

PARK20190710-1
UNAPPROVED

The meeting was called to order by Chairperson James Schara at 6:30 p.m.

Excused - Dave Polacek

STATEMENT OF PUBLIC NOTICE

APPROVAL OF MINUTES

COMMENTS AND SUGGESTIONS FROM CITIZENS – None

Determination and Appeal of an Unlawful Removal of City-Owned Trees; and Action Thereon

The property owner of W53 N565 Highland LLC, Michael LaLaonde, who had taken down these trees, was in attendance and explained his opinion on this issue. He explained that he understands the ordinances and should have gotten the applicable permit before removing these trees. He explained that he took the trees down because, in his opinion and with his background, he believed they were a liability to the City and does not agree with the unreasonable punitive damages penalty assessed to him on this issue. He stated that he does not believe the cost analysis is accurate and the assessed cost is too high. Mr. LaLonde also passed around a packet of pictures showing trees that were in bad

shape throughout the City of Cedarburg.

Glenn Herold asked Mr. LaLonde why he took down the trees in the first place. Mr. LaLonde said because they were unsightly.

Paul Rushing inquired about the net cost of the trees. Superintendent Westphal stated that it was \$3,304.40 for the lost 22 inches of trees that were unlawfully removed. Mr. Rushing also added that he believes that Mr. LaLonde's approach on this topic at this meeting is coming off as very disrespectful and does not believe that he respects this Board.

James Schara asked how long it would be until the new trees would be back to the size of the ones that were cut down. Superintendent Westphal stated that it would take 15-25 years. Council Member Rick Verhaalen also stated that if procedure was followed, this never would have happened.

Superintendent Westphal mentioned that since the nine inch diameter Ash tree was removed from the treatment program in 2014 and would eventually die, he removed the value of the tree and the penalty could be dropped to \$288 for only a replacement for that tree, but the full \$2,016 will still be charged for the Linden Tree. The total penalty will now be \$2,304.

Motion made by Terry Wagner, seconded by Paul Rushing, to maintain and enforce Superintendent Westphal's method of assessing costs charged for unlawful removal of trees. Paul Rushing made an amendment to the proposed motion to say that the City of Cedarburg Park, Recreation and Forestry Department replace two street trees illegally removed by contractor Michael LaLonde and accept Superintendent Westphal's method of evaluation of mature street trees, further requiring contractor Michael LaLonde to reimburse the City of Cedarburg for the illegally removed Linden tree in the amount of \$2,016 and for the illegally removed Ash tree in the amount of \$288, for a total of \$2,304.

The amendment was agreed on by Paul Rushing and Terry Wagner. Motion carried with James Schara, Glenn Herold, Terry Wagner, Brian Clement, and Paul Rushing in favor, Council Member Verhaalen opposed and Dave Polacek excused.

REPORTS

Supervisor Friess reported on various Recreation Department activities including adult softball, youth soccer, the Cedarburg Community Pool, poms and flag football.

Superintendent Westphal reported on additional Parks and Forestry project updates including stump removal/grounding, trunk injections, Dutch Elm Disease prevention and concerns about citizen tree questions and requests.

ADJOURNMENT

Motion made by Glenn Herold, seconded by Council Member Rick Verhaalen, to adjourn the meeting at 7:44 p.m. Motion carried without a negative vote with Dave Polacek excused.

Danny Friess
Recreation Supervisor