



# City of Madison

City of Madison  
Madison, WI 53703  
www.cityofmadison.com

## Meeting Minutes - Approved BOARD OF PARK COMMISSIONERS

---

Wednesday, September 10, 2008

6:30 PM 625 Northport Dr. (Warner Park Community Recreation  
Center)

---

### I. CALL TO ORDER / ROLL CALL

President Barker called the meeting to order at 6:31 p.m. A quorum was present and the meeting was properly noticed.

**Present:** 4 -

William W. Barker; David L. Wallner; Emanuel Scarbrough and Betty N. MacDonald

**Absent:** 2 -

Joseph R. Clausius and Betty Chewning

**Excused:** 1 -

Michael Schumacher

**Members absent:** Betty Chewning

**Parks staff present:** Superintendent Kevin Briski, Si Widstrand, Jim Weinstock, Brad Weisinger, LaVonne LaFave, Russ Hefty, Laura Bauer, Marla Eddy, Joy Kummerow

**City staff present:** Tony Fernandez

A motion was made by Scarbrough/Wallner to take items V. F. and VI. C. out of order.  
MOTION CARRIED UNANIMOUSLY.

**11811**

To amend the formula for calculation of the Mall Maintenance Special Charges for the State Street Mall/Capitol Concourse, to amend the State Street Mall/Capitol Concourse service area, and to approve the schedule of Mall Maintenance Special Charges to be imposed for 2007/2008. (4th & 8th ADs)

**Registered Speakers:**

Jeremy Levin, Chair of Downtown Coordinating Committee support  
Mary Carbine, Downtown Business Improvement District Neutral  
Mary Lang Sollinger support

Superintendent Briski stated that the number of parcel owners who had been paying the special charges was 246. Following a review by a Subcommittee of the DCC, it was determined that some owners were not receiving service and should not be charged. The new number of owners being charged is 185. The bottom line remains the same but the number of owners who are being charged has changed. They also received requests from owners outside the boundaries who want to be included (however that option is not possible at

this point). Charges did go up last year due to the record snowfall and fuel costs. State properties are not included in these calculations because they are exempt by state statute.

Typically the resolution on the State Street Mall/Capitol Concourse charges does not appear before the Park Commission, but because of the changes proposed by the Subcommittee, it is being brought to the Park Commission because the Parks Division maintains the affected areas. Tonight's approval is the first step in the public process to approve the changes. All affected property owners have been notified of the public hearing on this Resolution that will also be on the agenda for the Downtown Coordinating Committee as well as at the October 7 Common Council meeting.

Superintendent Briski recognized Joy Kummerow, Parks General Supervisor/Mall-Concourse, and Laura Bauer, Mall Concourse/Public Works Leadworker for their hard work in maintaining the Mall Concourse area.

A motion was made by Scarbrough/Wallner to approve Resolution ID#11811 to amend the formula for calculation of the Mall Maintenance Special Charges for the State Street Mall/Capitol Concourse, to amend the State Street Mall/Capitol Concourse service area, and to approve the schedule of Mall Maintenance Special Charges to be imposed for 2007/2008. **MOTION CARRIED UNANIMOUSLY.**

#### NEW BUSINESS

Plans for the Capital City Trail – Acewood Interim Path through Acewood Concervancy.

#### Registered Speaker:

Tony Fernandez, Engineering Dept. support

A map detailing the Buckeye extension of the Capital City Trail through Acewood Park was presented. This is part of a continuous 140 mile bike trail crossing the State of Wisconsin from the Military Ridge Trail in Southwest Wisconsin to Waukesha. The only piece that is missing is between Cottage Grove Road and the Village of Cottage Grove. In 1996 the city signed a Memorandum Agreement with the Department of Natural Resources, the County and other governmental agencies to complete this final six-mile gap. The DNR worked toward the Interstate acquiring property and the city has been working in the other direction. The American Family extension has been completed from Dempsey Road to Cottage Grove Road. The city has been working to complete the one-mile section from Cottage Grove Road to Buckeye Road. The intended route for this entire section is along railroad corridor. The city has been working with the operator of the railroad, Wisconsin Southern, who have been cooperative but the owner of the railroad is Union Pacific and they have been unwilling to work with the City. An offer was made to the railroad of more than \$400,000. The cost of the entire project is approximately \$700,000. Because the railroad is not currently willing to work with the city, Engineering is looking at an interim project that would meet some of the goals of the overall project. Instead of going from Cottage Grove Road to Buckeye, a path is being proposed from Vernon Avenue to Leo Drive to the Deerwood cul de sac with a 10-foot wide asphalt path through Acewood Park. The proposal is to build the path from Leo Drive to the sidewalk at a cost of

