



City of Madison

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

Wednesday, October 12, 2011

6:30 PM 1625 Northport Dr. # (Warner Park Community Recreation
Center)

The regular meeting of the Madison Board of Park Commissioners was held on Wednesday, October 12, 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, Eric Knepp, Marla Eddy
City staff present: Katie Crawley, Mayoral Aide

I. CALL TO ORDER / ROLL CALL

Alders Clausius and Clear were late. Scarbrough left early.

Present: 7 -

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

II. APPROVAL OF MINUTES

A motion was made by Barker/Leopold to approve the September 14, 2011 Minutes of the regular meeting of the Park Commission. MOTION CARRIED UNANIMOUSLY.

III. PUBLIC COMMENT

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

IV. DISCLOSURES AND RECUSALS

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

V. REPORTS

A. Habitat Stewardship Subcommittee Minutes of March 22, 2011

A motion was made by Leopold/Scarborough to accept the Minutes of the March 22, 2011 meeting of the Habitat Stewardship Subcommittee. **MOTION CARRIED UNANIMOUSLY.**

B. Warner Park Community Recreation Center Advisory Subcommittee Minutes of July 28, 2011 Meeting

A motion was made by Leopold/Scarborough to accept the Minutes of the July 28, 2011 meeting of the Warner Park Community Recreation Center Advisory Subcommittee. **MOTION CARRIED UNANIMOUSLY.**

C. President of the Park Commission

President Wallner welcomed new Park Commissioner, Nancy Ragland, who has a fantastic background and history with parks and the Parks Division. He will need to make a new appointment to the Community Gardens Committee due to the departure of Betty Chewing.

The John Nolen Task Force Committee will be meeting to review the subcommittee reports. Tim Metcalfe will be invited to attend a future meeting to present the final report. He attended a Tenney shelter (pavilion) tour about a month ago with Parks staff and neighbors. The grand opening is scheduled for the first week of December and there will also be an event to raise money for a new playground near the pavilion. He attended the Big Rig Gig at the Goodman Pool parking lot. It was a nice family event with lots of kids climbing on the equipment and tooting horns. He also did a bike tour at Yahara Parkway Park to look at the playground safety surface. Bids on the remaining two James Madison properties are due November 7.

D. Superintendent of Parks

1. [24151](#) Written Report of Supervisor's Activities

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

2. Informational Items

Informational Items

An updated List of the Park Commission Members was included in the packets, together with an updated 2012 Meeting Schedule showing the various locations. The Tenney Park Shelter is moving along on the timeline for

completion in time for the anticipated ice skating season this winter. The Mall Concourse Special Charges have been sent out to property owners. They are updated annually based on the previous year's expenses from September through August. The charges also go through a public hearing process.

The Mayor's executive budget has been released for 2012 operations. It is a tough budget year but Parks has fared pretty well. The Mayor has been good to Parks in that most of our potential cuts have been restored. We did lose two positions that were vacant. We received approval to fill the two conservation positions, the 80% position was upgraded to 100%, and both maintenance worker positions are being reclassified as technician positions. The funding for Emerald Ash Borer (EAB) was presented in the capital budget but was deleted. It could be restored in the form of an amendment from the Council floor. A consultant will be hired for the Warner Park Master Planning process.

The construction of the Few Street crossing for Central Park has been approved by the office of the Railroad Commissioner. Wisconsin Southern Railroad had been opposing that crossing. There is a little over \$4 million in funding between federal earmarks and the city funds. The design and specifications are moving forward toward the bidding process which will take place during late winter-early spring. We anticipate opening bids in June/July with construction to commence shortly thereafter.

