprouting in 2019
- Subordinate trees shall be either thinned or removed to allow more desirable specimens adequate room to grow and flourish, in addition any dead trees will also be removed.
- Any native trees deemed to be potentially hazardous shall be removed.
- Once the understory has been cleaned up, the remaining trees will be trimmed to increase visibility of the river.
- All brush and wood cut by Tree Savvy LLC shall be removed from the riverbank and hauled offsite.

After the tree removal and trimming is complete (2018), the site will be evaluated to determine what replanting can occur.

Revegetation will occur in the spring of 2019. Tree Savvy LLC will plant appropriate low-growing native plants. Sumac, dogwood and viburnum are several good choices for the area.



The cost of planting may vary due to Parks and Waterways species, recommendations, size and number of plants needed to complete the project. We also will recheck and spray for any missed or re-emerging vegetation

No Heavy Equipment will be used on the slope of the riverbank, our crew will complete this portion of the project using hand tools only. An aerial lift, chip truck and chipper will be used on the bike path to do some of the removals and trimming. Safety precautions will be observed at all times to insure the safety of pedestrians using the trail during the entire process. Tree Savvy will work with the city staff to appropriately detour the trail while the work in underway.

Trust Point will not be the sole beneficiary of this project. We anticipate that the community as a whole will benefit from these improvements.

- Bike/walk trail users will gain security due to increased visibility.
- The Scenic overlook should see an increase of visitors due to the improved view offered as opposed to the current view of overgrown brush and shrubs.

We feel this project will fit in very well with the re-vitalization of downtown Eau Claire.



List of Native Trees along the riverbank:

Cottonwood
American Elm
Hackberry
Choke Cherry
*Green Ash
Box Alder

List of Invasive/Non-native Vegetation:

Buckthorn
Honey Suckle
** Chinese Elm

- * Will be removed due to Emerald Ash Borer
- ** Some large specimens exist on the site and will be left due to their stature.

Aerial view of location. 300 Feet of Riverbank off of South Dewy St.



Box Alders will be trimmed to improve view. Buck thorn will be removed.



Cottonwood will be lifted and thinned. Brush and non-native bushes will be removed.



Lifting and thinning will be done along with brush removal to improve view from scenic. Non-native brush will be treated with herbicide to prevent re-sprouting.



Large Chinese Elm will be kept due to its stature but will be trimmed and lifted to improve appearance.



Large Cottonwoods will remain but will be trimmed and lifted to improve appearance. Buckthorn will be removed and treated with herbicide. Stumps from removed/ invasive trees will remain in place to prevent erosion but will also be treated with herbicide to prevent re-sprouting.



**Eau Claire Parks, Recreation and Forestry Department
Policies and Procedures**

Objective Number: 7.7

Effective Date: August 10, 2012

Subject: Encroachment on park and recreation lands and facilities.

Purpose: To clarify the position of the Department on boundary encroachments, illegal tree cutting, all-terrain vehicle (ATV) use and other assaults on park lands and recreation facilities.

POLICY

The Department desires to protect park lands and facilities from unlawful and harmful use of park land and recreational facilities by the public.

The Department recognizes that the most common form of encroachment is the felling of trees on public property in order to improve views. Other types of encroachments that are common are the extension of lawns into parks, expansion of driveways and even buildings that extend into parks.

The Department realizes that our community is filled with river and lakefront property that produces desirable views from private homes. However, if every person who desired an expanded view of a river or lake removed trees on public park property, that park land value is reduced. The Department shall strive to maintain park and recreation facility values as high as possible.

Periodically the City Parks and Recreation Department receives requests from homeowners and property owners abutting the many city lakes and rivers asking for permission to increase the views of the water from their homes. City staff denies these requests because they are generally requests to simply clear cut areas to increase their views of the water. That practice would be unacceptable to City staff and water recreation stakeholders who do not desire to see buildings and cars when boating on the rivers and lake.

PHYSICAL ENCROACHMENT PROCEDURE

More broadly, driving ATV, snowmobiles and other vehicles on land that cannot sustain that type of use, is inappropriate and harmful to the park. This common form of encroachment can be minimized by clearly delineating park boundaries whenever possible. Park lands should be surveyed and marked with easily identifiable markers or signage. These markers or signs should be maintained on a regular basis, just as park playgrounds and amenities are maintained.

Any building or lawn encroachment request must be conveyed in writing to the Parks, Recreation and Forestry Department and shall include:

- Site plan of area
- Photos of affected area
- Description of proposed project, including elevations.

The Parks, Recreation and Forestry Department shall route the request to other city staff for input, including the City Attorney and Finance Department. If the encroachment is worthy of further study, an agreement will be drafted by city staff for consideration by the Waterways and Parks Commission and then to the City Council for approval.

VISUAL IMPROVEMENT ENCROACHMENT PROCEDURE

The Department realizes that many parks have serious problems with invasive, non-native plants such as buckthorn, black locust, honeysuckle and purple loosestrife, as well as many other non-desirable plants. The community, via its Waterways Plan 2012 (Page 63, Waterway Forest Management) also stated very clearly that improved visual and physical access to city water resources like our lakes and rivers, is highly desirable. If City staff had time and resources we would be removing more shoreline invasives, failing trees and non-native plants from our parks and shorelines. This partnership should be explored as we expand our partnerships and volunteer programs within our parks with groups like the Master Gardeners, service clubs and Friends groups.

Therefore, the Department realizes that in some instances the removal of invasive vegetation and declining and/or nuisance/diseased trees and vegetation along waterways may be desirable.

