



City of Madison

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

Meeting Minutes - Draft BOARD OF PARK COMMISSIONERS

Wednesday, June 9, 2010

6:30 PM 1625 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, June 9, 2010 at Warner Park Community Recreation Center, 1625 Northport Avenue. President Barker called the meeting to order at 6:32 p.m. A quorum was present and the meeting was properly noticed.

Present: 5 -

Paul E. Skidmore; William W. Barker; David L. Wallner; Betty Chewning and Emanuel Scarbrough

Excused: 1 -

Joseph R. Clausius

Parks staff present: Superintendent Kevin Briski, Steve Doniger, Eric Knepp, Kay Rutledge, Brad Weisinger, LaVonne LaFave.

City staff present: Ray Harmon, Mayoral Aide, Christy Bachman, Engineering

II. PARKS EMPLOYEE(S) OF THE MONTH

Superintendent Briski announced that the June employee of the month is Trygve Ekern. This award is in recognition of his hard work, dedication and can do attitude while taking care of 36 holes at the golf course. He is the Greenskeeper at Yahara Hills Golf Course. Commissioner Scarbrough added that the quality of greens there are comparable to those at country clubs, the same smoothness, same speed, and the placement of pins for tournaments.

III. APPROVAL OF MINUTES

A motion was made by Scarbrough/Wallner to approve the Minutes of the Regular Meeting of May 12, 2010 of the Park Commission. **MOTION CARRIED UNANIMOUSLY.**

IV. PUBLIC COMMENT

Registered speaker:

Luke Batchelor-Clark/Christopher Berge

The speakers presented information regarding an event they hope to host this fall for cyclocross racing at Warner Park and asked to be placed on the July Park Commission agenda.

V. REPORTS

Golf Committee

A motion was made by Scarbrough/Wallner to accept the Minutes of October 27, 2009 meeting of the Golf Committee. **MOTION CARRIED UNANIMOUSLY.** Scarbrough reported that revenues were reviewed at the May Golf Committee meeting. Thus far in 2010, Yahara is up \$60,000 and overall revenue is up over \$100,000 from last year at this time. Only once course shows less revenue from the previous year. Currently, courses have only lost 1 or 2 days of play due to weather.

Long Range Planning Committee

A motion was made by Wallner/Skidmore to accept the Minutes of May 3, 2010 meeting of the Long Range Planning Committee. **MOTION CARRIED UNANIMOUSLY.**

Olbrich Botanical Society

A motion was made by Scarbrough/Wallner to accept the Minutes of April 20, 2010 Meeting of Olbrich Botanical Society. **MOTION CARRIED UNANIMOUSLY.**

Warner Park Community Recreation Center Advisory Committee

A motion was made by Wallner/Scarbrough to accept the Minutes of March 25, 2010 Meeting of the Warner Park Community Recreation Center Advisory Committee. **MOTION CARRIED UNANIMOUSLY.**

A motion was made by Wallner/Scarbrough to approve the Action Report of the WPCRC Advisory Subcommittee allowing homemade or purchased potluck food for events in the Center. **MOTION CARRIED UNANIMOUSLY.**

President Of The Park Commission

President Barker thanked everyone who attended last month's lengthy meeting. He also expressed appreciation to David Wallner for stepping in on his behalf. He then read a Resolution honoring colleague Janet Parker for her service on the Park Commission. She has a strong sense of social justice. A motion was made by Skidmore/Scarbrough to approve the Resolution.

Madelyn Leopold will be joining the Park Commission in July.

Superintendent of Parks

Written Report of Supervisor's Activities

A motion was made by Wallner/Scarborough to accept the Written Report of Supervisor's Activities. MOTION CARRIED UNANIMOUSLY.

Informational Items

Commissioner Chewning requested updates on the geese issue and Madison Fruits and Nuts. Superintendent Briski reported that Russ Hefty, Conservation Resource Supervisor is working on the goose issue and has a deadline of October 1 to prepare a report. He will be forming a committee comprised of members of Wild Warner, experts from USDA and WI DNR as well as neighborhood associations. A UW expert has not yet been identified, but one will also be included. There is also a countywide committee, Yahara Clean, that is addressing the goose management issue. Hefty has been serving on that Committee for approximately 6 to 8 months.

