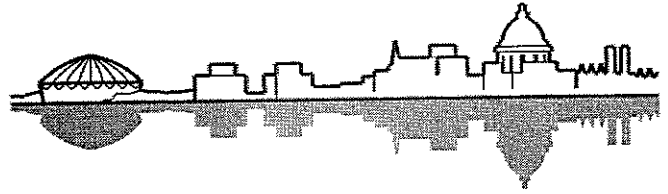


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**Date:** January 3, 2006  
**To:** Mayor and Members of the Common Council  
**From:** Larry D. Nelson, P.E., City Engineer  
**+Subject:** Council Agenda Item No. 24 – 02154 Denial of Appeal – Prohibited Use of Public Greenway

Noted below is the excerpt from the official Minutes of the December 7, 2005 Board of Public Works meeting regarding discussion of ID 02154 – Notice of Appeal – Prohibited Use of Public Greenway. [The Final BPW minutes are posted to the December 7, 2005 legislative information center, meeting & agenda calendar].

**A motion was made by Mr. Rewey, seconded by Mr. Elmakias, to RECOMMEND TO COUNCIL TO DENY - REPORT OF OFFICER**

Jessica Long, Assistant City Attorney, distributed to the board a copy of a letter sent September 12, 2005, to Rhonica Lemanski, of 7325 Blue Maple Trail, regarding prohibited use of City greenway. A copy of MGO 8.15, Regulation of Private Use of Greenways and Park Lands, was also distributed. The board reviewed the letter and ordinance.

Kathy Cryan, City Engineering Division, briefed the board on contact with the residents at 7325 Blue Maple Trail. She stated the Engineering Division discovered landscaping materials being stored in the greenway in October of 2003. On October 21, 2003 a notice regarding the prohibited use of greenway was sent to Rhonica Lemanski.

On September 21, 2005 a notice regarding the prohibited planting of five large trees about 15 feet into the City's greenway on the backside of 7325 Blue Maple Trail, was sent to Rhonica Lemanski.

Troy Raegels addressed the board. He stated he was a co-owner of 7325 Blue Maple Trail, and had spoken with Mike Dailey, City Engineering, regarding planting trees in the greenway. He said he had been advised by Mr. Dailey to submit a sketch to the Engineering Division of proposed plantings and their locations. Mr. Raegels said he had done so, although he could not recall to whom the materials had been submitted, nor could he provide a copy of the sketch for the board. He said he never received a response from the Engineering Division and had progressed with his plans because of a deep concern for the environment.

Mr. Dailey said he recalled the conversation with Mr. Raegels but did not receive a sketch and added that per established procedure, Mr. Raegels would also have been advised that a written permit is required prior to the

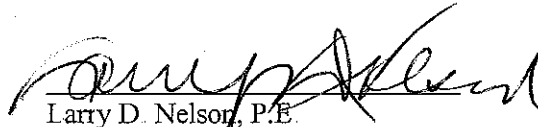
trees being planted.

Ms. Cryan also stated she did not receive a plan or approved permit for the trees to be planted.

Ms. Hewitt commended Mr. Raegels for his environmental concerns and said she hoped he would contribute his energies to an organization working to protect the environment. She however cited the primary purpose of a greenway is for stormwater conveyance and the species of trees planted are in direct conflict with this purpose.

The motion passed by acclamation.

Respectfully submitted,



Larry D. Nelson, P.E.  
Executive Secretary  
BOARD OF PUBLIC WORKS

LDN:mjb