



City of Madison

City of Madison
Madison, WI 53703
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Meeting Minutes - Approved BOARD OF PARK COMMISSIONERS

Wednesday, September 14, 2011

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

I. CALL TO ORDER / ROLL CALL

The regular meeting of the Madison Board of Park Commissioners was held on Wednesday, September 14, 2011 at Warner Park Community Recreation Center, 1625 Northport Avenue. President Wallner called the meeting to order at 6:32 p.m. A quorum was present and the meeting was properly noticed.

Parks staff present: Superintendent Kevin Briski, Kay Rutledge, LaVonne LaFave

City staff present: Katie Crawley, Mayoral Aide

Alders present: Anita Weier, Bridget Maniaci

Park Commissioner: Betty Chewning present

Present: 6 -

Ald. Mark Clear; Madelyn D. Leopold; Joseph R. Clausius; William W. Barker; David L. Wallner and Emanuel Scarbrough

II. APPROVAL OF MINUTES

A motion was made by Scarbrough/Barker to approve the July 13 and August 10, 2011 Minutes of the regular meetings of the Park Commission as amended. On page 4, third paragraph, insert the following sentence "Barker expressed concern that it would be an issue." before the last sentence in that paragraph. On page 8 under Public Input insert "Superintendent Briski made the following comments." as the first sentence in that section. MOTION CARRIED UNANIMOUSLY.

III. PUBLIC COMMENT

Registered speaker:

Karen Matteoni issues of Boat hoist on path in Yahara Place Park and Children swimming without adult supervision

IV. DISCLOSURES AND RECUSALS

There were no disclosures or recusals by members of the Commission for any item on the agenda.

V. REPORTS

- A. [23839](#) Minutes of Olbrich Botanical Society meeting of July 19, 2011

A motion was made by Scarbrough/Leopold to accept the Minutes of July 19, 2011 meeting of the Olbrich Botanical Society. MOTION CARRIED UNANIMOUSLY.

- B. Warner Park Community Recreation Center Advisory Subcommittee Minutes of May 26, 2011 Meeting

A motion was made by Scarbrough/Leopold to accept the Minutes of the May 26, 2011 meeting of the Warner Park Community Recreation Center Advisory Subcommittee. MOTION CARRIED UNANIMOUSLY.

In response to a question, WPCRC will change the free time from Wednesdays to Mondays during the school year if the gym is not already scheduled.

- C. President of the Park Commission

President Wallner reported that he attended the 40th anniversary celebration of Gates of Heaven in July. Mayor Soglin was present and there was a wonderful crowd and music. He also attended the Clean Lakes Festival and helped staff a booth for the Friends of Olin Turville (FOOT). It was a wonderful event that included representatives from the DNR, Friends of the Arboretum and other environmentally conscious groups. FOOT provided tours of the Turville Woods restoration. He and Leopold attended the budget forum held by the Mayor at the Orchard Ridge United Church of Christ in August when libraries, parks and major facilities were discussed. He suggested that Park Commission members volunteer at the Ride the Drive event scheduled for September 25. He has also continued visiting parks and went to Sycamore and Mayfair parks in August.

The John Nolen Task Force is moving along with its work and a final report should be ready in about a month. Both Alders Clear and Clausius also serve on the James Madison property surplus committee and have been meeting to decide the fate of the three houses on Gorham Street. The sale of 640 Gorham to Lusson/Tierney has been approved. The proposals for 646 and 704 Gorham were not accepted and the RFP's have been reissued for an additional 45 days due to the poor quality of the proposals. The consensus of the committee was to have the properties remain as single family homes.

Barker stated that a few weeks ago there was an issue with a pre-settlement burr oak tree in Vilas Park that got him thinking about the ad hoc nature of the decision that was made. There is not a good way to deal with urban forest heritage trees and he is proposing an historic tree registry that would define the process when there is an issue with one of these trees. Other municipalities have heritage tree ordinances. Superintendent Briski reported that he has staff working on this issue.

President Wallner then reported that Commissioner Betty Chewning's term has

expired and she is leaving the Commission. He then read a Proclamation honoring her work. Applause followed.

Chewning thanked the Commission and stated she still believes that parks, green space and natural space are much better than medication and the protection, preservation and expansion of natural areas for natural use is so incredibly important in this time of great stress that everyone is experiencing. She urged fellow Commissioners to fight the good fight and argue for what you believe in even if you don't have the votes because it's important to have on the record that even one commissioner recognized the importance of something. She also added that community input is so incredibly important; whether it is by letter, e-mail or coming to meetings; your comments are important.