With regard to Madison Fruits and Nuts, Rutledge met with the Risk Manager and City Attorney to again discuss the issue. Superintendent Briski will present the concept at a public works meeting in light of Alder Rhodes-Conway's request for a citywide implementation plan for plantings. An update will be on the July Park Commission Agenda.

Wallner complimented all those involved in both the Remarkable Rubber Ducky Race and Ride the Drive. They were both great events. He reported that the Tenney Shelter group had received a \$7,500 grant from the Evjue Foundation. He also noted that it feels much better when walking in Turville Woods since all the work has been done. He has found lots of people out there hiking in the middle of the day.

The Parks Division continues to meet with Madison Police on the issues at Olin. The issues haven't gone away but they have noticed dramatic changes since the removal of the invasive species. The Parks Division, Police and the neighborhood are all scheduling activities in the park. The 3-hour parking ban went into effect on June 1. Only one e-mail has been received from someone who was upset. Staff feels the transition has gone smoothly. Rangers are monitoring the lot and enforcing the ban. Because of the education process prior to the ban, there have not been many tickets issued.

On Friday, June 11 at 12:30 p.m. the Goodman Pool opens for the season. Goodman Jewelers is sponsoring the first day and paying for the first 500 kids to get in free. There will be a dedication honoring the Goodman Brothers at 2 p.m. On June 12, the beaches and spray park will open for the season.

This year the Parks Division is coordinating the Elver fireworks. Woodman's is contributing \$40,000 to that event. The committee has met three times and will meet again before the Friday, July 2 event.

Ride the Drive was very successful, with about 30,000 people on the streets. This year there were many sponsors for the event.

The monthly newsletter was distributed. The 2010 Parks Magazine was also distributed. This annual publication promotes and celebrates Madison parks.

VI. CORRESPONDENCE, RESOLUTIONS, ORDINANCES

- A. [18720](#) Request from Kevin Mirus to use the Rennebohm Park and shelter for the 2010 All-City Swim Meet being hosted by Hill Farm Swim Club from Thursday July 29 through Saturday, July 31, 2010 for team tents and other related uses.

A motion was made by Skidmore/Scarborough to approve the request from Kevin Mirus to use the Rennebohm Park and shelter for the 2010 All-City Swim Meet being hosted by Hill Farm Swim Club from Thursday July 29 through Saturday, July 31, 2010 for team tents and other related uses. MOTION CARRIED UNANIMOUSLY.

- B. [18623](#) Creating Sec. 23.24(3) to impose penalties for the intentional or negligent damage of City trees during the course of private or public work; amending Sec.1.08(3)(a)4 to create a bond schedule for violations of this new subsection; and amending Sec.1.08(4) of the Madison General Ordinances to provide enforcement powers for this new subsection.

This Ordinance was Return to Lead with the Recommendation for Approval to the BOARD OF PUBLIC WORKS

A motion was made by Skidmore/Scarborough to approve Resolution Ord. #18623 Creating Sec. 23.24(3) to impose penalties for the intentional or negligent damage of City trees during the course of private or public work; amending Sec.1.08(3)(a)4 to create a bond schedule for violations of this new subsection; and amending Sec.1.08(4) of the Madison General Ordinances to provide enforcement powers for this new subsection. MOTION CARRIED UNANIMOUSLY.

- C. [18541](#) Authorizing a declaration of change in use from City park land to public street right-of-way as part of the North Sherman Avenue Resurfacing Assessment District-2009. (12th AD)

This Resolution was RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER

A motion was made by Skidmore/Scarborough to approve Resolution ID#18541 authorizing a declaration of change in use from City park land to public street right-of-way as part of the North Sherman Avenue Resurfacing Assessment District-2009. (12th AD) MOTION CARRIED UNANIMOUSLY.

- D. [18560](#) To authorize the Mayor and City Clerk to enter into a Use Agreement with the YMCA of Dane County, Inc. for the YMCA's non-exclusive use of Elver Park for a summer day camp in 2010 with the possibility of two 1-year renewals. (A.D. 1)

This Resolution was **RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER**

A motion was made by Skidmore/Scarborough to approve Resolution ID#18560 To authorize the Mayor and City Clerk to enter into a Use Agreement with the YMCA of Dane County, Inc. for the YMCA's non-exclusive use of Elver Park for a summer day camp in 2010 with the possibility of two 1-year renewals. (A.D. 1) **MOTION CARRIED UNANIMOUSLY.**

E. [18561](#)

To authorize the Mayor and City Clerk to sign a lease agreement between the City and Madison Opera Inc., for use of Garner Park on July 17, 2010, for its 8th annual Opera in the Park.

