

PARKS BOARD MEETING

April 12, 2011

Regular Board Meeting

Attended by:

Park Board members: Janet Sproull, John O Connor, Susan Ridgeway, and Pat King

Staff: Shirley Kinsey, Morgan Valliant, Donna Gaukler, and David Selvage

Others: Jim Habeck, Dan Geary

Recognition of Pat King – Pat King was recognized for his volunteer service on the Missoula Parks Board. Pat has served on the Board from 1998 to 2011 and the Board provided him with a Run for the Trees T-shirt, water bottle and certificate in honor of his long standing service to the community and the Parks Department and the Board.

Approval of minutes of meeting from March 2011. Approved as submitted

Public/Guest comments – no comments on items not on agenda

Action Items/Presentations:

Conservation Lands Management Plan – Communications Policy (Janet Sproull & Morgan Valliant)

The proposed policy outlines the process for notification and guidelines for select vegetation management activities which require an increased level of public notification. This policy does not address public notification for minor vegetation management activities which have little impact on the public safety or use of lands. The policy includes herbicide and pesticide applications, tree removals and forest thinning and livestock grazing.

On tree removal issues where trees are located within 50 feet of private property boundaries, there needs to be a notification of adjacent land owners. The policy will increase communication and allows citizens to voice their concerns. In cases where the tree(s) are a visual barriers, or boundaries are not well marked, staff will need to establish an agreement with property owners regarding the status of these trees. Property owners have right to appeal removal of trees similar to process for ROW, or boulevard removals. The reconsideration process may include the Park Board, Tree Board and/or the Conservation Lands Advisory Committee (when CLAC is created).

John –do the changes today reflect items discussed last month?

Donna – there was discussion related to spring notifications as Susan thought the process was not clearly stated and a citizen may expect multiple notifications. Section B – which states a minimum of one work week in advance, does involve more work for staff, but is part of a good neighbor policy, and will be worth any extra work, as it helps build partners and educates on what are more desirable trees for a visual barrier.

Morgan – this will be important in small areas where we will do forest thinning, especially in the Farviews area.

John – in thinking ahead, I would still like to give staff flexibility, especially since they are already doing more than what is required. I would encourage the use of "in general" – and what are the consequences if staff is not right on target with timelines.

Morgan – I don't see an issue with leaving the timelines as they already mirror what we do now. The policy is to provide continuity and standardization of the process which eliminates issues.

Susan – what is the appeal policy for thinning projects scheduled between May and August, should it be more specific or more general?

Morgan – The policy states an owner must notify the Conservation Lands Manager as soon as possible and within 2 working days before the removal is scheduled. Appeals will be heard by CLAC and establishes the residents' right for a second opinion or to be heard.

Susan - So the appeal is a formal process and implies that a formal decision has been made and the process is more of an administrative decision.

Morgan – the appeal allows for a reconsideration and allows for a process to happen if the citizen doesn't agree; it gives them an opportunity to talk to someone else besides the manager.

Donna – Residents have the right to discuss the removal of trees, you could replace the word appeal with other words if the definition of appeal does not fit the intent of this policy.

In the past a subcommittee of the Parks Board, the Tree Board, went to the site of the proposed removal and talked to the land owner, and brought their decision back to the park board.

Morgan – this policy is how we will notify the public. Maybe CLAC determines the appeal process.

It was discussed to change the term "**appeal**" to "**reconsideration**" of a tree removal to provide clarity.

Susan - I move to recommend approval of the policy with the following changes:

Change the word appeal in the public notification policy to reconsideration and also change the word in this statement throughout the notification document to "is the tree within, **will** receive notification to rather than **must**.

The change would be "Request **reconsideration** of tree removal decisions of the conservation lands manager – to be heard contact ASAP and within 2 working days before removal is scheduled. The request for **reconsideration** will be heard by a designated subcommittee of the CLAC or Park Board.

John seconded.

Daniel Geary – from Ward 1 and here to talk about the impact on Cherry Street with the 50 foot notification, as this policy only allow reconsideration on that 50 foot notification.

Morgan – per the policy Property Owners may appeal the decisions of the Conservation Lands Manager to remove trees located within 20' of their property line to the Park Board. To make the request for the reconsideration, the property owner must notify the Conservation Lands Manager as soon as possible, but no later than 2 working days before the removal is scheduled.

Daniel – no one has spoken for the trees, where is the advocacy? There is no designated spokesperson for the trees. This will impact 40-50 trees, no one is advocating for the health of urban forest.

Janet – In this case, we are advocating for conservation lands, which are negatively impacted by non-native, invasive species. We don't dislike maple trees, we just don't want them growing on conservation lands.

Daniel – who is speaking for the trees, I am asking you to table this.

Morgan – we remove other species besides the Norway Maple, this policy is to deal with all not just one specific species.

Daniel – I would like to read my concerns regarding the draft notification policy letter and am appalled that there is not any city council present here.

[Letter](#) from Daniel Geary

Was the public notice made of this important policy vote?

Does the notification supersede policy of urban forester?

Are property owners, managers and residents equally allowed to appeal?

Is it with Parks and Recreation jurisdiction to arbitrarily determine which citizen is allowed to appeal removal of a tree on the public right of way? Is that not a determination for the large city council?

Can an absentee property owner in California sign off on the eradication of an entire grove despite appeals by citizens outside the 20-foot appeal zone?

Why is the notification zone for eradication 30 feet larger than the allowed for appeal zone?

Are there contingencies for no response to notification? Is no response an ersatz go-ahead for eradication?

Who outside Parks and recreation staff and board advocate for the holistic environmental, aesthetic and real estate value of trees outside the 20 foot appeal zone?