Barker told Chewning she has been an inspiration and taught him to speak his mind. She worked to make Madison a nicer place to live and she found the time to help us make the right decisions. Scarbrough added that he respected that Chewning could be on one side of an issue and stated her position. He thought it was important for people to see all sides of an issue. It makes for a stronger commission and a stronger city.

D. Superintendent of Parks

1. [23827](#) Written Report of Supervisor's August Activities

A motion was made by Clausius/Leopold to accept the written report of Supervisor's Activities. **MOTION CARRIED UNANIMOUSLY.**

Informational Items

Superintendent Briski distributed a summary of Parks submittals for the 2012 CIP Budget. The Common Council began its review last evening of projects both on the list and those that were removed. Parks has fared favorably thanks to the Mayor for his support of Parks. Some projects moved to future years are the Odana Hills Clubhouse, Bowman Field, Tenney Park Marston Bridge, Vilas Park roadway and parking, and construction and development at Central Park. EAB funding has been removed but staff is scheduling a meeting with the Mayor to review this issue with him. EAB has not arrived here but it is in areas around us. Part of the EAB Task Force recommendations is preemptive removals. Staff is tracking all research on this issue and there are some chemicals that have come into vogue. President Wallner suggested this may be an area where the Parks Foundation could do fundraising to help replant street trees and park trees once this hits. Parks has been actively promoting this issue and awareness in the community via ribbons on ash trees.

The Garver project received extra money due to Commonwealth's request to be released from their obligations. The Mayor asked a city staff team to review different solutions and options, to review the condition of the facility and put cost estimates on the different solutions, from demolition to restoration. The staff team has not made any decision yet on what to do because they are waiting for the review to be completed. There has also been discussion about appointing a committee or group to review and discuss the issue with the

Mayor.

Ride the Drive is set for September 25 and the route is essentially the same as previous routes. Parks is looking for volunteers to help with the event.

Superintendent Briski then reported that the City Attorney is reviewing the new law that was passed, WIS Act 35 approving the right to carry concealed weapons anywhere in the state to determine what it means for Parks. There is a segment of the law that permits no weapons in public buildings. We cannot create a policy to prohibit guns in parks but we may be able to create directives to prohibit guns in our buildings. The City Attorney will also look at taser weapons.

Big Rig Gig will be hosted on Saturday, September 17, in the Goodman Pool parking lot, showcasing city departments big equipment. It will showcase the city's premier services, including snowplows, dump trucks, construction equipment, metro buses, and police and fire equipment.

He reported the October Golf Subcommittee meeting is being canceled in part due to our Golf Supervisor's unavailability. Ray Shane is an Ironman participant who qualified for the National Championship Ironman and will be competing in Hawaii in October. We wish him well in his endeavors and are very proud of him.

LaFave presented the 2012 Park Commission meeting schedule. She noted that Warner Park Community Recreation Center is being used as a placeholder location but staff are reviewing other alternatives that may be more accessible for the public. The November meeting is scheduled for the first Wednesday due to budget deliberations.

Commissioners had questions regarding the written report. On page 1 under the Mall Concourse section – Parks cleans some street ends but there are some that are Streets and Engineering responsibilities. Also in regard to the Park and Open Space Plan a draft may be ready for review at a Long Range Planning Subcommittee meeting toward the end of this year, possibly in October.

VI. NEW BUSINESS

- A. [23828](#) Request of Donna and William Dusso to create pickleball courts in Madison Parks

Registered Speakers all in support
William Dusso
Alder Anita Weier
Patty Weisse
Marvin Sherrill
Rosann Sherrill – not speaking
Bob Miner
Judith Temby – not speaking
John Temby – not speaking
Bob Brooks / Sports for Active Seniors.org

Following the speakers, Rutledge shared pictures of pickleball courts superimposed on tennis courts. Many of the tennis courts in the city are scheduled for leagues but there are some that are underused. The single or double courts are not used as much since the tennis association prefers larger sets of courts but Parks would expect some push back from the tennis folks. Staff haven't explored costs but do not believe that painting lines would be too significant. No location has been identified for a pickleball trial.