This Resolution was **RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER**

A motion was made by Skidmore/Scarborough to approve Resolution ID#18561 To authorize the Mayor and City Clerk to sign a lease agreement between the City and Madison Opera Inc., for use of Garner Park on July 17, 2010, for its 8th annual Opera in the Park. **MOTION CARRIED UNANIMOUSLY.**

F. [18562](#)

To extend the closing hours at Garner Park to 11:30 p.m. on Saturday, July 17, 2010 for the 8th annual Opera in the Park event post-concert reception for donors. (19th AD)

This Resolution was **RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER**

A motion was made by Skidmore/Scarborough to approve Resolution ID#18562 To extend the closing hours at Garner Park to 11:30 p.m. on Saturday, July 17, 2010 for the 8th annual Opera in the Park event post-concert reception for donors. (AD 19) **MOTION CARRIED UNANIMOUSLY.**

G. [18736](#)

Request of Deb McCue, Vice President Madison Fireworks Fund, Inc. to extend closing of Rhythm & Booms to 11:30 p.m. on Saturday, July 3, 2010 (rain date July 5, 2010) to allow one music stage and beer garden/food court to operate following the fireworks.

A motion was made by Skidmore/Scarborough to approve the request of Deb McCue, Vice President Madison Fireworks Fund, Inc. to extend closing of Rhythm & Booms to 11:30 p.m. on Saturday, July 3, 2010 (rain date July 5, 2010) to allow one music stage and beer garden/food court to operate following the fireworks. **MOTION CARRIED UNANIMOUSLY.** It was reported that if the event occurs on the rain date, the carnival will not be allowed to run on July 4.

[18722](#)

To extend the closing hours at Warner Park to 11:30 p.m. on Saturday, July 3, 2010 for the 18th annual Rhythm & Booms Independence Day fireworks event. (12th AD)

This Resolution was **RECOMMEND TO COUNCIL TO ADOPT UNDER SUSPENSION OF RULES 2.04, 2.05, 2.24, & 2.25 - MISC. ITEMS**

A motion was made by Skidmore/Scarborough to approve the Resolution to

extend the closing hours at Warner Park to 11:30 p.m. on Saturday, July 3, 2010 for the 17th annual Rhythm & Booms Independence Day fireworks event. MOTION CARRIED UNANIMOUSLY.

[18723](#)

To authorize the closure of Warner Park lagoon and its connecting waterway to Lake Mendota during 2010 Rhythm and Booms celebration. (12th AD)

This Resolution was RECOMMEND TO COUNCIL TO ADOPT UNDER SUSPENSION OF RULES 2.04, 2.05, 2.24, & 2.25 - REPORT OF OFFICER A motion was made by Skidmore/Scarborough to approve the Resolution to authorize the closure of Warner Park lagoon and its connecting waterway to Lake Mendota during 2010 Rhythm and Booms celebration. MOTION CARRIED UNANIMOUSLY.

H. [18724](#)

To declare the month of July as Parks and Recreation Month and to recognize the benefits that Madison Parks provide for recreational opportunities.

This Resolution was RECOMMEND TO COUNCIL TO ADOPT UNDER SUSPENSION OF RULES 2.04, 2.05, 2.24, & 2.25 - REPORT OF OFFICER A motion was made by Skidmore/Scarborough to approve the Proclamation to declare the Month of July as Parks and Recreation Month and to recognize the benefits that Madison parks provide for recreational opportunities. MOTION CARRIED UNANIMOUSLY.

VII. NEW BUSINESS

Klief Park Master Plan Revision

Klief Park Master Plan Revision

Kay Rutledge, Planning & Development Manager, presented the master plan revision for Edward Klief Park. It has been reviewed by a significant number of neighbors as well as the alder and has been endorsed by them. This park is located a couple of blocks off Regent Street and has been expanding for a number of years as several properties were purchased and houses demolished. The city now owns the entire block. The existing plan was displayed, showing the locations for the playground, volleyball, basketball, ice skating rink and backstop for baseball. During the neighborhood meetings three or four different options were presented but they came back to something that was very similar to what was there. They still want the playground centrally located but moved slightly to create a larger passive open space, the skating rink is gone but the location of the backstop will remain after replacing it with something shorter for wiffle ball or kickball, the volleyball court, which is reaching the end of its useful life, will be relocated to an active zone in the park near the basketball court. There may also be seating areas at each of the corners that will allow gardening spots or small areas where neighbors could beautify their park. The park is very well used by St. James School and residents in the area. Development of the park amenities in the new master plan is included in the proposed 2011 capital budget.