The Division has been hearing concerns from citizens regarding the use of shredded rubber tires on playgrounds. Rubber has been used on playgrounds since 1994. In 1993, Federal Playground Standards and ADA accessibility standards were enacted. Since then, staff has been systematically replacing pea gravel or sand with shredded tires. There is a group of citizens who are upset with the use of this product. Barker noted he had previously mentioned his concern with the use of shredded tires and the complaints he has heard from people. He has also watched the particles wash off after every rainstorm and run into the storm sewers and then into the lakes. The kids also end up with black stains from them. Superintendent Briski stated the product is approved by the EPA, has been tested and approved by the Consumer Product Safety Commission, and is endorsed by our national association. This may be a future park issue.

Finally, he reported he met on site with the Druhans regarding the Tenney Park encroachment and have come to an agreement on how the stones will be moved. At Cardinal Glen, the owners have until next Monday to remove the encroachment and restore the premises. Charlie Romines, Parks Operations Manager will monitor this issue. Leopold thought that the motion that was approved directed staff to work with the neighborhood to look at the entire line of trees and discuss how it could be accommodated. Superintendent Briski stated that he spoke with the owners on what was acceptable and what wasn't acceptable. There was a pretty clear consensus with regard to what was outside of the yellow line. There was a portion of the encroachments that was small in nature such as the bump out and Parks was okay with that portion but was not okay with the large landscaped area. He indicated that he would follow up with the neighbors regarding management of the trees.

In response to a question regarding the Warner Park Master Plan, he indicated that it based on a recommendation offered by Alder Rhodes-Conway from the floor during last year's capital budget review. It received approval from the

Council but did not make it onto the Parks list of projects and was reintroduced in the Parks operational budget. The alder would like a study to evaluate people's interests in how they use or don't use the park, conflicts, issues, and an overall understanding of how the park is used.

VI. PUBLIC HEARINGS – 6:45 P.M.

24157 Diseased and Dead Elms and Oaks on Private Property, 2011 Requiring Condemnation.

The hearing was declared open. There were no registrants. The hearing was declared closed. A motion was made by Clear/Barker to recommend that the list of diseased and dead elms and oaks be declared a public nuisance according to City of Madison General Ordinance 23.40 (4)(b) and recommend approval of condemnation and direct the City Forester to issue removal notices. **MOTION CARRIED UNANIMOUSLY.**

The Ordinance addresses elms, oak wilt and emerald ash borer. If EAB is discovered on private property it would follow the same process. There would be concern about moving the wood while the borers are active and they would work to remove infected trees when the insects are dormant. The insect has been found on the western side of Wisconsin as well as an infestation near Kenosha.

VII. NEW BUSINESS

A. [23900](#) Accepting a proposal from Joe Lusson and Aleen Tierney for the purchase of the residential structure located at 640 East Gorham Street within James Madison Park and authorizing staff to negotiate final terms for the sale of the residential structure and a lease of the land beneath it to Joe Lusson and Aleen Tierney.

This Resolution was Return to Lead with the Recommendation for Approval to the BOARD OF ESTIMATES. Due back on 10/24/2011.

Registered speakers:

Joe Lusson Available to answer questions

A motion was made by Clear/Leopold to approve Resolution ID# 23900 Accepting a proposal from Joe Lusson and Aleen Tierney for the purchase of the residential structure located at 640 East Gorham Street within James Madison Park and authorizing staff to negotiate final terms for the sale of the residential structure and a lease of the land beneath it to Joe Lusson and Aleen Tierney. **MOTION CARRIED** with Ragland voting no. It was noted that Lusson/Tierney would have the right to sell the dwelling. The lease for the land on which the dwelling sits will address allowable uses and any subsequent sale of the dwelling will require lease approval by the Council. Any structural changes to the dwelling would need to be approved by the Landmarks Commission because the house was declared a landmark.

- B. [23943](#) Creating New Section 8.35(3) of the Madison General Ordinances and renumbering current Sections 8.35(3) through (6) to Sections 8.35(4) through (7), respectively, to exempt certain properties in James Madison Park from the shoreline parks referendum requirement.