The Department will not consider the removal of:

- Native trees. The Department will consider limbing or raising the canopy of native trees and plants if the created view is used by pedestrians from public property. It will not be considered for the sole purpose of improving views from private land.
- Native plants.

The Department will consider the removal of:

- Invasive trees.
- Non-native trees.
- Invasive plants.
- Noxious weeds.
- Malformed trees.
- Diseased trees.
- Trees posing a safety threat or risk to the public.
- Nuisance trees.

APPLICATION PROCEDURE

In order for the City Forester to consider a request the following application materials shall be compiled and presented for review by the City Forester, City staff and the Waterways and Parks Commission. All of the following materials must be presented electronically or printed on paper not to exceed 11" x 17".

- Provide a site plan or map of the area with photos.
- Complete a vegetation survey of the proposed area by a certified ISA Arborist and/or certified landscape architect or certified company.
- The removal of all invasive species in the area identified must occur as part of the project.
- All work must follow American National Standards Institute (ANSI) Standards for tree work.
- Provide a reforestation plan of the site including the planting of appropriate bank stabilization vegetation. Acceptable plants for corridors and slopes include:

Plant	Hardiness Zone	Height
Black Chokeberry	3	5-7 ft.
Service Berry	3	20 ft
Staghorn Sumac	3	15 ft
Gro Low Sumac	4	8 ft
Fragrant Sumac	4	excellent for slopes
American Hazelnut	4	10 ft
American Cranberry Bush	3	10-12 ft
American Plum	2	15-20 ft
Snoberry (Amethyst)	4	8-10 ft
Red twig dogwood	3	8-10 ft
Grey Dogwood	3	8-10 ft
Nanking Cherry	2	8-10 ft
Nanberry Viburnum	3	10-12 ft
Elderberry	3	6-8 ft

- Applicant agrees to pay for the entire cost of the project
- Work to be completed by an approved and licensed contractor
- Applicant may be asked to maintain the area in the future at their cost.
- This and any future work must be done under the supervision of the City Forester.
- Replanting will follow ANSI Standard A300 Industry Best Management Procedures

Upon submission of the above by the applicant, the City Parks, Recreation and Forestry Department shall:

- City Forester shall prepare a site impact report. The City Forester, may recommend for example that with selective thinning and trimming, desirable plants and trees will be released and should thrive under more favorable growing conditions, due to reduced competition from undesirable species and invasives. The City Forester may recommend treating all stumps with a chemical treatment to prevent the re-establishment of the invasive plants in this area.
- Staff will submit the materials for review by the City Community Planning Department for staff review of compliance with the City Shoreland-Wetlands Overlay District ordinance (Chapter 18.12).
- City shall draft an agreement between the City and applicant, should this work be authorized, that addresses liability, insurance, maintenance and estimated cost.
- Parks, Recreation and Forestry staff shall prepare a staff recommendation. Staff may either recommend that this agreement be executed in full or with limitations or denied.
- Present the application to the Waterways and Parks Commission for review and recommendation.

Notes:

1.)The City of Eau Claire Shoreland-Wetlands Overlay District ordinance is the State of Wisconsin model. The WI Department of Natural Resources does not need to approve shoreline vegetation change requests within the City of Eau Claire, however the WIDNR will be asked to review and comment on the proposed plan.

2.) Grading of shorelines is not included in this policy. Applications for grading of shorelines shall be presented to the City of Eau Claire Planning Department.

PARKS, RECREATION AND FORESTRY

STAFF REPORT

PROJECT NAME: Waterway Viewshed Improvement

To: Waterways and Parks Commission

Date: October 24, 2018

From: Todd Chwala

Description: Recommendation to approve encroachment work on city owned property.

Location: N/A

Background: The Easthill Neighborhood Association desires to have a better vista/view of the Eau Claire River corridor adjacent to Boyd Park. The Association is requesting the visual encroachment and would like to coordinate with Xcel Energy to execute the details of the project.

Justification: The project is consistent with policy 7.7 of the Eau Claire Parks, Recreation and Forestry Department Policies and Procedures Manual and with the Waterway Plan adopted in 2012.

Proposed Location: Eau Claire River corridor along Boyd Park

Facilities Features: N/A

Storm Water: N/A

City of Eau Claire Park and Open Space Master Plan: Yes

City Comprehensive Plan: Yes

Financial: N/A

LAWCON: N/A

THE BOYD PARK RIVER VISIBILITY ENHANCEMENT PROPOSAL

October 17th by Mark Ruddy, president of EHNA

The East Hill Neighborhood Group Proposes to complete the following visual improvement with the help of Xcel energy to Boyd Park and the Eau Claire River