A motion was made by Leopold/Scarborough to recommend that staff work with the group to identify specific locations and reach out to USTA for their comments and bring a recommendation back to the Park Commission at their January 2012 meeting. **MOTION CARRIED UNANIMOUSLY.**

- B. [22667](#) Authorizing the execution of an Underground Electric Line Easement to Madison Gas and Electric Company across a portion of Knollwood Conservancy Park, located at 3334 Westview Lane.

A motion was made by Clear/Clausius to approve Resolution ID#22667 Authorizing the execution of an Underground Electric Line Easement to Madison Gas and Electric Company across a portion of Knollwood Conservancy Park, located at 3334 Westview Lane. MOTION CARRIED UNANIMOUSLY.

- C. [23414](#) Accepting title to three vacant lots in the Third Addition to Cherokee Park from Cherokee Park, Inc. and, in exchange, authorizing the release of the open space easements in Outlot 1 of CSM 12991.

NAME
Alder Anita Weier, in support

A motion was made by Clear/Clausius to approve Resolution ID#23414 Accepting title to three vacant lots in the Third Addition to Cherokee Park from Cherokee Park, Inc. and, in exchange, authorizing the release of the open space easements in Outlot 1 of CSM 12991. MOTION CARRIED UNANIMOUSLY.

- D. [23829](#) Appeal of Encroachment Violation in Cardinal Glenn Park at 9443 Briar Haven Drive by Neil and Maureen Gebhart

- E. [23830](#) Appeal of Encroachment Violation in Cardinal Glenn Park at 9449 Briar Haven Drive by Koteswar Katukam

Appeal of Encroachment Violation in Cardinal Glenn Park at 9443 Briar Haven Drive by Neil and Maureen Gebhart (and also Appeal of Encroachment Violation in Cardinal Glenn Park at 9449 Briar Haven Drive by Koteswar Katukam – heard together)

Registered Speaker:
Neil Gebhart Supports Appeals

Rutledge presented pictures of the encroachments in Cardinal Glenn Park behind the Gebhart and Katukam houses. The encroachments were identified by Parks operations staff this past summer. Parks is asking that the landscaping consisting of shrubs, a trellis and benches be removed. The trees would remain since they were planted by Parks but the small plantings would need to be removed. The current configuration looks like an extension of someone's yard. It was noted that Alder Skidmore communicated that he doesn't support the encroachment and respectfully requested that the appeal be denied.

Commissioners questioned whether it could be expanded and made a community garden. Parks works with Community Action Coalition when community gardens are placed in parks. Parks staff are not aware of any neighbors who have expressed an interest in a garden at that location.

This is in a no mow area buffer that was identified in the adopted Master Plan; however, many of the neighbors are mowing into the park beyond their property lines. Parks does mow a narrow strip of parkland abutting the property owners land as a buffer for the adjoining back lots but does not mow the no-mow area which will have prairie plantings introduced in there. The trees were planted by the city in accordance with the Master Plan.

Rutledge stated that according to city ordinances this is a private use of city owned parkland and it is not allowed. Superintendent Briski requested that the landscape elements consisting of mulch, plants and all structures be removed. Commissioners noted they struggle with encroachments but are uncomfortable with the impression that this is private property and people can't go on it. They asked if the structures and small plantings could be removed, but the mulch around the trees be left. They also wondered if the neighborhood would be willing to mulch around all the trees in the park so they look the same. They hoped that Parks could be flexible and come up with some middle ground or a neighborhood agreement to expand edible landscaping throughout the park. They felt some of the things needed to be removed but some of the plantings such as the blueberry bushes and other edibles are a good idea that Parks should explore. What Commissioners are interested in is getting people to take care of the trees in the park. It could engage people in a constructive way to introduce urban agriculture to a whole new generation of people. What makes this configuration look like it is a part of the backyard is the fact that neighbors are mowing into the park between the trees and their houses. They agreed that the trees do create the appearance of a border.

Superintendent Briski noted that the Park Commission had approved the master plan for the park and the planting of those trees. It also included the creation of a delineated buffer to the park. The trees were planted back from the border to take into account the canopy as they grow so they are not hanging over the property lines into peoples' back yards. We are dealing with a legal issue as set out in the city ordinance and the possibility of adverse possession. If the Park Commission does nothing there is a process that engages itself over a period of time and the property reverts to whoever has been taking care of it. In order to differentiate between an encroachment and people helping to take care of a park, there has to be a written agreement with all concerned.

It was noted that perhaps this park master plan was approved before the neighborhood was built so the neighbors weren't aware or involved in that process.

