

STATEMENT ON CAPITAL AVENUE SIDEWALKS
Common Council Hearing
March 1, 2005

My husband and I are homeowners on the 1600 block of Capital Avenue and have lived there for the past five years. We have four young children, ages eight and under. We oppose the current two-sided sidewalks proposal because we private property owners were treated unfairly by the city and, as a result, were denied input into the plan. However, after having listened to the testimony of sidewalk proponents at two previous city hearings, my husband and I would be in favor of a one-side-of-the-street plan that incorporates our major concerns for maintaining the distinctive beauty and character of Capital Ave.

One of the main reasons we bought our home on Capital Ave was because of the lovely canopy of trees that is typical of the entire neighborhood. Had we not cared about trees we would have bought a brand-new, low-maintenance house in a new suburban development.

We oppose the current two-sided proposal because it will destroy 35 trees plus numerous shrubs and plants. We have also been told additional trees may be damaged during construction and may die as a result. Besides giving our street its distinctive beauty, the trees help to abate problems with run-off into Lake Mendota adjacent to our neighborhood. Our neighborhood is largely devoid of curb and gutter. We have only one storm drain on our street, with none at the intersection of Baker Ave. where run-off flows freely. Destroying trees and shrubs and adding more concrete will only exacerbate the run-off problem.

City officials recognize the benefits that mature trees provide and have declared Madison a "Tree City." According to an Oct. 31, 2004 *Wisconsin State Journal* article, 2.6 million dollars in the city's most recent budget were allotted for urban forestry, including street trees. Needlessly destroying so many trees on Capital Ave. defies a significant city goal.

Moreover, since many of the trees on Capital Ave. are so close to the curb, they create a tunnel effect. They act as a natural traffic-calmer. As a mother of four young children who live on the street, I appreciate the traffic-calming benefit the trees provide. The current proposal will remove that benefit, sending a clear signal to motorists who use our street as a shortcut that Capital Ave. has been sacrificed for their convenience. It will send this signal while simultaneously enticing children who previously played in their yards to play closer to the street than ever. A one-sided sidewalks project would mitigate the destruction of so many trees while addressing the desire of our off-street neighbors to feel safe as they walk on Capital Ave.

Another reason why I oppose the current two-sided proposal is because of the excessive grading and alteration to the southeast side of our street. The grading and the

building of retaining walls add to the expense of the project while defacing the street's topography. In particular, the grading inflicts an assault on the Wesley Peters-designed home at 1621. This house is a cultural and historic gem on our street and has significance for the entire city of Madison.

When city officials embark on public works projects, they have an obligation to balance various goals and not to sacrifice all other goals for the sake of one. City officials have a moral obligation to safeguard the cultural and historic treasure we have on Capital Ave. If not, they risk future generations judging the approval of the current two-sided plan as a Neanderthal blunder.

A one-sided sidewalks project, if it must be built on the southeast side of the street, should be constructed partially into the roadbed near the Wesley Peters house. At the same time, the terrace adjacent to the house should be tapered and reduced. Such a sidewalks plan would inflict the least harm to the integrity of the Wesley Peters design.

My third reason for opposing the current two-sided sidewalks plan is because it reflects an entirely unjust process imposed upon affected property owners. A clear example and a perfect symbol of that unjust process occurred last week on Tuesday, Feb. 22. On that date, Mary Lindquist, our off-street neighbor who is here tonight and who is on record as supporting the current plan, appeared before the Common Council. She addressed the Council about Capital Ave. sidewalks in what amounts to an *ex parte* hearing. If this room were a court of law, tonight's proceedings would be declared a mistrial as a result of Feb. 22.

Madison's Pedestrian Transportation Plan adopted in 1997 states on pp. 54 and 55 that when retrofitting sidewalks as a stand-alone project, the affected property owners bear the cost. Therefore their say in the matter, "has as much if not more weight in the final decision as the sidewalk's importance to the pedestrian transportation network." To date, our experience has been that the property owners' say about retrofitting sidewalks on Capital Ave. has absolutely no weight, no bearing, whatsoever, on the final decision.