PROJECT OVERVIEW

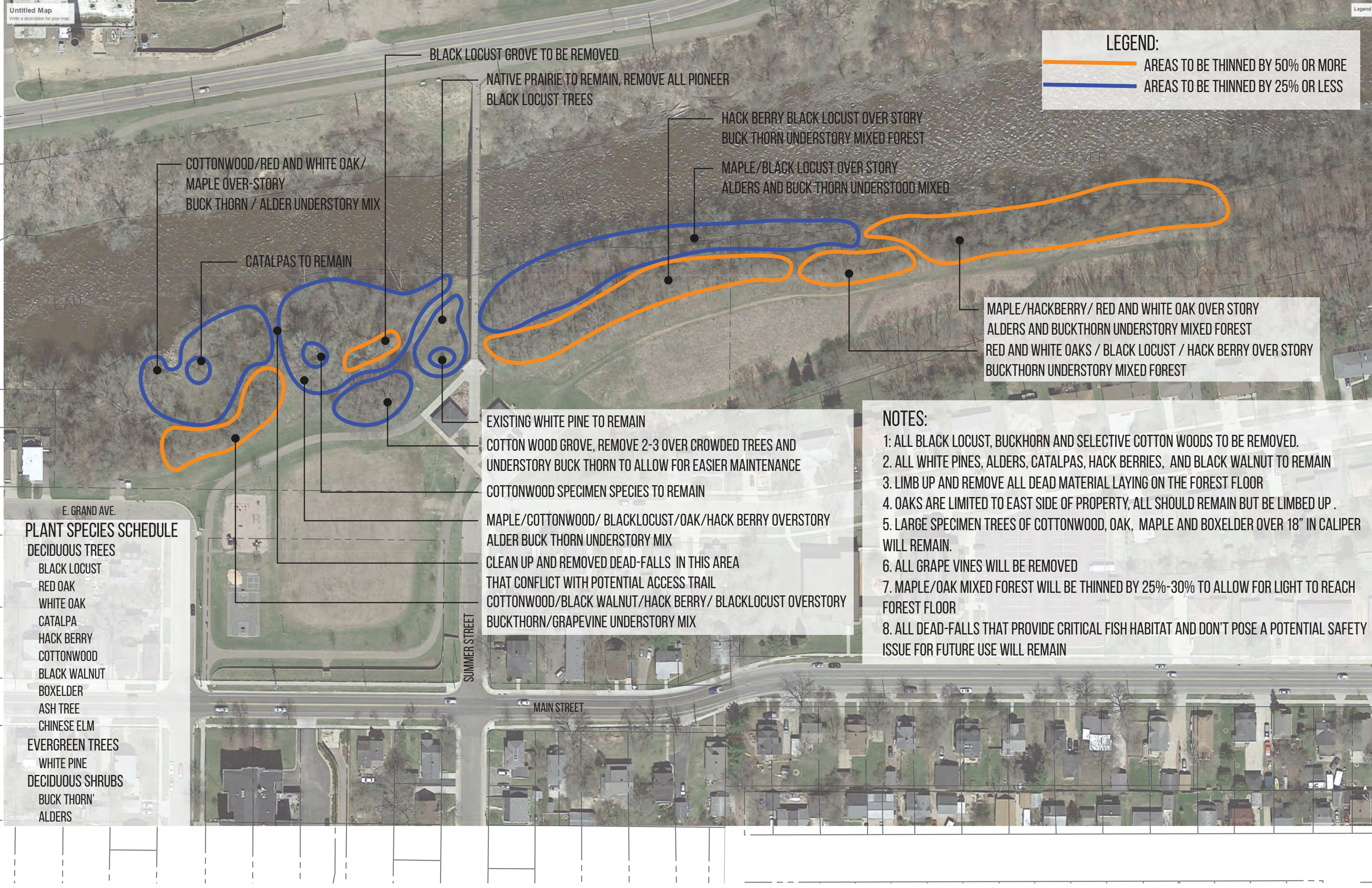
After our Association recently joined the City's Community Services Department in a Memorandum of Understanding that roughly described our intention to improve our Neighborhood Park, Boyd Park, our Steering Committee agreed that our first improvement would be to increase visibility to the Eau Claire River and help to bring the river into the park from a visual sense. Our hope is that this initiative will help to spark a greater connection with the neighborhood and the Eau Claire river.

The most demanding task of the River Visibility enhancement is to remove mature fallen trees and processing of brush and selective harvesting. From the upper bank down to the river's edge there is approximately a 51' drop in elevation. This drop-in elevation makes it extremely difficult for removal of dead debris in a safe manor. That is why we have approached Xcel Energy to donate community service time to use their expertise in handling large timbers that is not accessible by vehicles.

We have many Neighbors who want more positive learning opportunities for their kids and grandkids within Boyd Park. We are very excited to do this work, making our Neighborhood and City more close knit, sustainable, and resilient.

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LEGEND:

- AREAS TO BE THINNED BY 50% OR MORE
- AREAS TO BE THINNED BY 25% OR LESS

COTTONWOOD/RED AND WHITE OAK/
MAPLE OVER-STORY
BUCK THORN / ALDER UNDERSTORY MIX

CATALPAS TO REMAIN

BLACK LOCUST GROVE TO BE REMOVED

NATIVE PRAIRIE TO REMAIN, REMOVE ALL PIONEER
BLACK LOCUST TREES

HACK BERRY BLACK LOCUST OVER STORY
BUCK THORN UNDERSTORY MIXED FOREST

MAPLE/BLACK LOCUST OVER STORY
ALDERS AND BUCK THORN UNDERSTOOD MIXED

MAPLE/HACKBERRY/ RED AND WHITE OAK OVER STORY
ALDERS AND BUCKTHORN UNDERSTORY MIXED FOREST
RED AND WHITE OAKS / BLACK LOCUST / HACK BERRY OVER STORY
BUCKTHORN UNDERSTORY MIXED FOREST

EXISTING WHITE PINE TO REMAIN
COTTON WOOD GROVE, REMOVE 2-3 OVER CROWDED TREES AND
UNDERSTORY BUCK THORN TO ALLOW FOR EASIER MAINTENANCE

COTTONWOOD SPECIMEN SPECIES TO REMAIN

MAPLE/COTTONWOOD/ BLACKLOCUST/OAK/HACK BERRY OVERSTORY
ALDER BUCK THORN UNDERSTORY MIX

CLEAN UP AND REMOVED DEAD-FALLS IN THIS AREA
THAT CONFLICT WITH POTENTIAL ACCESS TRAIL

COTTONWOOD/BLACK WALNUT/HACK BERRY/ BLACKLOCUST OVERSTORY
BUCKTHORN/GRAPEVINE UNDERSTORY MIX

NOTES:

