

**TREE COMMISSION MEETING
CITY HALL CONFERENCE ROOM
October 10, 2023**

Commission Members Present: Chairperson Dios, Jesionowski, Ludwig, Mahoney, Patzwahl, Councilman Kelly, Urban Forester Robinson

Others Present: Service Director Liskovec, Catherine O'Connell (Pinewood), Dan Rehor (Longbeach/Northfield)

The Tree Commission meeting began at 7:10 p.m. in the conference room at City Hall.

APPROVAL OF MINUTES

Mr. Patzwahl made a motion to accept the June 20 minutes as written and seconded by Ms. Jesionowski and approved by all present.

CITY COUNCIL REPORT

Additions/corrections were submitted to Council for the Tree Ordinance 1335.04. The additions/corrections were done and a copy is attached to the minutes with the proposed additions and corrections. The changes were approved by Council on October 2, 2023.

CITY ARBORIST REPORT

FALL PLANTING – Urban Forester.Robinson reported that the planting spaces have been reviewed and a purchase order has been issued to the nursery for the trees to be ordered. The fall planting (Lisaview, Marygate and Norfolk) will start possibly at the end of October or mid-November, after the first frost occurs.

OUTREACH AND COMMUNICATION

Touch-a-Truck – Mr. Dios and Urban Forester Robinson attended the Touch-a-Truck and reported that it turned out well and would like to have the Tree Commission participate again next year.

NEW BUSINESS -

LONGBEACH TREE REMOVAL

Two residents from the Longbeach area, Mr. Rehor from Longbeach and Ms. O'Connell from Pinewood were present at the meeting tonight to discuss trees in their area that were removed, but not replaced and to discuss the trees that are on the Master Street Tree Planting Plan.

Several Sawtooth Oaks needed to be removed in the Longbeach area due to their poor condition. Mr. Rehor and Ms. O'Connell asked if the Master Street Tree Planting Plan could be updated and have a different tree other than the Sawtooth Oak. The Sawtooth Oak does not drop its leaves until winter and spring and it is difficult to clean the yard up every day when there is no leaf pickup in the spring. The Tree Commission will put this on the Agenda and discuss this at the next meeting. The Tree Commission, Service Director and Urban Forester will have a discussion if this addition/correction on the Master Street Tree list will be made. They also decide which area is part of the planting program each year.

Mr. Rehor and Ms. O'Connell also wanted to know why the trees that were removed were not replaced and why was there no replacement plan for new trees. Service Director Liskovec responded that it was a top priority to remove the trees and there were no plans in place to replant replacement trees. The Longbeach/Pinewood area needs to have public improvements (curbs, gutters, sewers etc.) made before any tree lawn trees are planted. They wanted to know how to go about getting the public improvements so they can have trees planted in the tree lawn. Service Director Liskovec responded that there are no plans at this time to do public improvements in the Longbeach area. Also, when new improvements are made the homeowners are assessed for the new improvements which can be very expensive. Some residents may not want the improvements if there is an assessment. Service Director Liskovec said they would look into the improvements needed and if this goes forward, it would not be for at least five years. He brought up the Sunset area improvements and assessments, which were very high in cost.

Mr. Rehor and Ms. O'Connell wanted to know how to start the process for improvements and tree planting. Mr. Dios said that coming to tonight's meeting and voicing your concerns is how the process starts. Councilman Kelly suggested that residents could plant trees on private property. Mr. Mahoney commented that recognizing the City would not target Longbeach for replanting because it was unimproved, could we allow or support planting if the residents funded the initial cost of the tree planting as had been done previously. He suggested looking to see if there were any trees that would be good for unimproved areas. Urban Forester Robinson suggested looking into selecting a different tree to replace the Sawtooth Oak.

Ms. Jesionowski asked if the City would consider doing a leaf pick up in the spring. Service Director Liskovec said the Service Department does not have the manpower or enough equipment to do spring pickup of leaves. The trucks used for plowing are used for other jobs in the spring.

Further discussion regarding the Longbeach area was tabled until the November meeting.

NEW BUSINESS

Councilman Kelly advised the commission that after the end of 2023 he will not be on the Tree Commission. New assignments for the commissions start in January 2024.

YEAR-END REPORT - The Tree Commission members will begin wrapping up 2023 and start preparing the end of the year report.

PLANS/GOALS FOR 2024 – Tree Commission will discuss updating the website and using keywords to locate information, goals for 2024, creative ideas and projects, tree care and assessments at the next meeting.

