

CITY OF WAUKESHA

Administration
 201 Delafield Street, Waukesha, WI 53188
 Tel: 262.524.3701 fax: 262.524.3899
 www.waukesha-wi.gov

Common Council Item Number: ID#19-0236	Date: February 18, 2019
Submitted By: Ron Grall, Director of Parks, Recreation & Forestry Dave Rauterberg, Forestry Supervisor	City Administrator Approval: Kevin Lahner, City Administrator KL
Finance Department Review: Rich Abbott, Finance Director RA	City Attorney's Office Review: Brian Running, City Attorney BR
Subject: Approval of the proposed Tree Growing Agreement between Leaves Inspired and the City of Waukesha.	

Details:
 The Parks, Recreation & Forestry Department (WPRF) is always seeking more cost-effective and efficient means of operation. Because of the effects of the emerald ash borer (EAB) we are continuing to remove more trees than we are planting each year. As part of the approved 2019 operating budget, funds were set aside for a second year of growing agreements to help with this problem. With this tree growing agreement, we would put down the first installment of \$30 per tree, which averages about 20% of the full cost, on the trees at Leaves Inspired Nursery this year, locking in future prices and guarantying future stock for several years in the future. We will continue to utilize this program in the future, given a positive experience with this second set of contracts. Specifics regarding tree species, size and timeline are included in the attached contract for Leaves Inspired Nursery, of which the amount is \$5,250.00 for 175 trees.

Options & Alternatives:
 WPRF could continue to purchase trees on a bi-annual basis, however, this agreement locks in prices at lower prices than would be paid in the future. This also guarantees stock, that trees will be available for purchase and planting.

Financial Remarks:
 As part of the 2019 Forestry Operating budget, \$9,800.00 was earmarked in 5610.53510, Non-Assessed Trees to go towards the growing agreements. PRF proposed using all \$9,800 of this, divided between two nurseries, to get the lowest prices for each species. \$5,250.00 will be the contract amount with Leaves Inspired, which is the down payment of \$30 per tree for 175 trees.

Executive Action:
 Recommend approval of the tree growing agreement between Leaves Inspired and the City of Waukesha, and authorize the Mayor to enter into this contact.

Committee Recommendation:
 The Parks, Recreation and Forestry Board approved this item and recommended that Common Council approve the agreement at the February 18, 2019 meeting.





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Contract 1 Contract Growing Agreement Details

This document establishes the procedures for a Contract Growing Agreement under which Leaves Inspired Tree Nursery will grow trees to be delivered to the City of Waukesha from Fall 2020 to Spring 2023. The quantities, species, & prices for the contract are shown below. This document also establishes procedures for placing future orders of trees, if both parties agree to renew this agreement beyond the first contract.

1. **Crop Size:** 175 trees

It is agreed upon by both the City of Waukesha and Leaves Inspired that the following trees shall come into size at the estimated time given. If the trees come into size earlier, Waukesha will have to the option to purchase those trees then or the following year. If the trees are not to size in the estimated time, Waukesha will have to option to purchase the trees at the current size for a smaller dollar amount or purchase the trees the following year. Waukesha will not be charged extra if the trees are larger in caliper as long as they are purchased within the terms. The trees will be balled and burlapped according to ANSI standards, at a minimum, with untreated burlap and sisle twine. The cages will be low profile. Leaves Inspired will harvest at the appropriate time of year for the best plant health. When an order is placed Waukesha has the responsibility to notify Leaves Inspired of the desired delivery date(s). The delivery/pick-up date(s) will be agreed upon by both parties.

Contracted trees include: 30 Autumn Fantasy maple, 30 Swamp White oak, 15 Street Spire oak, 25 Espresso Kentucky coffeetree, 20 Ironwood, 20 Harvest Gold linden, 20 Ivory Silk Japanese tree lilac, and 15 Eye Stopper corktree.

Autumn Fantasy maple is expected to reach 1.75" caliper in Fall of 2020 and is a Fall/Spring dig tree. Swamp White oak is expected to reach 1.75" caliper in Spring of 2022 and is a Spring dig tree. Street Spire oak is expected to reach 1.75" caliper in Spring of 2022 and is a Spring dig tree. Espresso Kentucky coffeetree is expected to reach 1.75" caliper in Fall of 2021 and is a Fall/Spring dig tree. Ironwood is expected to reach 1.75" caliper in Spring of 2023 and is a Spring dig tree. Harvest Gold linden is expected to reach 1.75" caliper in Fall of 2021 and is a Fall/Spring dig tree. Eye Stopper corktree is expected to reach 1.75" caliper in Fall of 2021 and is



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a Fall/Spring dig tree. Ivory Silk Japanese tree lilac is expected to reach 1.75" caliper in the Fall of 2021 and is a fall/spring dig tree.