approximately \$200,000. A public meeting was held in August with approximately 30 to 40 neighbors in attendance, and it was controversial. The concerns expressed dealt with safety and whether the cul de sac could handle bikers. Initially, a widening of the sidewalks in the area was proposed to make it easier for riders but because they want bikers to go slowly through that area, Engineering decided to leave them at their normal width. The comments received following the meeting balanced those in favor and those opposed. Both the alder and the neighborhood association were in favor of the proposal.

Two weeks ago Fernandez met with the Habitat Stewardship Committee of the Park Commission. Issues raised at that meeting dealt with habitat preservation and water quality issues. Engineering proposes to redo approximately 75 feet of the runoff ditch with grading, removal of trees and revegetation. They have met and suggested to the managers of the adjoining property that a retention system be built on their property to address the water quality issues caused by the runoff coming from that property. Engineering will provide them with technical information and they have agreed to fund the improvements. The DNR will have to issue permits for this project because there are wetlands in the area and there will be very minor impact on about 5% of an acre. Engineering believes they will receive the DNR permit for the work. Bidding for the project will occur in 2008 for construction in 2009.

There are many areas of the city where bicycles are allowed on sidewalks and come in contact with pedestrians. This also occurs on bike paths. Typically when bike paths are built they are wider than normal sidewalks. In this case Engineering doesn't encourage bikers on sidewalks and doesn't consider this an ideal situation. If they anticipated a high volume of bikers they wouldn't be proposing this alternative. However, this is an interim solution and will be the end of the bike path until such time as they can use the rail corridor. The hope is that the railroad will change ownership in the future and the new owners will be more cooperative. The two end portions of the path would remain after that would occur and would provide neighborhood connections to the main path.

Russ Hefty, Parks Conservation Supervisor, reported that Acewood Pond is the highest quality kettle pond in the Madison system. There is an outlet at the north end by Leo Drive that allows storm water to pass through it very rapidly. There is good quality emergent vegetation. The pond is approximately one-third of its original size because the area had been previously filled. After Engineering finishes the work on the runoff ditch it will be planted using native species. This project will also allow Conservation access to go in and do additional work on the kettle pond area and to improve the storm water drainage in other portions of the park. Staff will create a master plan for the park in the near future that will address how to move people through the park.

Registered Speaker:

Nancy Beszhak        oppose  
Ald. Judy Compton (arrived after item but registered support)

Following the speaker, Fernandez indicated there might be approximately 250 bikers a day following the completion of that portion of the bike path. There is no standard signage for cul de sacs in these types of situations to alert bikers of pedestrians and motorists. He also stated that speed bumps are never put in on bike paths and noted there is a sharp corner and a substandard curb that

will jolt bikers if they are going too fast. The best way to slow down bikers is to keep the path narrow. He indicated he would be willing to work with the neighborhood to develop signage.

A motion was made by Wallner/Clausius to approve the plans for the Capital City Trail – Acewood Interim Path through Acewood Conservancy. MOTION CARRIED UNANIMOUSLY.

**II. APPROVAL OF MINUTES**

A motion was made by MacDonald/Wallner to postpone the Minutes of the regular meeting of July 9, 2008 of the Park Commission to the October meeting. MOTION CARRIED UNANIMOUSLY.

**Present:** 6 -

Joseph R. Clausius; Michael Schumacher; William W. Barker; David L. Wallner; Emanuel Scarbrough and Betty N. MacDonald

**Absent:** 1 -

Betty Chewning

**III. PUBLIC COMMENT**

There were no members of the public who wished to comment on items not on the Agenda.

**IV. REPORTS**

**A. Olbrich Botanical Society**

A motion was made by MacDonald/Wallner to accept the Minutes of the regular meetings of Minutes of June 17 and July 15, 2008 of the Olbrich Botanical Society. MOTION CARRIED UNANIMOUSLY.