There is the potential for complaints from neighbors about late night activities when active spaces are created in residential settings. The park will be clearly posted that the park closes at 10 p.m. Rangers will patrol. Unfortunately the street lights provide some lighting in the area so after hours activity won't be discouraged by lack of lights.

The passive open space can be used by anyone for whatever they want, whether it's sitting and reading, eating lunch or throwing Frisbees. It is also possible that a mini managed meadow with prairie plants or possibly edible landscaping could be incorporated. Staff is speaking with representatives of the Greenbush Neighborhood Association regarding this.

Rutledge asked for approval of the new master plan for Edward Klief Park. A motion was made by Wallner/Scarborough to approve the plan as presented.
MOTION CARRIED UNANIMOUSLY.

2011 Capital Budget

The initial draft of the 2011 capital budget was presented. It was developed with input by Parks staff from all sections as well as input from citizens on specific projects. Some are new infrastructure needs and some are maintenance related. The Mayor asked that we reduce our General Obligation borrowing by 10% from the 2010 budget. Staff looked at all projects and identified those that were most critical. A thorough analysis of other funds available, such as impact fees, was made in order to move forward on projects for 2011. Supplemental projects that should not be lumped into existing categories were also identified. Staff is also meeting with other agencies regarding shared projects. Discussions are also occurring with the Comptroller to confirm that funds are properly allocated.

Funds in the sum of \$500,000 for Emerald Ash Borer (EAB) have been earmarked in the next three capital budgets. EAB is getting closer and there is a distinct possibility that it could strike in the next year. These funds are to replace trees and cover the cost of needed private contractors to help in tree removals if Forestry cannot handle it all. Forestry is planting understory trees in the interim. The city could lose 30% of its tree canopy if EAB strikes. The EAB Committee is in the final stage of rewriting the 2008 EAB Plan that includes the preemptive removal of certain trees of a specific caliper or shape or have been affected by aerial lines. The recommendation will come to the Park Commission.

Discussions are occurring with Dane County but not with regard to funding for this issue. Staff is constantly reviewing funding opportunities. Discussions are also occurring with Wis DNR and possibly federal stimulus money that may be available.

Discussion turned to tree species that the city is now planting. Many are smaller, more ornamental trees for medians under utility wires. Ash trees were removed from the list of allowable tree species at least three years ago and site appropriate trees under power lines are now planted. Commissioners asked for an update on allowable tree species.

Staff is in the planning stages for the two fields that need to be replaced at

Demetral. Superintendent Briski is in discussion with a local foundation that is interested in supporting the renovation. It would be a four field sports complex.

It was reported that bike projects come from Engineering's budget. They held a public hearing not long ago about locations for bike paths. Some paths do go through parks but come from Engineering's budget.

With regard to People for Parks funding, if a request is more than \$5,000 it comes to the Park Commission for approval.

A motion was made by Scarbrough/Wallner to take item VII. D. before VII C.
MOTION CARRIED UNANIMOUSLY.

Request by Loey Blue and C. Murphy to install temporary and changeable images on the circular slab structures at James Madison Park from August 1 thru October 31, 2010.

This is a Blink Art Grant proposal that was approved by the Arts Commission. The project would project images on the shelter in James Madison Park depicting images of teens sitting on the curb, with different scenes superimposed on them. The Alder is supportive of this project. A suggestion was made that additional funding be pursued to allow something more permanent to be done.

Registered speaker: in support
C. Murphy

A motion was made by Chewning/Scarbrough to approve the request by Loey Blue and C. Murphy to install temporary and changeable images on the circular slab structures at James Madison Park from August 1 thru October 31, 2010.
MOTION CARRIED UNANIMOUSLY.