1. ALL BLACK LOCUST, BUCKHORN AND SELECTIVE COTTON WOODS TO BE REMOVED.
2. ALL WHITE PINES, ALDERS, CATALPAS, HACK BERRIES, AND BLACK WALNUT TO REMAIN
3. LIMB UP AND REMOVE ALL DEAD MATERIAL LAYING ON THE FOREST FLOOR
4. OAKS ARE LIMITED TO EAST SIDE OF PROPERTY, ALL SHOULD REMAIN BUT BE LIMBED UP .
5. LARGE SPECIMEN TREES OF COTTONWOOD, OAK, MAPLE AND BOXELDER OVER 18" IN CALIPER WILL REMAIN.
6. ALL GRAPE VINES WILL BE REMOVED
7. MAPLE/OAK MIXED FOREST WILL BE THINNED BY 25%-30% TO ALLOW FOR LIGHT TO REACH FOREST FLOOR
8. ALL DEAD-FALLS THAT PROVIDE CRITICAL FISH HABITAT AND DON'T POSE A POTENTIAL SAFETY ISSUE FOR FUTURE USE WILL REMAIN

PLANT SPECIES SCHEDULE

- DECIDUOUS TREES**
- BLACK LOCUST
 - RED OAK
 - WHITE OAK
 - CATALPA
 - HACK BERRY
 - COTTONWOOD
 - BLACK WALNUT
 - BOXELDER
 - ASH TREE
 - CHINESE ELM
- EVERGREEN TREES**
- WHITE PINE
- DECIDUOUS SHRUBS**
- BUCK THORN'
 - ALDERS

E. GRAND AVE.

SUMMER STREET

MAIN STREET

CLAIRE

EAU

RIVER



VEGETATION SURVEY:

The following species have been identified on the site.

Deciduous Trees:

- Red Oak
- White Oak
- Catalpa
- Hack-berry
- Cottonwood
- Black walnut
- Box Elder
- Ash
- Chinese Elm

Evergreen Trees

- White Pine

Deciduous Shrubs

- Buck Thorn
- Alders

INVASIVE SPECIES

All invasive and/or non-native shrubs and trees will be removed. This includes but not limited to Buck-thorn, black locust and cannery reedgrass. If additional species are identified they will be removed upon discovery. Cut foliage and stumps will be sprayed with a herbicide to prevent re-vegetation.

WORK AGREEMENT:

The East Hill Neighborhood group will work with Xcel Energy to remove all invasive species, thinning overly dense forest and removing potential hazardous material (dead falls and widow-makers) during the fall of 2018. Stumps will be ground smooth and all under-story woody brush will be removed. All material will be processed in an onsite incinerator to limit the amount of truck circulation around the neighborhood and limit the amount of debris left over. All leftover debris will be used as compost material in the Boyd Park community garden.

After initial clearing the East Hill Neighborhood Group will walk the site with a volunteer group to remove remaining debris and apply a herbicide to prevent invasive from revegetating. At that time an assessment of desired view sheds and limbing up of trees will be done. If deemed necessary a separate plan to complete additional clearing will be submitted to city for approval.

All clearing on steep banks will be done by hand and all heavy equipment will be kept free from steep slopes. Xcel energy and the East Hill Neighborhood group will work to keep the site safe for pedestrian and vehicular traffic.

RE-VEGETATION PLAN

After the work agreement is complete and the invasive/ non-natives are removed the site will be evaluated for entire extent of revegetation. During this evaluation period the East Hill Neighborhood Group will broadcast a native seed mix from Prairie Moon Nursery to help reestablish native species and help prevent any erosion. If additional plant is required Stag-horn sumac will be planted in the spring of 2019.

COST AND FUNDING

The financial cost to remove and thin the forest will be accomplished through a joint effort between Xcel energy and the East Hill Neighborhood Group. Xcel will remove and incinerate large debris to limit the amount of off site material to be moved.

MAINTENANCE AGREEMENT

The East Hill Neighborhood Association accepts on-going maintenance for this project and its area. This is an ambitious plan that we feel can be accomplished as stated above and maintained over a long period of time with our current volunteer pool. Currently we maintain the 2 acre prairie with 253 hours. This work included removing invasive trees and general prairie maintenance items. In addition the prairie maintenance we also clean up Margaret streets perennial boulevards each fall with 65 hours. We will work to tap this existing pool and expand the pool of current volunteers to help facilitate community building exercises like this.

PARKS, RECREATION AND FORESTRY

STAFF REPORT

PROJECT NAME: Agreement between the Chippewa Valley Railroad Association Inc., and the City of Eau Claire

To: Waterways and Parks Commission

Date: October 24, 2018

From: Jeff Pippenger

Description: This renewal agreement with the Chippewa Valley Railroad (CVRR) Association is for 10 years, and gives the group the ability to operate and maintain a ¼ scale railroad operation along with buildings and structures.

Location: Carson Park

Background: The City of Eau Claire and the CVRR have had a cooperative agreement for several years, and recognize that this amenity has become an iconic feature to the Community and provides community enjoyment. Both the City of Eau Claire and the Chippewa Valley Railroad Association Inc. wish to continue this agreement for the foreseeable future.

Justification: The Chippewa Valley Railroad is an amenity within Carson Park that explains the history and impact the railroad had on this community. It is an important educational and historical display that is enjoyed by both the young and the seasoned members of the City of Eau Claire.

Facilities Features: Switching tower, a depot and storage building, along with an operable ¼ sized train including an engine and cars.