**B. Warner Park Community Recreation Center Advisory Committee**

A motion was made by Wallner/Clausius to accept the Minutes of the regular meeting of Minutes of May 22, 2008 of the Warner Park Community Recreation Center Advisory Committee. MOTION CARRIED UNANIMOUSLY. A motion was made by Walner/Clausius to approve the 2009 WPCRC fee changes as proposed, with two exceptions. Madison Resident Youth daily admission fees and Madison Resident Youth 20 visit punch pass fees will not be changed and will remain at the current level. MOTION CARRIED UNANIMOUSLY

**C. James Madison Park Property Planning Committee**

Wallner reported the committee met on September 4, 2008 and discussed the three houses in terms of reuse as residences or other uses, possibly by non-profits. They also discussed the shoreline zoning ordinance. No decisions have been made yet.

**D. President of the Park Commission**

President Barker announced that Russ Hefty and the Conservation Section recently won an award from the Wisconsin Wetlands Association for the restoration work occurring in Cherokee Marsh. He also noted that Si Widstrand also worked on the project back when he was in the Conservation Section.

Tomorrow night a Rededication event at the Brittingham Boathouse will be held from 5 to 7 p.m. at the Boathouse. The Camp Randall Rowing Club and Madison Parks Foundation were instrumental in saving this landmark.

**E. Superintendent of Parks**

A motion was made by Scarbrough/MacDonald to accept the written Report of Supervisor's Activities. MOTION CARRIED UNANIMOUSLY.

Superintendent Briski reported that Breese Stevens Field is up and running, again hosting soccer games. There will also be a wedding there in the near future. The Thai Festival is this coming Sunday at Olbrich Botanical Gardens Thai Pavilion. The attendance numbers for the pool, beaches, and forestry work are listed in the monthly report. Golf numbers are up at all the courses this month. Owen Conservation Park was one of the sites for the United Way Day of Caring. Russ Hefty was recognized for his work at Cherokee Marsh.

He spoke about the monthly newsletter that highlights activities in our parks. It is sent out electronically to all of our People for Parks partners, alders and friends groups. This month's feature article covers the new Parks Watch program, which is actually a national program. Parks has partnered with the Police Department and they will handle training in conjunction with its Neighborhood Watch program.

Scarbrough noted that he receives great reviews from visiting golfers regarding our courses. It is his belief that Trgve Ejern is one of the best greenskeepers in the state.

**V. COMMUNICATIONS**

11799

Communication dated August 26, 2008 from Ald. Cnare on behalf of a group of neighbors of the Door Creek Park re: referral of the topic of Door Creek Park ski trail construction and placement to the Board of Parks Commission Agenda, September 10, 2008, for further discussion.

Widstrand reported that the Door Creek Master Plan was presented to the neighborhood back in March and was then brought to the Park Commission for approval in April. The ski trail system loops through the park on the upper and lower sides and utilizes the wooded areas along the west side of the park. He also indicated the ski trail joins the trails on the Dane County portion as well. This concept is fairly typical of how ski trails are built in wooded areas and has been used for ski trails in other city parks such as Elver, Olin-Turville, Cherokee Marsh, and Owen Conservation Parks. He then exhibited a map showing the existing houses and their property lines, also showing the large trees that are near the ski trail on the park side and hillside below the trail. There are also several large trees in the backyards of residents near the trail. The woods is heavier as you get down the slope and there are not as many trees closer to the property line and the ground is flatter in that area. The topography gets steeper when you get further down into the woods. The map also shows the critical zone area of the trees in question. The guidelines that Parks has used on ski trail development in the past is not to grade close to trees or cut close to trees that would cut off large portions of the root system. The second criterion is to look at the critical root zone area and not disturb more than 1/3 of the root or a tree is in trouble.

The plan is to grade on the upper side of the trail and to use fill on the lower side of the trail. This would produce a disturbed area of between 10 to 20 feet on the slopes. The result for the large trees that have been identified on the map is that approximately 10 to 30% of the critical root zone would be affected. Based on past practice, Parks believes this will be a very successful outcome as other ski trail developments have been. A combination of grading, cutting and putting fill on top of the feeder roots will be utilized. An 8-foot path is needed and the plan is to have a ten-foot flat surface that would then slope down.