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

A motion was made by Clear/Barker Resolution ID# 23943 Creating New Section 8.35(3) of the Madison General Ordinances and renumbering current Sections 8.35(3) through (6) to Sections 8.35(4) through (7), respectively, to exempt certain properties in James Madison Park from the shoreline parks referendum requirement. MOTION CARRIED with Ragland abstaining.

- C. [24156](#) Parks Division Proposed Fees for 2012

Eric Knepp, Parks Financial and Administrative Services Manager, stated there are no significant changes in the 2012 proposed fees. The shelter rentals, winter activity rentals, Warner Park Community Recreation Center, Olbrich Botanical Gardens, special events fees and fees for programs that are shared with Dane County are included tonight. No fee increases are proposed for any of the programs operated jointly with Dane County. We also are proposing no fee increases for shelter reservations except the fee for the new Tenney shelter will be comparable to the new Elver shelter. Revenue from these fees goes to a myriad of different locations dependent on the particular fee, i.e. city, Parks, WPCRC, Olbrich. The Parks Division was very sensitive to the Mayor's directive on fee increases in this economy. Revenue from the various types of parks related violations has increased significantly. Appreciation was expressed to Brat Fest for the Johnsonville Brats and Woodman's for all the condiments that they donated for the pool concession operation enabling Parks to earn a significant profit from the sale of those concessions. The cemetery and golf fees will be presented at a later date.

A motion was made by Leopold/Barker to approve the Parks Division Fees for 2012 as presented. MOTION CARRIED UNANIMOUSLY.

- D. [24168](#) Creating Section 23.59 and amending Section 1.08(3)(a) of the Madison General Ordinances to create several unlawful trespass violations when an individual is carrying a weapon and enters onto a property of another after having been notified that the carrying of weapons are not permitted on that property and to create a bail deposit for violation thereof.

This Ordinance was RECOMMEND TO COUNCIL TO ADOPT UNDER SUSPENSION OF RULES 2.04, 2.05, 2.24, & 2.25 - REPORT OF OFFICER

This ordinance addresses the new concealed carry issue recently enacted by the State. Parks wants to be able to enforce no guns or weapons (firearms, tasers, knives, billy clubs/bats) within our structures or buildings. There is not much that can be done to prohibit weapons in open park space. This ordinance is being referred to many city committees. This ordinance for park

facilities will be enforced and no weapons will be permitted. Decals will be posted on each and every entrance way in all of our structures where this ordinance applies. It was suggested that the no trespass signs contain images with the line through as opposed to just words.

A motion was made by Barker/Leopold to approve Ordinance ID#24168 Creating Section 23.59 and amending Section 1.08(3)(a) of the Madison General Ordinances to create several unlawful trespass violations when an individual is carrying a weapon and enters onto a property of another after having been notified that the carrying of weapons are not permitted on that property and to create a bail deposit for violation thereof. MOTION CARRIED UNANIMOUSLY.

E. Legacy Tree Process

Barker stated that the Forestry section of Parks does not have either a method for identifying landmark heritage trees or a process for what should happen to these trees when the possibility of removal occurs. A proposal was made to create a registry of landmark heritage trees that would initially cover trees within parks but could eventually also identify trees on private property. Either staff or citizens could nominate trees to be included on this registry. Once a tree was listed on this registry, a defined process would be used to determine structural problems i.e. such as an ultrasound to determine decay rather than using a chain saw.

It was also suggested that the Tree Board become its own committee rather than a subcommittee of the Habitat Stewardship Subcommittee in anticipation of EAB. Trees are a legacy of the city and an integral part of the city and its culture. Trees are facing multiple threats in terms of climate change, and any number of pathogenic fungi and insects.

It was noted that the last meeting of Habitat Stewardship discussed EAB and there are a variety of approaches. One is to identify those trees that are special and worth preserving and that corresponds with what has been suggested about a tree registry. When EAB strikes, a process will be needed to identify and care for those trees.

The burr oaks in this city are rare and special and many of them are on private property. There are some in Wingra Park that are extraordinary and it would be good to have a process to identify and protect them.