Storm Water: No Impact

City of Eau Claire Park and Open Space Master Plan: Consistent with the goals of the 2018-2022 Park & Open Space Plan.

City Comprehensive Plan: Consistent with the goals of the 2015 Comprehensive Plan

Financial: Rent of \$1.00 per year will be payable to the City of Eau Claire

LAWCON: Wording in agreement.

**AGREEMENT BETWEEN THE CHIPPEWA VALLEY RAILROAD ASSOCIATION, INC. AND THE CITY
OF EAU CLAIRE**

THIS AGREEMENT dated this 11th day of OCTOBER, 2018, by and between the Chippewa Valley Railroad Association, Inc. ("Railroad Association") and the City of Eau Claire ("City"), collectively the "Parties".

RECITALS

WHEREAS, Carson Park is an important community park in the City of Eau Claire; and

WHEREAS, Carson Park is wholly owned by the City; and

WHEREAS, the Railroad Association provides a valuable service to the Eau Claire community through the operation of its ¼ scale railroad in Carson Park; and

WHEREAS, the railroad has become an iconic feature and amenity within Carson Park; and

WHEREAS, the Parties desire for the community enjoyment and service of the railroad to continue.

THEREFORE, the Parties hereby agree as follows:

1. **Recitals.** The above Recitals are hereby incorporated and form a part of this Agreement.
2. **Term and Rent.** This Agreement shall be for a ten year period commencing from the date of execution. Rent shall be \$1.00 per year, payable in advance of each year of the lease to the City.
3. **Premises.** The Railroad Association shall operate and maintain a ¼ scale railroad operation along with buildings and structures, to include a switching tower, a depot and storage building, within Carson Park in the area substantially designated on Exhibit "A", which is attached hereto and made a part hereof.
4. **Operation.** Railroad operation shall be subject at all times to the approval of the Director of Community Services as to hours of operation of all buildings, structures or other facilities within Carson Park. At a minimum, the railroad shall be in operation on all Sundays and holidays from Memorial Day through Labor Day.
5. **Access by the Public.** The Railroad Association shall allow the general public to ride such railroad, subject to the conditions of this Agreement, and shall further be permitted to charge a fee for such rides. Proceeds shall be used by the Railroad Association in maintaining the railroad, the buildings and structures connected therewith. The Railroad Association hereby acknowledges and agrees that the City shall not be required to incur any cost or expense whatsoever in the operation, maintenance or repair of the railroad or associated buildings, structure and facilities.
6. **Utilities.** The Railroad Association shall pay for separately metered electric, phone and propane gas. The City shall provide water/sewer service.
7. **Capital Improvements.** All capital improvements and maintenance shall be the responsibility of the Railroad Association.

8. **Safety.** The Railroad Association shall operate such railroad in a competent and safe manner at all times, using a qualified engineer, and shall keep and maintain the railroad train, tracks, and appurtenances, buildings, structures and facilities in a good state of upkeep and repair.
9. **Storage.** The Railroad Association shall limit any outside storage on the site. Any long-term storage shall be screened with landscaping or fencing, deemed acceptable by the City, at the expense of the Railroad Association.
10. **Insurance.** The Railroad Association shall carry and maintain in force public liability insurance with a minimum coverage of \$1,000,000 per occurrence. The City of Eau Claire shall be named additional insured in said policy. A certificate of insurance evidencing proof of coverage shall be provided to the City upon execution of this Agreement.
11. **Indemnification and Hold Harmless.** The Railroad Association shall indemnify, save, and keep free and harmless the City of Eau Claire, its officers, agents and employees from and against any and all claims, demands, loss, liability, cost (including cost of defense), or expense of any kind whatsoever which may arise out of, are connected with, or are attributable to the operations permitted hereunder, including any arising under any workers compensation or other occupational disease law, or such claims, demands, loss, liability, cost or expense which arise from the deposit, release or discharge by the association, its officers, employees, agents, representatives or assigns of any hazardous substances, environmental pollution or sources of environmental pollution upon or near the stated premises.
12. **Termination.** This Agreement may be terminated:
 - a. By either party in the event of the failure or refusal of the other party to comply with each provision in this Agreement, following 60 day written notice thereof in advance.
 - b. If any provision in this Agreement is found to violate any law, rule, regulation or any condition under which the City holds title to Carson Park.
 - c. Abandonment of the railroad operation by the Railroad Association.
13. **Removal in Event of Termination.** In the event this Agreement is terminated or the railroad operation is abandoned, for any reason, the area within which the operation is conducted shall be restored by the Railroad Association to its original condition, insofar as possible, to the extent the same is required by the City.
14. **Liens and Encumbrances.** The Railroad Association shall keep the premises, including all buildings and structures thereon, free and clear from all liens and encumbrances of any nature whatsoever. The Railroad Association shall also maintain and repair any buildings and structures in a timely and appropriate manner.
15. **Assignment.** The rights and obligations arising out of this Agreement shall not be assigned without prior written consent.
16. **Right to Enter.** The City, its officers, agents, and employees shall have the right to enter upon and inspect the railroad constructed hereunder and the premises, upon which it is constructed, and all buildings and structures and other facilities. The City shall have the right to request and obtain appropriate financial records of the Railroad Association pertaining to the operation permitted hereunder.