There are two areas where the path is approximately 4- to 5-feet to the trunk of a tree and Parks would build up those areas because if they tried to move the trail to the low side of the tree they would be cutting into the critical root zones of multiple trees as well as cutting into the steep hillside while going on the upper side of the tree allows the trail to remain in a relatively flat area by building up a couple inches of material near the tree instead of cutting down into the roots.

The critical root zone area for oaks is 1.5 times the diameter of the tree in feet. Schumacher questioned whether the building and grading of the backyards could have already damaged some of the oak trees. Marla Eddy, City Forester, did a tour of the site and examined the trees in question. President Barker interjected, asking whether additional stressors such as gypsy moth or oak wilt were present. Eddy reported that for the white oak and red oak family, calculations to determine the approximate age are to take the diameter of the tree and multiply by 3. Her records indicate the species are burr oak and northern red oak. Burr oak are very tolerant of root loss and compaction. The Red oak are moderate to good as far as tolerant of root loss and compaction. Eddy then provided a verbal report and distributed photos showing the condition of each of the trees. The written report of the City Forester is attached to these Minutes. Of the six trees, three are in poor (actually dying) condition, one is fair and two are in good condition. With consideration and proper cutting of the roots there should not be any negative impact on the identified trees. The oaks should not be pruned between April 1 and October

15. She also indicated there is oak regeneration in the under story and counted more than 20 trees, together with hackberry, hickory and black cherry trees. Eddy also reported she could not state with certainty how much of the poor condition of the trees was caused by the excavations and subsequent landscaping during the construction of the houses.

Widstrand indicated that some selective hand work could be done to establish the top side of the trail so the roots aren't cut and then start working with equipment to put the fill in on the lower side of the trail. Some mulch can be put in but the fill material needs to be a firm material like gravel or soil. If the trail were moved down 100 feet it would be on a much steeper slope and would threaten more trees. Prior to the subdivision, the tree line ended at that approximate line providing a natural tree line. There was an open hill top that was believed to be pasture prior to development. A dozer with tracks would be used during this construction. There will be some impact to some of the feeder roots of the trees in the 25% of the critical root zone that will be under the trail. He believes this will be minimal and recommends using wood chips.

Registered Speakers:

Ald. Lauren Cnare Neutral  
Pete Anderson – Madison Nordic Ski Club support  
Brian Hayes – resident on Bluff Point Dr. oppose  
Steve Vicen – arborist hired by residents oppose  
Eric Poephe – resident of Bluff Point Dr. oppose  
Carol Weber – resident of Bluff Point Dr oppose  
Kari Krueger – resident of Bluff Point Dr oppse  
Elizabeth Backes – resident of Bluff Point Dr oppose  
Terry Warnke – resident of Bluff Point Dr oppose  
Brock Woods – Madison Nordic Ski Club support  
Ryan Jennissen – Sprecher East N.A. oppose  
James Weber – resident of Bluff Point Dr oppose  
Steve Pullara – resident of Bluff Point Dr oppose

Members of the Park Commission related that they understand that trees do not grow overnight. It is their duty to weigh the needs of the public using the park, the needs of skiers, and the needs of neighbors. They also believe in the credibility of the city forester. The discussion tonight has been in reference to seven trees of which one is not affected, three are dying, two are in fair condition and only one is in good condition. They also did not hear that what the Parks Division is going to be doing will damage the trees. The cause and effect relationship between putting in the ski trail and killing the trees is not clear. The Commissioners did not hear that the neighbors don't want the trail in their back yards. That is a legitimate value in wanting to preserve privacy and have the ski trail moved elsewhere. They did not hear from people living across the street having the same concern about the trees. Purchasing property that abuts a park, should not guarantee homeowners privacy from users in the park. The Commissioners noted that the comments have been articulate and heartfelt and they are asking that the trees be protected.

This park should be a jewel for the Madison Park System and the Commissioners were impressed with the landscape when they toured it this past summer. The proposal for the park was prepared by highly competent

staff and the Commissioners felt Parks staff would not propose any plan that would put the trees in imminent danger. It was also noted that the speakers didn't mention any trees other than those behind their houses. Commissioners were told that the ski trail would not loop if that one section was lost. The quality of the skiing would also diminish because it would no longer have the wooded area to protect the snow cover.