Forestry staff have discussed the concept of a tree registry and there is interest in developing a registry. Superintendent Briski suggested that staff develop a policy, present it to the Park Commission for review and comment, and then send it to any committee they felt necessary. He will meet with Forestry staff to determine if the tree inventory that has been done will be able to identify these trees. Superintendent Briski indicated that he would have something to present by January 2012.

With regard to the Tree Board, Superintendent Briski suggested seeking input from the City Attorney. Barker noted the only thing he is interested in is making it a separate committee not under the umbrella of Habitat Stewardship. It was noted that the Habitat Stewardship Subcommittee is also the Tree Board.

Barker emphasized that he is not complaining about Forestry staff but is concerned about the process and structure. He thinks staff did exactly what he asked them to with regard to the tree in Vilas Park. They had a very respectful dialogue and indicated that they didn't feel good about taking it down either.

F. [24070](#)

Garver Feed Mill Status Report

A brief review of the history of this issue was presented. Late this past summer, Commonwealth pulled out of their proposal. The Mayor requested that staff pull together the history, documents, and background information relating to Garver as well as recommendations on moving forward which are found in this Status Report. Parks also wants to provide information about the current status of the structure. The Park Commission is the lead agency and will report back to the Common Council regarding recommendations for the reuse of the property. Staff is looking for direction from the Commission on how they would like to proceed. The constraint is how much time is left before there is nothing left to save of the structure. The structure was last toured in 2006. Commonwealth's proposal was accepted in June 2008. In the event of demolition or any structural change, Landmarks Commission would control the process.

Barker felt that the portion that was architecturally significant is the core. The area that is currently used for storage, the part to the west, is not worthwhile. He keeps coming back to the fact that Olbrich Gardens needs storage space. He also feels there will be a huge outcry from city preservationists and neighbors if the recommendation is to tear it down. If there is some way to move forward with the core idea of storage space for Olbrich, it wouldn't trigger a referendum and it would be an efficient way to move forward. Either storage space or tearing it down are the only viable options because there is not enough time to solicit another proposal. There may be wonderful ideas, but in this economy they're not realistic. If Commonwealth couldn't do it, then the non-profit angle is not viable.

There is \$350,000 in funds in the 2012 capital budget to go toward some type of action on the structure, not a plan or study.

It is not known whether the other entity that submitted a proposal for a green technology/sustainability incubator was contacted to see if they were still interested.

Superintendent Briski reported that he met with Olbrich Botanical Society (OBS) and discussed their ideas with them. He has discussed the concept of the core as a storage area. The conversation was about the one story portion.

Discussion turned to the costs for various options. The cost of building a separate facility for storage has not been researched. There may be soil issues making the area not suitable for construction. Another issue will be the Urban Design Commission's criteria for any structure to be built. There is also the question of whether OBS would build on the Garver site or if it would build on the other side of the creek. It was acknowledged that while Olbrich has a need for storage and is using the building for storage, the Parks Division is also

using parts of the building for storage. It is a needed facility for the entire department.

A suggestion was made to add an Option 4 which would be to do nothing and let nature take its course. It would require a secure fence around the perimeter. Again, the need for storage for the Parks Division was mentioned. If demolition were to occur, Parks would need to immediately find money to build something that could be used for storage. As noted before that parcel may or may not be suitable for new construction. There could also be another issue with using parkland for storage buildings. Here is parkland with a building. There will be lots of issues with the neighbors and preservationists if the building is torn down. The ideal outcome would be to meet the Parks Division's need for space. It was also stated that having a railroad track running through a world class Botanical Center was a dumb idea. The gardens should expand across the creek and not back on the Garver parcel.

It was suggested that this issue return to the Park Commission in November for public input with Commission action in December. In the meantime, arrangements will be made for members of the Park Commission, Landmarks Commission and Board of Public Works to tour the building.

VIII. ADJOURNMENT

On motion of Leopold/Clear the meeting adjourned.