Is there a check and balances system to prevent over eradication by aggressive mismanagement or misinterpretation by the conservation lands manager.

Is air quality a basis for appeals?

Is sound mitigation a basis for appeal?

Is solar radiant protection a basis for appeal?

Is real estate valuation a basis for appeal?

As the city proposed altering the urban environment, will not the city ultimately be liable for failure to establish property lines through a correct survey?

Will the visual barriers and general grove replacement include the departments' budgetary ability to maintain the barrier or grove in perpetuity?

Is the agreement to reestablish a visual barrier or grove contractual with ward residents? Handshake? Trust?

Absolutely at the discretion of the department?

Will a visual barrier and general grove or tree replacement plan include analysis of a statement of intent to achieve a timeline for ecological parity as regards sound, solar, insulating, oxygen production and carbon storing?

What defines, under this plan, "public right of way?"

What defines under this plan "conservation lands?"

Will there be an objective representative on the appeals board?

Who does the public deal with the Urban Forester or Conservation Land Manager?

John – I would respectfully disagree and note the discussion today is not about the specific issue you present or the specific area you reference, Mr. Geary. This is a discussion on the policy of

notification in conjunction with carrying out the already approved conservation lands management plan. We are all advocates for trees.

Jim Habeck – what purpose would tabling the motion achieve?

Daniel – it would allow more people to be here.

Jim Habeck I would recommend changing the word attachment to addendum.

Susan –I withdraw my first motion and move to approve the notification policy with the changes I indicated before along with the change of the word attachment to addendum.

The motion was seconded by John.

MOTION: The Missoula Parks and Recreation Board moved to recommend approval of the Conservation Lands Public Notification Policy with the changes made during the meeting. All members present voted in favor of the motion.

There was no additional public comment.

Conservation Advisory Group – [CLAC by-laws, directives from Park Board](#), and [appointments](#) process (Dale Harris) Donna - staff recommendation is to have the final approval of roles, and application by the Park Board. The by-laws were approved last month. The plan will be to advertise for applicants through May 27 and have a subcommittee of the Park Board review the application and bring a recommendation to the June park board meeting. After the selection one of the first meetings would be a tour of some conservation lands. City Council has reviewed and supports the process.

Motion:

It was moved to recommend approval of the application and roles of the CLAC as outlined. All members voted in favor of the motion.

[Enterprise Fund Request](#) – Missoula Softball Association/Christian Softball League for Purchase of Fence Topper Protective Covers for outfield fences at Fort Missoula. (Shirley Kinsey)

Shirley – staff recommends the Parks Board approve the purchase of protective fence covers at softball fields at Fort Missoula, McCormick and Northside as well as purchase material for two fields at Playfair Park which the Mount Sentinel Little League will reimburse the fund for the purchase price plus freight. The purchase is \$5,000 plus shipping.

Pat – this is a good purchase and I suggest also purchasing good zip ties.

Motion: It was moved to recommend approval from the enterprise fund for the purchase of the protective fence covers in the amount of \$5,000 as outlined in the request. All members voted in favor of the motion.

Discussion items:

Park Board Liaison, Sub-committees and Staff Reports

[Garden Policy](#)- (Jackie Corday)

The City Council recently approved a blank agreement for temporary use of city lands for community gardens. There are a number of parcel in city that are identified as underutilized, or non conforming

lands, but may work for gardens. Staff worked with Garden City Harvest initially to develop an agreement to use these types of lands for neighborhood gardens. City Council asked staff to develop a blank agreement to be used by any group requesting this type of use of public property.

Jackie developed the blank agreement per Council. The goal was to establish a non-profit technical group for oversight for garden planting which would include a garden plan, budget, pest control and public access on parkland. This would include agreements, plans and meets strategic goals. There is not a motion required by the Park Board as any park land request will come to the Park Board for approval. Other land use request dealing with right of way will go to Public Works and City Council.

Donna – A legal lease of public land for five or more years requires Council approval. Park Board will make decision on park land provided a garden is part of park master plan or as part of a park adoption plan.

Fort Missoula Regional Park (Park Board Subcommittee John O'Connor)

John – the capital campaign is forming an executive committee and the process continues to move forward.

Tree Board – (Janet Sproull, Susan Ridgeway, and Pat King) - Friends of Urban Forest

Ben Carson has taken a new job with the University of Montana. As the City's Urban Forester he has been an excellent resource and very knowledgeable. This is a good opportunity for him but he will be missed at the Parks Department. David Selvage will help out with the transition in the operation division. Morgan will be acting Urban Forester, with help from David.

Friends of the Urban Forest is taking applications for this committee until April 15. Staff will bring forward recommendations for the new committee members. Donna would like to have a proclamation to establish the Friends of the Urban Forest board. Members of the Park Board on the Tree Board will be invited to the first Friends of UF meeting and then will meet once the new Urban Forester is hired.

Extraordinary Events – (Bruce Micklus – Liaison) – Annual Meeting update –

Donna reported that Bruce Micklus will continue as the Park Board liaison as he has extensive knowledge of music. The EEC at their annual meeting discussed using a balance in their funds of \$400 to purchase trees.

Staffing update and introduction of David Selvage, Parks Services and Systems Manager

David is from Boise Parks and Recreation and a graduate from the University of Montana. He has been an urban and regional planner and comes to Missoula, for its challenges, and good quality of life. He has been an impact fee administrator and worked in planning, development and development of long range capital improvement. His work with the Parks Department will include AMS, impact fees, reviewing efficiencies, or greater effectiveness in systems and alternative funding.

Updates and/or Staff Reports

Budget and CIP discussion (Dale Harris)

Donna – there are additional challenges to the next fiscal year budget due to health plan funding.

The meeting adjourned at 2:00 pm.