There being no further information to discuss, a motion was made to adjourn the meeting. Seconded, and approved by all present.

The next meeting will be November 14, 2023.

Respectfully submitted,

Jackie Moore

Jackie Moore, Secretary

1335.04 TREES ON PRIVATE PROPERTY, OVERHANGING PUBLIC PROPERTY AND DEAD OR DISEASED TREES.

- (a) **Trees on Private Property:** The owner of every lot or parcel of land within the City upon which a tree, plant or shrubbery stands with any part thereof upon or overhanging a public street or sidewalk or being found to be damaged, diseased or to have an infectious disease shall conform to the regulations herein provided; otherwise, the Director of Public Services and Properties and/or the Building Director or their ~~designated agents~~designee (hereinafter the "Director") shall cause such trees to be trimmed or removed in accordance with such regulations, and assess the cost thereof against the owner of such lot or parcel of land.
- (1) The owner shall trim or cause to be trimmed each tree, plant or shrubbery so that a clear height of eight feet (8') between the lowest branches of the same and the sidewalk is maintained, and a clear height of fourteen feet (14') between the lowest branches of the same and the street is maintained.
 - (2) The owner shall trim or remove, as ~~the case may~~ required by the Director, every dead, decayed or broken tree, plant or shrubbery, or part thereof, so that the same shall not fall to the street or sidewalk.
 - (3) The owner shall ~~cut down and~~ remove or trim any tree, plant or shrubbery, or any part thereof, as may be necessary to provide a clear and unobstructed view of traffic from all directions at any street intersection, or to abate any nuisance necessary to protect life, limb or property of persons, drivers of any vehicles, or pedestrians using such street or sidewalk.
 - (4) No Oak trees shall be trimmed or removed during the months of April through October in order to prevent the further spread of Oak Wilt unless deemed necessary or hazardous after review by the Director or his/her designee.
- (b) **Infected, Damaged, Dead or Diseased Trees:** The Director is authorized to inspect any tree or part thereof within the City which is suspected of being infected, damaged, diseased, or dead. If upon such inspection ~~there is reason to believe~~ in the opinion of the Director a tree or part thereof is damaged, dead or a disease is present, the following action shall be taken by the Director:
- (1) On City-owned property and on a public street right of way, immediately order the removal of the tree ~~and or~~ trimmings in such a manner as to prevent as fully as possible the spread of any disease ~~and/or~~ to correct a hazardous condition.
 - (2) On private property, a written "notice of violation" shall be issued to the property owner by delivering it personally to the owner of the property, or by mailing a copy of such order to the last known address of the owner by first class mail. The order shall set forth a time limit, not to exceed 30 days for compliance. If the notice is returned showing the letter was not delivered, a copy thereof shall be posted in a conspicuous place on or about the real estate involved. Posting for 72 hours shall be considered legal notice. In case of extreme danger to person or property as determined by the Director of Public Services and Properties or his designee, compliance may be required immediately or the danger may be removed by the City by notifying the property owner by posting a written notice at the property or delivering the written notice personally to the owner.

- (3) Upon failure to comply with the order within the specified time, the City may remedy the condition or contract with others for such purpose and charge the cost thereof to the owner. The person remedying the condition shall be authorized to enter upon the premises for that purpose. If the cost of remedying the condition is not paid within ten days after a statement is mailed, such cost shall be levied against the property upon which the hazard exists, shall constitute a lien thereon and shall be certified to the County Auditor to be collected in the same manner as other taxes. The levying of such an assessment shall not affect the owner's liability for a fine as hereinafter provided. In the event a tree or part thereof is found to be damaged, dead or diseased, residents are encouraged to contact a Professional Commercial Tree Company with ISA certified professionals on staff to provide an assessment for the proper trimming, pruning and removal of the affected tree to ensure procedures used meet industry standards and safe removal practices.

(c) **Boundary-Line Trees:**

- (1) When a boundary-line tree trunk is on the line between two or more private properties, the respective property owners shall share the responsibility to care for and maintain the tree. In the event the tree becomes damaged, diseased or dies, the property owners ~~will be expected to work together and~~ shall be jointly responsible ~~in~~ for the proper trimming, preservation, or removal of the affected tree ~~and its contents~~.
- (2) When a boundary-line tree is between the City right-of-way or City-owned land and private property, the City shall be responsible to maintain and/or properly remove the tree.
- (3) If a boundary line survey is required to determine ownership of a tree in question, the costs incurred to secure the survey shall be the responsibility of the property owners.