President Barker than spoke about two balancing acts in this issue. There is always contention between conservation activities in parks and regular activities in parks. There is also the balancing act of what neighbors who have parks in their backyard want versus the needs of the whole city. The Park Commission ultimately has to balance all those competing needs. The Commission relies on the competency of staff who have been doing this for a very long time. Widstrand noted that he has not heard anything at this meeting that would cause him to change the current plan and he would not move the trail lower on the slope. With regard to a statement regarding whether barriers would be created to protect residents' privacy, plantings could be done along some portions of the trail. There is also the option that the residents could put in plantings on their own lots. Parks would not place plantings that close to the trail because it creates maintenance problems for grooming.

Ald. Cnare then addressed the Commission, stating that prior to the Commission making its decision, and she felt they would make as a wise a decision as they possibly could, she was thankful they listened to everyone tonight. No matter what decision is reached, one of the most important pieces is that there is frequent and clear communication back to the residents including definitions of what is heavy equipment and hand work. Mark the trail and let the residents know what will be done, where it will be done and when it will be done.

A motion was made by Wallner/MacDonald to approve the plan as presented and requested that Parks staff include a communications plan to keep residents informed on the progress. **MOTION CARRIED UNANIMOUSLY.**

A motion was made by Scarbrough/Schumacher to take a ten-minute recess. **MOTION CARRIED UNANIMOUSLY.**

Roll Call following recess: Barker, Clausius, MacDonald, Scarbrough, Schumacher, Wallner present.

**B. Request of Clara Neale and Renee Knight to host a Record Breaking Twist-o-rama for Obama: on September 27, 2008 in James Madison Park east of the Gates of Heaven.**

Registered Speaker:

Clara Neale support

A motion was made by MacDonald/Clausius to approve the request of Clara Neale and Renee Knight to host a Record Breaking Twist-o-rama for Obama: on September 27, 2008 in James Madison Park east of the Gates of Heaven subject to sponsor's compliance with staff recommendations. **MOTION CARRIED UNANIMOUSLY.**



- C. Request from John Fournelle of Madison Veterans for Peace Chapter 25 to place 4500 Memorial Gravestones in Forest Hill Cemetery adjacent to Speedway Road for a Veterans/Armistice Day-Week 2008 Observation from November 8 to November 15, 2008.

Registered Speaker:

John Fournelle support  
Wayne Nelson – not speaking support  
John Carey – not speaking support  
Steve Books – not speaking support  
Joel Garb – not speaking support  
Gail H. Price – not speaking support  
Mike Boehm – not speaking support  
Paul McMahon – not speaking support

A motion was made by Schumacher/Scarborough to approve the request from John Fournelle of Madison Veterans for Peace Chapter 25 to place 4500 Memorial Gravestones in Forest Hill Cemetery adjacent to Speedway Road for a Veterans/Armistice Day-Week 2008 Observation from November 8 to November 15, 2008 subject to sponsor's compliance with staff recommendations. MOTION CARRIED UNANIMOUSLY.

- D. Request from Dean Tydrich of Deano Dock & Lift to occasionally park his workboat at city boat launches.

Registered Speaker:

Dean Tydrich support

Superintendent Briski stated the Parks Division reviews these types of written requests and Deano Dock & Lift has requested approval from the Park Commission. Parks staff have concerns about the aesthetics and cueing for this 40 foot aluminum boat and crane. There is a liability in having such a structure parked at a launch site. However, this type of request has been approved in the past with a different vendor. If the Park Commission approves this request, Parks staff recommends that the daily launch fee be charged as is done with the other vendor, instead of allowing Mr. Tydrich to purchase an annual permit. Further that there be coordination with Parks staff on the duration and location for the boat. There are some locations that would be more aesthetic and safe. .

Mr. Tydrich estimated that he would use a city launch site two to three weeks in the spring and fall. His crane folds down to about 6.5 to 7 feet in height.

Superintendent Briski added there would be staff time in managing this proposal that would not be recouped in the daily launch fee. If the Park Commission would so direct, those costs could be recouped. He also noted that he would like to check with the city's legal staff regarding the need for a certificate of insurance to hold the city harmless.