18795

Maps of Madison Parks Boundary Encroachments

Rutledge reported they have found a significant number of encroachments on parklands. They have been working with Building Inspection and Zoning and discovered that encroachments have not been consistently managed in the past. Staff is looking for direction from the Park Commission on how to proceed with various types of encroachments. Photos of specific encroachments that have been found were then displayed. Explanations were given for the examples from Warner Park along Monterey and Sheridan Drives in Wyldewood Circle; Tenney Park at Sherman Avenue; Paunack Park on Bridge Road; Norman Clayton Park at Piping Rock Road, and the Hollister Avenue triangle. Some of these encroachments were reported to Parks by Building Inspection and Zoning Sections and others were discovered by our staff. Our Parks certified land surveyor has verified these encroachments.

The encroachments are a public nuisance through private use of parkland and are primarily caused by the adjoining property owner. They range from erected structures, fences, pathways, walkways, driveways, mowing, planting trees and shrubs, as well as pruning. In some cases the mowing occurs over

managed meadows 100 feet into the park and the resident has been told to stop mowing but continues to do so.

According to MGO 8.15 a notice must be sent to the property owner letting them know they are encroaching on parkland and that they have 30 days to remove the encroachment. MGO 8.15 also provides that the Parks Superintendent has the discretion to allow an encroachment to remain. If the city has to remove the encroachment the property owner is assessed a special charge. The city must hold any items for 30 days before they can be disposed. The person can appeal to the Park Commission who then holds a hearing. After the hearing, the Park Commission can affirm the notice, modify it or reverse the decision. An appeal of the Park Commission's ruling would go to the Circuit Court. The penalty for noncompliance is \$10 to \$500 per day after the initial 30 day period has passed. Unfortunately the ordinance does not contain an option for damages incurred to the city as a result of the encroachment, e.g. mowing managed meadows, cutting down trees, etc.

The Parks Division is looking for feedback on these types of encroachments. Should they all be removed depending on the nature and extent of the encroachment or should some agreement be made with the property owners to allow some of them to remain. There are probably 100+ encroachment cases but not all of them have been identified. The City Attorney will be consulted on the legal ramifications.

Alder Skidmore indicated he worked with Engineering to address encroachments on Tree Lane and Old Sauk Road and suggested that whatever procedure is used, that it should be consistent.

Adverse possession does not apply because the law has been changed with regard to municipal lands. Encroachments on parkland no longer fall under adverse possession. However, if there are encroachments that have existed for more than 20 years there could be a case for adverse possession.

Commission members felt that common sense should prevail, if there is no real damage caused by mowing a couple of feet into a park it could be allowed, but 100 feet is egregious. They were concerned about setting a precedent and wanted to know whether the property owner was aware of the encroachment. The Division needs to be good stewards of public property and can't let people claim parklands for their own private use.

The encroachments should be prioritized and dealt with in terms of most serious first, based on identified criteria. The most serious cases would be those where structural improvements have been made on parkland or there has been excessive mowing and/or pruning. Staff would work through the process to deal with those most serious cases first and continue until all encroachments have been resolved. At this point staff does not know which encroachments were already present when people bought the property and whether they were aware of where the park property lines were.

Superintendent Briski indicated that when the managed meadows were established there were some deals about mowing a couple of feet behind some properties and they are not part of this encroachment issue. The Division has sent letters to property owners on some encroachments. People then respond to him and he hears their side and checks out their statements. It is very

emotional and very hard to judge which is why clear direction from the Park Commission will make the process easier to explain. The other issue is how would the encroachment be resolved, e.g., do we sell them the property or make them remove the structures? That property would then need to be declared surplus in order to be sold. With regard to the fence, it may be possible to enter into an agreement that as long as it remained it would be a permitted use, but if the fence is replaced or repaired it would need to be removed from the parkland. With regard to the Hollister triangle, the house was built a long time ago and they probably didn't know where the property lines were. It may be possible to declare that piece surplus so they can get in their front door. Commissioners suggested that when this issue is next discussed, representatives from Real Estate and the City Attorney's office should be present to discuss the legalities involved. Parks staff noted that they have been working with both offices on all of the encroachments mentioned tonight. The process has already been fully vetted with those offices. Staff is asking for direction on how the Parks Superintendent should proceed. Superintendent Briski agrees with the common sense approach and he would make decisions based on whether the encroachment is impinging on public use and doesn't appear to be willful but anything outside of that he would bring to the Park Commission for discussion and decision.

VIII. ADJOURNMENT

On motion of Wallner/Scarbrough the meeting adjourned at 8:35 p.m.