Property owners on Capital Ave. are unanimously opposed to the current project, yet the project was ordered on or before April 8, 2004, a full two months before the affected property owners heard any mention of "sidewalks." The mention came from Mary Lindquist and Shary Bisgard, our off-street neighbors, in a flyer inserted in the June issue of the Spring Harbor Neighborhood Association (SHNA) newsletter. Our two neighbors wished to "initiate discussion" with us about sidewalks a full two months after the sidewalk survey had already been ordered. Our good faith response at the time was that, given the low pedestrian volume on the street, sidewalks were not necessary and not worth sacrificing so many trees.

The current project was ordered a full four months before affected property owners received word from Alderman Holtzman that survey crews were coming out to our street. We were alarmed at that point about sidewalks having been fast-tracked to the municipal level with no neighborhood discussion. The records before you contain

correspondence with Mr. Holtzman at that time, including a petition from the property owners in opposition to sidewalks

At the Jan. 13, 2005 meeting with city engineers which unveiled the current proposal, we property owners learned to our dismay that Mr. Holtzman would not change the scheduled hearings with city officials, that the hearings were essentially a rubber stamp of the current proposal, and that we each would have a total of about 15 minutes in the three hearings to plead our case.

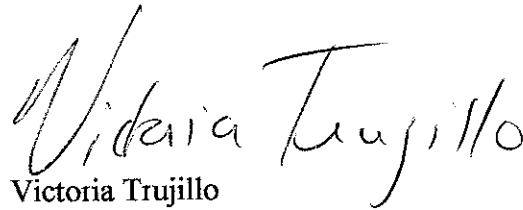
In attendance at that Jan. 13 meeting were Mary Lindquist and Shary Bisgard. In response to that meeting, Ms. Lindquist went on to do at least two mass mailings to the larger neighborhood to drum up support for the plan. On the other hand, Shary Bisgard, the SHNA president, while leaving for an extended visit abroad, e-mailed requests for referral to both the Ped/Bike Commission and the Board of Public Works. She asked for referral until the SHNA completes its comprehensive plan, currently underway. Shary Bisgard has clearly asserted that the comprehensive plan, for which private consultants have been hired and which has received a matching grant from the city, will include neighborhood transportation and pedestrian flow. To our dismay, referral was denied without a satisfactory explanation.

If the city of Madison were paying 100% of the costs of Capital Ave. sidewalks, would it approve the current stand-alone project? Or for the sake of cost-effectiveness, would it wait until the neighborhood completed its comprehensive plan so as to include sidewalks with other city projects in the area? If the city of Madison were to set up a special assessment district to include property owners who have signed the pro-sidewalks petition, would those property owners be willing to pay a share of the project? If "yes," then perhaps this could be the moment for the city to set a precedent for a more equitable payment of retrofitted sidewalks. If "no," then perhaps the clamor for sidewalks is more an issue of convenience than a true need.

At the Jan. 22 Common Council meeting, Mr. Holtzman said that the city was granting the Capital Ave. property owners "easy terms" for their assessments. Can any city official honestly look at our neighbor at 1625 and tell him that anything about his \$11,130.00 assessment is easy? Can anyone honestly tell the retired property owners on our street living on fixed incomes whose property will lose market value because of tree removal, that their assessment is easy? One such retiree was recently widowed and is taking care of an adult, disabled daughter. Is her assessment easy? And for the two property owners who are going to be assessed for both Capital Ave. frontage and for Old Middleton Rd. frontage, are their assessments easy?

In all fairness to the affected Capital Ave. property owners, the least the city can do is refer the current project until it addresses our major concerns about maintaining the character of the street. Since the Board of Public Works hearing, City Engineer Larry Nelson has explored the concept of a one-sided plan.

I ask you to refer the current plan until engineering details and cost sharing as assessed by the city can be worked out by city officials for a one-sided project. Our goal is that we end up with a one-sided project that saves as many trees as possible and that preserves the integrity of the Wesley Peters house. It is the goal of the 80 people opposed to the current plan who have signed the petitions in your possession. Those 80 people include affected property owners and off-street neighbors, renters and homeowners. Preserving the character of Capital Ave. while building sidewalks should be the city's goal too. Thank you.

A handwritten signature in black ink that reads "Victoria Trujillo". The signature is written in a cursive style with a large initial "V" and "T".

Victoria Trujillo
1609 Capital Ave.
Madison, WI 53705