A motion was made by Wallner/Clausius to refer the request from Dean Tydrich of Deano Dock & Lift to occasionally park his workboat at city boat launches for one month to obtain more data. **MOTION CARRIED UNANIMOUSLY.** The Commission wants information regarding the number of times throughout the year the boat would be launched as well as the length of time it would be there.

E. [11795](#)

Authorizing the execution of a Dedication Agreement between the City of Madison and Homburg Farms, LLC for the dedication of land for the Glacial Drumlins State Bike Trail, and the execution of a sanitary sewer easement with the Village of Cottage Grove and a bike path easement with the Wisconsin Department of Natural Resources within the dedicated lands.

Widstrand noted this is part of the missing 6-miles of the bike trail between the city and Cottage Grove. The DNR was working on this segment but ran into an owner who didn't want to sell and the DNR did not want to condemn the property. The owner of the land was interested in working with the city on a dedication agreement where the Parks Division would accept the land for park dedication and he would get credit for it either in this development or in another development within the city. It's more complicated that it should be but it allows the segment of the bike trail to happen.

A motion was made by MacDonald/Scarborough to approve Resolution ID#11795 Authorizing the execution of a Dedication Agreement between the City of Madison and Homburg Farms, LLC for the dedication of land for the Glacial Drumlins State Bike Trail, and the execution of a sanitary sewer easement with the Village of Cottage Grove and a bike path easement with the Wisconsin Department of Natural Resources within the dedicated lands. **MOTION CARRIED UNANIMOUSLY.**

**Absent:** 1 -  
Betty Chewning

**Ayes:** 6 -  
Joseph R. Clausius; Michael Schumacher; David L. Wallner; Emanuel Scarborough; Betty N. MacDonald and William W. Barker

VI. **NEW BUSINESS**

A. **Fees for 2009 for Shelters, Gates of Heaven, Athletic Events, Dog Parks, Winter Activities, Lake Access, Boat Mooring and Boat Storage, Warner Park Community Recreation Center.**

Superintendent Briski noted the proposed fees have been reviewed by staff and there are modest increases in shelters, Gates of Heaven, athletic events, boat mooring and storage. In response to a question from Schumacher regarding whether these fees represent fiscal prudence, Superintendent Briski replied that instead of raising prices too much the hope is to encourage frequency of use through promoting our services, especially in these trying economic times. The Madison Stay-cation promotion was a good indicator that Parks provides good value. All the fees go into the general fund with the exception of the dog park permits. The fees were established by staff with no outside requests to keep the fees low.

Fees for golf will be presented at a later date because the Golf Committee is looking at a different fee structure.

A motion was made by Wallner/Schumacher to approve the fees for 2009 for shelters, Gates of Heaven, athletic events, dog parks, winter activities, lake access, boat mooring, boat storage and the Warner Park Community Recreation Center as presented. MOTION CARRIED UNANIMOUSLY.

**B. Diseased and Dead Elms and Oaks on Private Property, 2008 Requiring Condemnation.**

LaFave reported that the item appears in this format to be in compliance with Madison General Ordinances. The procedure includes the statement recommending the public hearing announcement at the September meeting to be acted upon at the October meeting. Forestry then notifies all owners of trees that are affected that they have the right to appear before the Park Commission before the trees are formally declared public nuisances.

A motion was made by MacDonald/Schumacher to recommend that at the October 15, 2008 meeting of the Board of Park Commissioners, a public hearing be held beginning at 6:45 p.m. to declare diseased and dead elms and oaks a public nuisance according to City of Madison General Ordinance 23.40 (4)(b).).

**VII. ADJOURNMENT**

President Barker thanked all present for the congenial and collaborative atmosphere of the meeting. The hallmark of the Park Commission has always been that it is a cooperative place where they are able to solve problems. Tonight has been an example of the Park Commission at its best.

Superintendent Briski then reported that Monday, September 22, 2008 a special Park Commission meeting has been set to hear the Olbrich Master Plan issue. We have since been notified that the Council will have a meeting on the budget that evening and all Committees, Boards, and Commissions have been asked to not hold meetings during that time. A new date will need to be established for that special meeting. All Park Commissioners will be contacted to determine a new meeting date.

On motion of Schumacher/Scarbroough the meeting adjourned at 10:10 p.m.