2. Terms

A. Pricing:

- **Contract 1:** Upon execution of this agreement, the client shall pay an upfront payment of \$30/unit for the trees ordered for Contract 1 as shown above.
- **Upfront Payment – Future Seasons:** To place an order for a future season, client shall pay an upfront payment of \$30/unit.
 1. The upfront payment will be refunded to the client if Leaves Inspired Tree Nursery, for any reason, cannot fulfill their obligations under an order. Examples include: pest infestations, crop failures, natural disasters, quarantine, or failure to deliver for any other reason.
 2. The upfront payment will be retained by Leaves Inspired Tree Nursery should the client decide not to honor their obligations under this agreement to purchase the finished product, or if the agreement or an order under this agreement is cancelled or terminated for any reason other than material breach by Leaves Inspired Tree Nursery.
- **Finished Price:** The finished price of trees for Contract 1 are as shown below. The client will owe the balance of the finished price less the \$30 upfront payment for each unit. The finished price of trees for future orders (if any) will be locked in as the quoted price at the time the order is placed. For Contract 1 and any future orders, any nursery acknowledgment, invoice, etc. shall reflect that the balance due is the finished price less the upfront payment.

Prices

Common Name	Finished Price 1.75"
Autumn Fantasy maple	\$125
Swamp White oak	\$145
Street Spire oak	\$150
Espresso Kentucky coffeetree	\$140
Ironwood	\$160
Harvest Gold linden	\$140



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Eye Stopper corktree	\$140
Ivory Silk Japanese tree lilac	\$140

- **Smaller than expected size:** Should weather conditions impede upon normal/anticipated growth rates, client will be invoiced the price quoted for the actual finished size when less than the size ordered. Minimum saleable size prices do apply. i.e. 1.5" caliper for single stem trees.
- **Larger than expected size:** If accepted by the client, trees that have grown larger than the size ordered will be charged at the price quoted for the original size ordered by the client.
- **Early harvest:** Client has the right to request early harvest of their agreement crop at a smaller size than contracted with the understanding that:
 - Early harvest will not occur if plant health would be negatively impacted as determined by Leaves Inspired Tree Nursery.
 - Early harvest will not occur if, due to labor or time constraints, Leaves Inspired cannot accommodate the request.
 - The client will be charged the price for the finished size received as noted on Parameter Checklist for Contract 1, and as agreed in any applicable future order form.
 - Any request by the client for early harvest will be made in writing and signed by the client forester or designee as change order to this agreement.
- **Delayed Harvest:** Client has the right to delay harvest of an agreement crop, either in full or partial, no more than 1 year beyond the original delivery date specified in the order, with the understanding that:
 1. A written change order must be signed/dated by both Leaves Inspired Tree Nursery & client spelling out that the client, by choosing to delay harvest, will pay the quoted finished price of the tree at the new size even if greater than the original quoted amount.
- **Shipping:** Shipping charges are not included in tree price. Leaves Inspired will arrange for shipping and invoice the client. The client reserves the option to pick up stock at Leaves Inspired's facility or arrange for delivery by hiring its own carrier.



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B. **Quotes for future orders:** To aid transparency and minimize any price confusion placing a future order, Leaves Inspired Tree Nursery will provide the client no later than January 31 of each year a specific quote of pricing for a) upfront payment (\$30/unit) and b) the remainder due upon receipt (finished price) for the sizes requested by the client and sizes up to .5" less than and .5" greater than requested, at .25" increments, and minimum sizes for each species.

C. **Changes to orders:** Both the client and Leaves Inspired Tree Nursery shall retain the option to at any time make changes to an order as long as said changes are mutually agreeable to both parties and neither conflicts with the American Standard for Nursery Stock of the most updated version or current specifications in effect at the time of the order prior to delivery on site to the client. Any such change shall be made by a written change order signed by both parties. The city forester or designee may sign such change order on behalf of the client as long as the funds to pay for the change are budgeted.

D. **Grow Report:** Leaves Inspired Tree Nursery agrees to provide a written annual "growth report" following the spring growth cycle to the city forester or designee for each crop grown under this agreement, on the following schedule: Year 1 – trees planted – no report. Year 2 – report by June 20. Year 3 – report by June 20, and so on, until the crop in question is harvested. The report may contain but is not limited to the following information:

- Species, caliper, condition (poor to excellent), position in contract cycle, work performed on crop.

4. **Procedures at Nursery:**

- If the client wishes to tag the stock of the contracted grow trees he/she can do so. However, Leaves Inspired Tree Nursery can also select the trees to be tagged for client if said client doesn't wish to tag stock.
- Once the contracted crop has been tagged, representatives of the client and Leaves Inspired Tree Nursery will consult and collaborate on the desired final pruning, if any, to be performed on the client's selections prior to order fulfillment.
- Any changes to standard or recommended nursery pruning protocols will be accompanied by a written change order signed/dated by representatives of Leaves Inspired Tree Nursery and client detailing requested/performed deviation from the standard practices.



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- The client shall retain the option to review contracted growing stock at any time during the contract term until the client accepts delivery.

5. **Acceptance of trees:**

- All plant material shall conform to the American Nursery Standard for Nursery Stock, most current edition. The client reserves the right to reject, at any time prior to or upon delivery, any tree that does not meet the ANSI standard referenced above, the client specifications as specified in the applicable order form, or does not meet current specifications if determined to be inappropriate for the clients needs in the opinion of the city forester or designee.
- The client further reserves the right, at the time of delivery, to reject any and all plants that are either damaged due to digging, shipping, handling, or for any reason does not comply with the American Standard for Nursery Stock, most current edition.
- For any unit rejected under this section, the client will receive a refund or credit of \$30/rejected unit. If issued as a credit, the credit shall be applied toward the total finished price owed on the next invoice.