Superintendent Briski indicated that the Parks Division would be ok with the mulch by the utility box as well as the mulching around the trees but not the rest of it. This is based on the clear direction Parks received from the Park Commission last year; if that direction has changed perhaps a retreat is in order to discuss these issues. Parks staff has been mulching trees this summer because staff was not busy with mowing during the dry spell.

A motion was made by Leopold/Scarborough to deny the appeal and to encourage the homeowners in this line of homes to work with their alder to create a friends organization to develop a neighborhood wide plan for maintaining the park trees and creating a landscaping opportunity and then bring that plan to the Parks staff. **MOTION CARRIED UNANIMOUSLY.**

A recess was called at 8:45 p.m. Meeting came back into session at 8:55 p.m.

Members present: Bill Barker, Betty Chewning, Ald. Joe Clausius, Ald. Mark Clear, Madelyn Leopold, Emanuel Scarborough and David Wallner
Parks staff present: Superintendent Kevin Briski, Kay Rutledge, LaVonne LaFave
City staff present: Katie Crawley, Mayoral Aide
Alders present: Anita Weier, Bridget Maniaci

F. Diseased and Dead Elms and Oaks on Private Property, 2011 Requiring Condemnation

A motion was made by Chewning/Clear to recommend that at the October 12, 2011 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). **MOTION CARRIED UNANIMOUSLY.**

VII. OLD BUSINESS

A. [23150](#) Appeal of Encroachment Violation at the Beach in Tenney Park by Pamela and Michael Druhan

Rutledge presented information and pictures of this encroachment. The survey indicated that the driveway extends into the park 2.9 feet and their garage is 1.5 feet from their property line. A flagstone path, rain garden row of trees and cleared areas with landscaping mulch also encroach onto park property. It isn't clear who planted the trees since they have been there for many years. She also distributed a copy of background information she received from Si Widstrand.

Registered Speakers:

Bob Holz, support
Christy/Bob Holz, support
Al Matano, oppose
Karen Matteoni, oppose
Frederica Schuster, support
Jeff Brock, support
Rick Anderson, support
Gunnar Bergersen, support
Michael Druhan, support
Ald. Bridget Maniaci

A copy of the Minutes from the Tenney Lapham Neighborhood Association meeting from September 2006 was distributed by Ald. Maniaci. She would like a written management agreement to enable them to maintain the improvements they have made.

Barker stated he had a lot of uncertainty about the adverse possession issue and he preferred to refer this to a later meeting so the city attorney could be present to explain adverse possession to the Park Commission. Superintendent Briski stated staff asked the city attorney questions specifically regarding the fence and its removal. The city attorney said that when the fence went away so did the adverse possession claim. The period of time for a new claim doesn't carry forward; it begins again from the time the fence was removed. The attorney also stated that neither an easement nor a right of way can be granted in this case. He also added that Widstrand's memo filled in some gaps. He noted there was no agreement and nothing had been reduced to writing. Further, there was no Parks staff at that September 2006 meeting nor were the Druhans present at that meeting.

Superintendent Briski suggested that the appeal be denied and that staff be directed to work with the property owners on the driveway but that they remove the stepping stones. A formal written agreement would be drafted that would secure the property rights of the city with regard to the driveway and any other issues related to the hardscapes that would be approved by them and the city. He thanked the Druhans for their work in the park and noted that we also appreciate our friends and partners with the Yahara Parkway. Engineering will need to look at the rain garden to make sure it meets city criteria to provide a holistic benefit to the park. Our system is based on friends, neighbors, and caretakers all working to enhance our parks. Barker added that the commissioners take their responsibility of guarding the open space for all of us and he invited folks to take ownership in a positive way with the work they do in parks to make it the best park system in the country. He hears folks trying to do the right thing and acknowledged that what the Druhans have done is by and large good.

A motion was made by Clausius/Barker/Clear to deny the appeal, to direct Parks staff to work with the property owners to work out an amicable solution to the various issues that have been raised, and to draft a written document as to what is resolved that preserves the city's ownership of park property, that will come back to the Park Commission for approval. **MOTION CARRIED UNANIMOUSLY.**

Commissioners asked for a memo from the City Attorney regarding adverse

possession and further that a city attorney be present when these types of issues are on future agendas.

VII. ADJOURNMENT

On motion of Clear/Scarborough the meeting adjourned at 10:07 p.m.