17. **Expansion of Premises.** There shall be no expansion of the railroad operation permitted hereunder beyond the limits shown on Exhibit "A" without the prior express approval of City Council.
18. **Land & Water Conservation Fund (LWCF).** The Parties hereby further agree to the following terms and conditions:
 - a. Railroad Association recognizes that the premises may be subject to the LWCF Act of 1965. Railroad Association agrees to cooperate with the City, Wisconsin Department of Natural Resources, and the National Park Service to implement all lawful requirements of the Act.
 - b. The City retains ownership of all public facilities on the premises. The City may require the Railroad Association to indicate on additional signs, in Railroad Association's advertising and literature, and to take such other reasonable actions to signify the public nature of the premises and facilities thereon.
 - c. The City retains ultimate control over use of the premises. Railroad Association may use the facilities and operate programs per this Agreement. However, the City may require the Railroad Association to modify or discontinue use that is contrary to the lawful requirements of the LWCF Act of 1965 or such other laws, codes, or regulations as applicable.
 - d. Railroad Association shall maintain itself as an organization open to the public in compliance with applicable local, state and federal Civil Rights legislation.
 - e. Railroad Association shall maintain free or reasonable access charges to members of the public desiring to observe the public outdoor recreational activities on the premises. Any access or admission fees shall be subject to review and approval of the City.
 - f. Railroad Association shall maintain the premises in at least as accessible a condition to those with differing abilities as when Railroad Association entered into this Agreement. Railroad association agrees to cooperate with the City should the City need to make alteration to the premises to ensure compliance with the Americans with Disabilities Act or similar state or local legislation.
 - g. Railroad Association agrees to permit the City to conduct periodic reviews at the City's discretion to ensure compliance with this Agreement.

IN WITNESS WHEREOF, the Parties have hereunto set their hands as of the day and year first above written.

CITY OF EAU CLAIRE:

BY: _____
Dale Peters, City Manager

BY: _____
Carrie Riepl, City Clerk

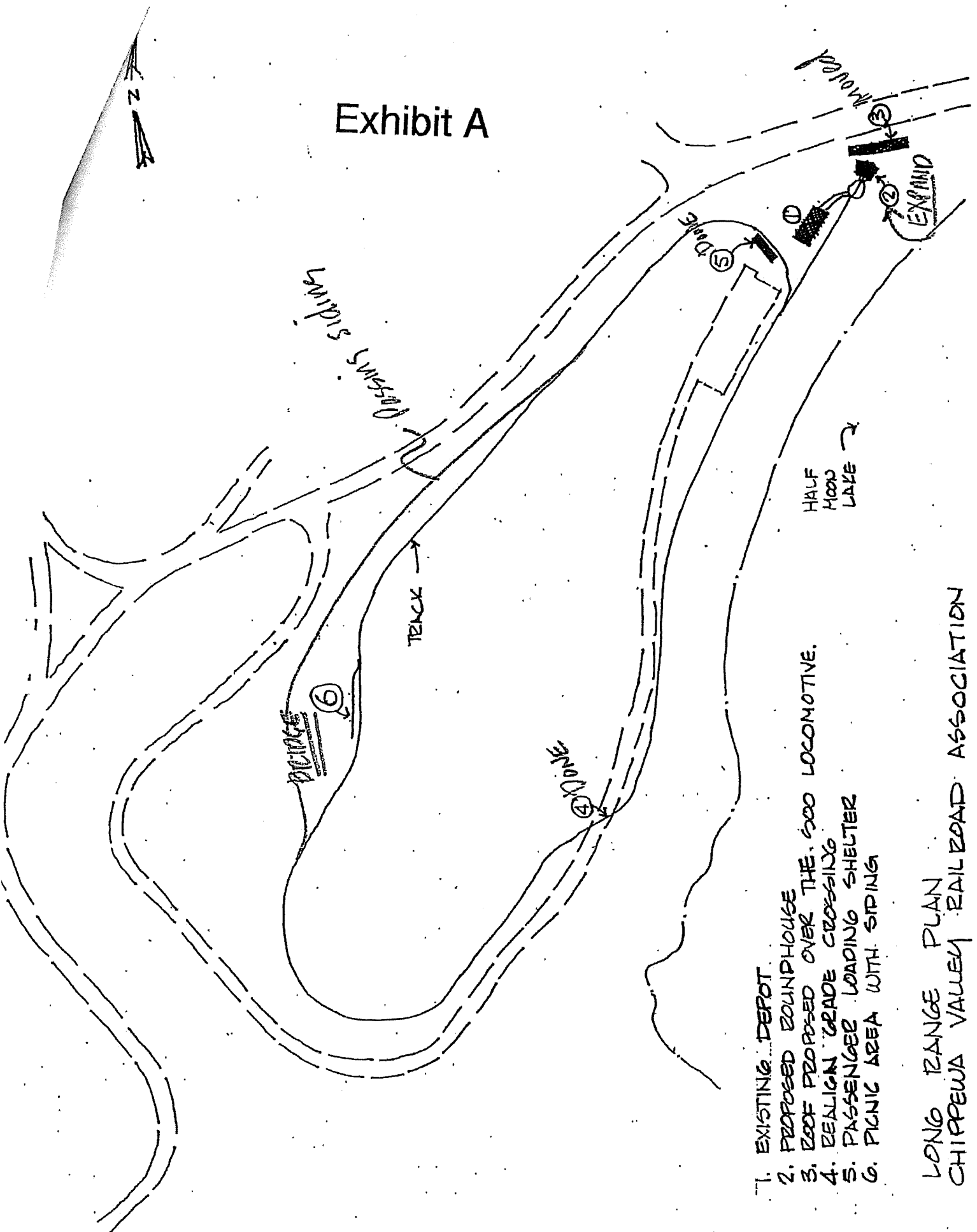
CHIPPEWA VALLEY RAILROAD ASSOCIATION, INC.:

BY: Robert J. Buzeman
ROB BUDZEMAN
Dave Peterson, President

Approved as to form:

Stephen C. Nick, City Attorney

Exhibit A



1. EXISTING DEPOT
2. PROPOSED BOUNDHOUSE
3. DECK PROPOSED OVER THE 600 LOCOMOTIVE.
4. REALIGN GRADE CROSSING
5. PASSENGER LOADING SHELTER
6. PICNIC AREA WITH SPRING

LONG RANGE PLAN
CHIPPEWA VALLEY RAILROAD ASSOCIATION

Waterways and Parks Commission / 2018 Special Event Information

Event Name	Event Date	Location	Estimated Attendance	Reported Attendance
Polar Plunge for Special Olympics	2/24-25	Half Moon Beach	1,000	not reported
Shamrock Shuffle	3/10	UWEC Campus	1,000	750
Chippewa Valley Easter Egg Hunt	3/31	Carson Pine	900	900
Here We Grow Again Sale	4/17-23	Hobbs Akervik	800	2,500
52nd Street Jazz Festival	4/20	Barstow Street	3,500	4,025
Jeanne Richie Memorial Puddle Jump	4/21	Boyd Pk/Phoenix Pk	1,600	1,200
Walk MS Eau Claire	4/28	Phoenix	500	425
Farmer's Market	5/2	Phoenix Park	-	-
Go Paint! Chippewa Valley	5/5	Phoenix Great Lawn	60	not reported
Amazing Eau Claire Cleanup	5/5	Boyd Park	200	400
Eau Claire Marathon	5/6	Sat/Sun Carson	10,000	10,000
Water Street Suites	5/6	Water Street	300	not reported
During Race Celebration	5/6	5th St Parking Lot	900	not reported
Barstow Block Party-Valleybrook Church	5/6	411 & 412 Barstow St	200	200
Barstow Block Party-Childrens Museum	5/6	220 S Barstow Street	500	not reported
Be a Hero Fun Run	5/11	Carson Oak	200	75
Girls on the Run	5/12	Carson Pine/Oak	1,000	1,300
UCP Walk in the Park	5/12	Owen Park	100	not reported
MHS Pops Concert	5/15-16	Owen Park	350	200
Alzheimer's Association Blondes vs Brunettes	5/18	Carson Football/Pine	100	not reported
Great Strides Eau Claire	5/19	Carson Oak	250	not reported
Fido & Friends Fun Run/Walk	5/19	Carson Pine	500	300
Historic Randall Park Neighborhood Carnival	5/20	Randall Park	500	200
Bluegrass on Badger	5/24	Boyd Park	500	500
Rally in the Valley	5/26	Carson Park	300	250
Artist Market	5/26	Phoenix Park	1,500	ongoing
Memorial Day Parade	5/28	Owen Park	2,000	3,000
Tuesday Night Blues	5/29	Owen Park (Phoenix-Aug 7)	1,500	ongoing
Express Fireworks and Scout Sleepover	6/1	Carson Baseball	2,000	ongoing
Eau Claire Triathlon	6/1, 6/2, 6/3	Half Moon Beach	400	650
High 5 Free Yoga	6/2	Phoenix Great Lawn	100	ongoing
North Riverfronts Spring Festival	6/2	North Riverfronts Park	100	not reported
Taste of the Valley	6/1-4	Phoenix Park Pavilion+Amp.	6,000	not reported
360 Drop-In	6/2	Lakeshore Shelter	150	not reported
Dabble Day (was Maker Fest)	6/2	Eau Claire Street	500	not reported
Municipal Band Summer Concert Series	6/6	Owen Park	300	ongoing
Sounds Like Summer Concert Series	6/7	Phoenix Park Amphitheatre	1,500	ongoing
Relay for Life	6/8	Phoenix Park	400	300
United Soccer Tournament	6/8-6/10	Soccer Park	-	-
Chippewa Valley Pride	6/9	Phoenix Park - Lawn	150	300-500
Hullabaloo Kids Concert Series	6-9, 7/14, 8-25	Phoenix Park - Ampitheater	500	ongoing
Hosta Plant Sale	6/10	Phoenix Park	250	not reported
Shrine Circus	6/12-13	Carson Baseball	6,000	not reported
Chippewa Valley Air Show	6/13-18	CV Airport	60,000	40,000
Juneteenth Celebration	6/19	Carson Pine	300	450
International Day of Yoga	6/20	Phoenix Pavilion	300	400
Rock the Riverfront-RCU Charity Classic	6/23	Phoenix Lawn	1,200	700
Spirit Lutheran	6/24	Phoenix Ampitheater	250	not reported
Love Eau Claire Day Camp	6/25-8/2	Cameron Shelter	25	25
Chippewa Valley Votes Summer Social	6/26	Phoenix Pavilion	200	125