6. **Dispute resolution:**

- Both Leaves Inspired Tree Nursery & the client agree that the mutually beneficial spirit of this contract grow agreement shall be applied to the resolution of any contingency, unaddressed here, which may result from the production of living stock in open fields.

City of Waukesha:

Attest:

Shawn N. Reilly, Mayor

Gina L. Kozlik, City Clerk

Date: _____

Date: _____

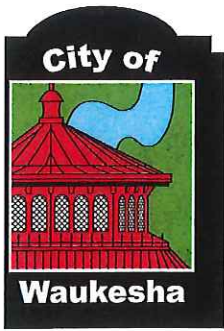
To certify funds are available to pay the City's obligations:



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Richard L. Abbott, Finance Director

Date: _____



PARKS, RECREATION & FORESTRY

1900 AVIATION DRIVE
WAUKESHA, WISCONSIN 53188-2471
TELEPHONE 262/524-3737 FAX 262/524-3713

Ron Grall, Director
rgrall@ci.waukesha.wi.us

February 11, 2019

Leaves Inspired Request for Proposal Bid Acceptance

The City of Waukesha is requesting for proposal to enter into an agreement for the intent to grow trees for the city for future harvest and delivery. Parameters of the agreement will be included into this proposal for the purpose for the city to select the best suited grower for this agreement. Trees shall all conform to the American Standard of Nursey Stock ANZI Z60.1 (or most current) and will be subject to the city's final acceptance of plant material at time of delivery. All trees will be grown to a desired caliper of one and three quarter (1-3/4) inches. Agreement shall include specific price of said material per unit at time of entering into an agreement, number of units required, whether said plant material is guaranteed during the agreement as well as the anticipated completion date of the agreement and the final cost of said plant material and delivery cost or estimation of said cost. A check list is provided to aid us in this selection process. Please provide sample contract with proposal. Proposals will be due by 3:00 p.m. Thursday, February 7, 2019. Receipt of this proposal may be delivered in person, by mail or e-mail to the address below.

Thank You for Your Consideration:

David Rauterberg
Forestry Supervisor
Waukesha Parks, Recreation and Forestry
1900 Aviation Dr.
Waukesha, WI 53188-2471
drauterberg@waukesha-wi.gov
(262)650-2545

Desired Species List:

London Plane, Exclamation
 Maple, Freeman Autumn Fantasy
 Oak, Swamp White
 Oak, Crimson Spire
 Amur Cork, Eye Stopper (or male equivalent)
 Japanese Tree Lilac "Ivory Silk"

Linden, Harvest Gold
 Linden, American Sentry
 Ironwood
 Kentucky Coffee Tree, Espresso
 Elm, Frontier
 Oak, Chinkapin

Checklist of Parameters

Species	Yes	No	Down Payment Required	Final Balance	Years to complete Contract	Comment
London Plane, Exclamation	40		30	100	2	High Mortality, won't accept
Maple, Freeman Autumn Fantasy	30		30	95	2	* Low Bid (30)
Oak, Swamp White	40		30	115	3	* Low Bid (30)
Oak, Street Spire		20	30	120	3	* Low Bid (15)
Oak, Chinkapin		10	30	140	4	I can possibly order this if you want
Ironwood	20		30	130	4	* Low Bid (20)
Linden, Harvest Gold	20		30	100	3	* Low Bid (20)
Linden, American Sentry		n				
Kentucky Coffee Tree, Espresso	40		30	110	3	* Low Bid (25)
Elm, Frontier		N				



Leaves Inspired Tree Nursery LLC
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 Chilton, WI 53014 US
 bill@leavesinspired.com
 jared@leavesinspired.com

Estimate

ADDRESS
Dave Rauterberg City of Waukesha

ESTIMATE #	DATE
1614	02/14/2019

QTY	DESCRIPTION	UNIT PRICE	AMOUNT
30	Acer x freemanii 'Autumn Fantasy', Autumn Fantasy Maple,1.75"	125.00	3,750.00
15	Street Spire Oak 1.75" B&B	150.00	2,250.00
25	Gymnocladus dioicus 'Espresso', Espresso Kentucky Coffee Tree,1.75"	140.00	3,500.00
20	Ostrya virginiana, Ironwood,1.75"	160.00	3,200.00
15	Phellodendron lavalleyi 'Longenecker', Eye Stopper Cork Tree,1.75"	130.00	1,950.00
30	Quercus bicolor, Swamp White Oak,1.75"	145.00	4,350.00
20	Syringa reticulata 'Ivory Silk', Ivory Silk Japanese Tree Lilac,1.75"	130.00	2,600.00
20	Tilia x mongolica 'Harvest Gold', Harvest Gold Linden,1.75"	130.00	2,600.00
TOTAL			\$24,200.00

Accepted By

Accepted Date