

**MEETING MINUTES
BOARD OF PARK COMMISSIONERS
WEDNESDAY, MARCH 6, 2013**

1. Roll Call
2. Approval of the February 6, 2013 Minutes
3. Vision Triangle appeal at 2801 Sims Ave. (Marcy Kirsch)
4. Director's Report
5. Adjournment

1. Roll Call

Present: Bahling, Freckmann, Glodosky, McDonald, Okonek, Sorenson, Ald. Slowinski, Ald. Wiza

Excused: Hall, West, Ald. O'Meara

Also Present: Director Tom Schrader, Betty Bruski Mallek, City Forester Todd Ernster, Ald. Suomi, Marcy Kirsch, John Kirsch, Dan Coble, Laurel Hoeth, Pat Hoffman, Joye Hamilton, Cathy Dugan, Attorney Molepske

2. Approval of the February 6, 2013 Minutes

Motion by McDonald, seconded by Okonek, to approve the February 6, 2013 minutes and place them on file.

Ayes all; Nays none; Motion carried.

3. Vision Triangle appeal at 2801 Sims Ave. (Marcy Kirsch)

Director Schrader informed the Commissioners of the procedure followed when orders are issued by the City Forester and that an appeal to the order is possible from the property owner. Director Schrader also explained the clear-vision triangle as defined by both Chapter 11 and Chapter 30 of the City ordinances. The orders are issued after a complaint has been received and the complaint is investigated by staff. In this instance the hedge creates an obstruction.

President Glodosky introduced Attorney Molepske to the Commissioners who is available to answer questions tonight.

Ald. Wiza asked why shrubs and trees are in two different ordinances and does one supersede the other one. The City Attorney responded that either the Inspection Department or the Forester could issue orders. This is not a zoning matter, it falls under police power—health, safety and welfare. Ald. Wiza also asked what powers the Board of Commissioners has in this appeal. Attorney Molepske responded that this City ordinance allows for the appeal provision. Even though this is a police ordinance the Board of Commissioners is being asked to consider the appeal case before them. The commission may affirm, cancel, or modify the order, in its discretion, to best conform such order to the intent of this ordinance. He explained there are 3 steps in a sequence: something happens, such as a compelling danger; the government finds out about the danger; then makes a determination to address the danger and takes steps as a precautionary action.

Marcy Kirsch was asked to present her position. Ms. Kirsch gave the history and the length of time the shrubs have been on the property. She stated there have been no accidents on that corner since she has owned the property from 1982.

Ald. Suomi stated she has reviewed records and there have been no accidents at that intersection in 15 years. The hedge provides a sound barrier from Goerke and the K B Willett.

Marcy Kirsch stated the hedge is not the problem, the parking of vehicles up and into the intersection is the problem when there are activities at the Willett or at Goerke.

Dan Coble spoke saying the issue is safety and an obscure view at that intersection because of parked cars blocking the vision in the intersection. Mr. Coble feels the hedge is aesthetic. It's been there for more than half

of a century. It's pretty and provides shelter and nests for birds. It provides a noise barrier and privacy as well. Cutting the hedge will allow pedestrians to cut across the corner of the lawn instead of staying on the sidewalk. Also there is the issue of litter against which the hedge acts as a barrier and keeps it away from her lawn. The City should address the issue of parking on the street.

Pat Hoffman spoke stating that she lives on Sims and drives on Sims regularly; the hedge is not the problem. The problem is the parking; parking should be restricted within 30 feet of the stop signs.

Cathy Dugan spoke stating the aesthetics of the hedge are important for the neighborhood. She stated the arena is overbuilt for the area and it's a high traffic area. She lobbied against the skate board park being built in Goerke because of the traffic in the area.

Paul Kirsch spoke saying he's swayed towards his mother's position on the hedge. If the choice was 20 or 30 feet, he feels the 30 foot setback is overkill while a 20 foot setback would have less of an impact. Parking is the safety issue.

Laurel Hoeth spoke saying that SUV parking on the corners of the intersection is the problem. Safety is the issue, maybe the speed limit should be addressed in that area.

Ald. Suomi said she was not here to challenge the vision triangle ordinance language. She feels there is a lack of consistency in the two ordinances and this should be addressed. Parking really is the issue. She would like the Commission to go on record addressing the parking problems.

The commissioners discussed the pros and cons of removing this portion of the ordinance out of the City Forester and Forestry ordinance and having it referred to Public Protection Committee or the Inspection Department. If it's a safety issue, it should be dealt with as a safety issue.

Commissioner Sorensen said he lives on the corner of Michigan and Jefferson Street with an alley behind. There were shrubs right up to the corner. He's lived there for eleven years and the shrubs were a blind intersection all eleven years. They have just been cut and he's happy about it. He's concerned about the logic "just because there hasn't been an accident" shouldn't due diligence be followed in enforcing the ordinance that has been enforced for many years. He stated we must be consistent to be fair to all residents and follow the ordinance. What happens if we know about this tonight, do nothing and then there is an accident. Who is liable?

The City Attorney stated the Public Protection Committee doesn't have jurisdiction over the Parks Department appeals process.

Director Schrader stated we get complaints weekly and orders are issued regularly. There are many triangle issues but in this case the hedge is dense and obstructs the view of cross traffic.

Attorney Molepske was asked if the Park Commissioners could change the ordinance or make an exception in this case and he stated the Commissioners can't change the ordinance but could recommend an exception.

Forester Ernster stated he doesn't disagree with anything anyone has stated. He likes the hedge too but he's following the ordinance and doing his job. He can't be subjective on certain cases; he needs to know how to do his job by following the ordinance. Attorney Molepske stated with the ordinance in place there is equal protection for everyone.

Motion by McDonald, seconded by Slowinski to take the staff recommendation and not approve the appeal.

Ayes majority, Nays: Glodosky, Oknonek, Freckmann. Motion carried.

4. Director's Report

Director Schrader reported:

- Winter sports areas are official closed for the season. It was a good season. Gates will be left open

- In the Forestry Department a UW-SP student is re-measuring ash street trees. Once this is complete Todd will be able to prepare a cost estimate for removal and replacement. He will be bringing the plan to the Commission next month
- Doing general trimming of trees
- Park crews will be getting the bathrooms open next week. First game is March 25th at Zenoff
- Park crews are removing snow from the Bukolt ball diamond and the Goerke track
- Interviews will be taking place for summer staff
- Ice Show is scheduled for April 6 and 7
- Easter Egg hunt is scheduled for March 30

Motion by Wiza, seconded by Bahling to place the Director's Report on file.

Ayes all, nays none; motion carried.

5. Adjournment

Motion by Sorenson, seconded by Wiza to adjourn at 7:50 p.m.

Ayes all; Nays none; Motion carried.