Doll & Pet Parade	6/30	1st Ave, Owen Park	1,000	700
Family Day in Downtown	6/30	Phoenix Park - all	5,000	800
July 4th (City Event)	7/4	Carson Park	15,000	-
Oxbeaux Street Concert	7/5	Galloway Street	2,000	2,000
Stand Up Paddle Board Yoga	7/5-7/7	Half Moon Beach	42	25
Taylor Ann Thompson Memorial Softball	7/6-7/8	Carson Park	300	150
Food Truck Fridays	varies	Railroad Parking Lot	1500	ongoing
US National Kubb Championship	7/14	Soccer Park	1,400	1,700
Water Street Mile/5K	7/14	Water Street	500	not reported
Tortoise and the Hare 5K	7/21	Boyd Park	125	not reported
Just Us for Justice Run/Walk	7/25	Carson Park	1000	700
Zumba in the Park	7/25	Phoenix Park	100	45
Downtown Eau Claire Triathlon	7/28	Owen Park	100	140
Spirit Lutheran	8/1	Phoenix Park	400	not reported
Beep Baseball World Series	7/29	Eau Claire Soccer Park	3,700	not reported
Downtown Eau Claire Block Party	7/29	Barstow Street/Grand Avenue	500	1,300
Spirit Lutheran	8/1	Phoenix Park	250	not reported
Half Moon Dragon Boat Festival	8/2	Half Moon Beach	5000	2,000
Get Your Sweat On for Weston	8/5	Phoenix Park-Pavilion	200	80
National Night Out	8/7	Owen Park	-	-
Run, Row, Ride	8/11	Carson - Horseshoe	cancelled	cancelled
Eau Claire Team Hope Walk	8/18	Carson Park	250	not reported
Love Eau Claire - Backpack Event	8/20	Boyd Park	500	500
Grand Evening on the Bridge	8/22	Grand Ave Bridge	150	183
Hebert Dental Patient Appreciation Party	8/23	Hobbs Ice Arena	1000	250
North Riverfronts Back to School Festival	8/25	North Riverfronts Park	100	not reported
Husky Invite	8/25-8/26	City Wells	300	not reported
Festival in the Pines	8/25-8/26	Carson Park	10,000	not reported
Barefeet Co Dance Company	8/26	Owen Park	100	70
Buckshot Run - August 28	8/28	Carson Park	800	not reported
Bucksot Run - September 1	9/1	Carson Park	1,500	1000
Labor Day Picnic	9/3	Phoenix Park	300	not reported
UW Meets EC	9/7	Phoenix Park/Owen Park	900	not reported
Pickelball Palooza	9/8	McDonough Park	150	not reported
Hops for Hockey	9/8	Hobbs Ice Arena	750	300
Out of Darkness Walk	9/8	Carson Park	300	not reported
UWEC Home Football Games	9/8	Carson Park	1,000+	-
Altoona Cross Country Invitational Meet	9/13	City Wells	200	200
Here We Grow Again Sale*	9/14-16	Hobbs Ice Arena	800	not reported
Walk for Life	9/15	Owen Park	300	not reported
Sharing Hope Walk to Prevent Suicide	9/15	Carson Park	800	520
Healthy Kids Running Series	9/15-10/13	Pinehurst Park	750	250
Kids of Steel Triathlon	9/16	Owen Park	250	not reported
Eau Claire Area Heart Walk	9/22	Carson Park	600	not reported
After Dark Series: Hogwarts After Dark	9/22	LE Phillips Memorial Library	350	287
Memorial HS Homecoming Parade	9/28	Carson Park	1,000	not reported
International Fall Festival	9/29	Downtown Eau Claire	5,000	7,000
Walk to End Alzheimers	9/29	UWEC/Ciy Trails	800	not reported
Hike for the Homeless	9/29	Phoenix Park	250	not reported
Meadowview Mile	10/2	Fairfax Park	450	not reported
Sherman Star River Run	10/5	Owen Park	350	
North High School Homecoming Parade	10/5	Carson Park	500	
UWEC Homecoming	10/6	Owen Park/Carson Park	1000+	
Chippewa Valley Car Show-Meet & Greet	10/6	S Barstow Parking Ramp	500	
Making Strides Against Breast Cancer	10/13	Downtown EC/City Trails	400	

Maddy Moments MadDash 5K	10/14	Carson Pine	200	
Haunted Hustle 5K	10/20	Owen Park	400	
Carson 5 & 10	10/27	CP Paul Bunyan	250	
Turkey Trot	11/22	Hobbs	3500	
Clearwater Winter Parade & Let It Glow	11/30	Phoenix Park	5000	
Run Santa Run 5K	12/2	Phoenix Park	600	
Christmas Time in the City	12/1			
New Year's Eve Light Up Eau Claire	12/31			

Completed Event
Approved Event
City Council Review
Waiting for Event Applications

CITY OF EAU CLAIRE COMMUNITY SERVICES DEPARTMENT
PARKS, RECREATION AND FORESTRY
October 2018 Monthly Report

Parks Division

We had the ribbon cutting for the Pinehurst playground on Thursday, October 11, and had the Third and Fourth grade classes from Locust Lane school there to celebrate this occasion along with Council Member Terry Weld, City Manager Dale Peters, and Neighborhood Association member Connie Schroedel. Work continues on the Carson Park Grandstand repairs. We are currently working on the Lakeshore Skate Park erosion control improvements. Our crews are working on Hockey Rink (Pinehurst, Roosevelt, and Putnam Heights) dasher board repairs, and picnic table board replacement ongoing at all parks.

Forestry Division

The Forestry Division continues to prune in the neighborhood south of Mitscher Avenue, east of Nimitz Avenue, and west of Rudolph Road. The Emerald Ash Borer mitigation program continues with removals along the east side of Fairfax Street, south of Clairemont Avenue, and west of STH 93. Our inventory shows that we still have approximately 4,987 ash trees in public property, and we took down about 400 trees this summer. Our stump grinding and planting program has worked in unison of our mitigation program.

Recreation Division

The Fairfax Pool bathhouse is being painted and new shower partitions will be installed for next season. The City Recreation and ECASD summer school attendance was 3,838 participants.

November/December WPC Meetings

Our November and December meetings will be combined to take place on Wednesday, December 5, 2018 at 7:00 p.m. at Central Maintenance Facility.

Prime Times

The 2018 Fall and Winter edition is now available in print, or can be found online at www.eauclairewi.gov/primetimes

Special Events

The Special Events Committee continues to work with all the groups that conduct events within city parks and meets monthly. The group will also review alcohol license applications.



