



# City of Madison

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

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Wednesday, July 9, 2008

6:30 PM 625 Northport Dr. (Warner Park Community Recreation  
Center)

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### I. CALL TO ORDER / ROLL CALL

Past President Chewing called the meeting to order at 6:34 p.m. A quorum was present and the meeting was properly noticed.

Present: Betty MacDonald

Present: 3 -

Michael Schumacher; David L. Wallner and Betty Chewing

Excused: 3 -

Joseph R. Clausius; William W. Barker and Emanuel Scarbrough

Parks staff present: Superintendent Kevin Briski, Si Widstrand, Jim Weinstock, Brad Weisinger, LaVonne LaFave, Laura Bauer, Russ Hefty

City staff present: Sgt. Jill Klubertanz, Larry Nelson,

Alders Present: Ald. Satya Rhodes-Conway, Ald. Larry Palm,

### II. APPROVAL OF MINUTES

A motion was made by MacDonald/Wallner to approve the Minutes of the regular meeting of June 11, 2008 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. REPORTS

#### A. Olbrich Botanical Society

A motion was made by MacDonald/Wallner to approve the Minutes of the regular meeting of Minutes of May 20, 2008 of the Olbrich Botanical Society. MOTION CARRIED UNANIMOUSLY.

The Minutes reflected a discussion regarding the purchase of insurance for the Directors of the Society to protect them on decisions they make. This liability insurance would be paid for by the Society.

**B. Warner Park Community Recreation Center**

A motion was made by MacDonald/Wallner to approve the Minutes of the regular meeting of March 27, 2008 of the Warner Park Community Recreation Center Advisory Committee. MOTION CARRIED UNANIMOUSLY. Ald. Schumacher commented on the great data in the Warner Park Community Recreation Center 2007 Annual Report.

A motion was made by Schumacher/Wallner to take items V. C. and F. and VII. A. and B. out of order. MOTION CARRIED UNANIMOUSLY.

Request from Captain Jill Klubertanz to change Ordinance to regulate the use of alcohol beverages in Eastmorland Park.

**Registered Speaker:**

**Captain Jill Klubertanz support  
Ald. Larry Palm support**

Captain Klubertanz spoke of the number and types of incidents they are receiving calls on in Eastmorland Park. It appears most of the individuals are male and probably homeless. People are not upset with their presence but are upset with the behavior/drinking that occurs. There was also a petition supporting the ban signed by neighbors. She indicated that if alcohol were to be banned, the police officers could issue citations and while the offender might not pay the ticket they also would not come back to the park if they couldn't drink there. She provided a copy of the map of the park.

Ald. Schumacher reported there is a Subcommittee on Alcohol and Related Behaviors in the Parks and while alcohol has been banned in Brittingham Park the ban hasn't worked because there hasn't been enforcement. When questioned by Board members she indicated that police are committed to strict enforcement in the park. She did indicate that there might be some displacement/migration issues if the ban would take effect but she couldn't predict where they might go since part of the attraction of this park is that it is close to Woodman's Grocery store.

Commission members stated they had determined what was needed was to have an overall policy instead of dealing with parks on a one by one basis. This is not a satisfactory method of addressing the social problem. The Subcommittee is interested in formulating a policy in the near future.

Alder Palm addressed the Commission stating that he is supportive of the concept of banning alcohol at Eastmorland and also understands there have been long conversations on the issue of alcohol in parks. It is his belief that the availability of alcohol at Woodman's is the impetus for both the problems and the request to ban alcohol in this park. The neighborhood has revitalized their interest in the park as has the Parks Division and family events in the park are not compatible with alcohol use. He understands the concern about alcohol and believes it is a "pusher" toward bad behavior. Additionally the park is irregularly shaped making it difficult for police officers to observe behavior or patrol in an adequate fashion and has no bathrooms. He noted

that this park has had alcohol problems for awhile. This is a neighborhood park, not a destination park.

Commissioners spoke about policies that would prohibit the use of alcohol by responsible park users. It was also noted that any policy coming from the Alcohol and Related Behaviors Subcommittee probably will not be that comprehensive. There has been discussion regarding the different types of parks, i.e. neighborhood, community/destination, etc. and policies for each type. Community parks might allow some use of alcohol to eliminate the possibilities of enjoyment at events. Neighborhood parks would be more in tune with what a neighborhood and alder desire for the parks in their neighborhoods. Delaying a vote on Eastmorland Park until after the Subcommittee meets will not provide any additional answers or information to reach a decision. Other Subcommittee members preferred to wait and not ban alcohol in parks piecemeal. They pointed to the fact that people still drink in Law Park, in Brittingham Park, in Tenney Park. The problem drinkers just go somewhere else. They weren't sure what the solution was and stated part of the issue is people with too much time on their hands. There will always be places where people can purchase alcohol, whether it is near a park or not. It was then noted that when the Commission voted not to ban alcohol in Law Park, the Common Council overrode the Park Commission's recommendation.

A motion was made by Schumacher/MacDonald to approve banning alcohol in Eastmorland Park with a sunset of one year or until the Subcommittee presents its recommendations and the Park Commission approves the policy. MOTION CARRIED UNANIMOUSLY.

11110

To a) authorize the Common Council of the City of Madison to request that the Wisconsin Department of Natural Resources review authorized lake levels on Lake Mendota, b) request from Dane County a review of their policy on summer minimum and maximum lake levels and its potential impact on residential flooding and wetland deterioration, and c) direct the City Engineer, the Parks Division, and the City Attorney to work with the National Weather Service, the Wisconsin Department of Natural Resources, the Cities of Middleton and Monona, and Dane County to establish pre-determined thresholds representing the onset of flooding for Lakes Mendota, Monona, and Waubesa.

Commissioner Schumacher stated the policy (resolution) is the product of a number of years of questions about lake levels in the Yahara Lakes system and a number of issues in the Cherokee Marsh area that have occurred this year with the winter snowfall and June rains eroding the marsh and wetland shores. This initiative by Ald. Schumacher came about after hearing both from his constituents and a presentation at the Habitat Stewardship Committee. He recognized Larry Nelson, City Engineer, Russ Hefty, Conservation Supervisor and LaVonne LaFave, Clerical and Program Support Manager, who have been instrumental in providing information to draft this Resolution. This resolution requests the DNR to review the lake levels established in 1979, to request that the county look at how they implement the summer minimum and maximum levels, and to work with the national weather bureau, the U.S. Geological Survey and possibly the Army Corps of Engineers to define thresholds of flooding and to also look at other solutions that could include dredging or engineering projects further downstream. This is a systemic issue and not

only about Lake Mendota dumping water into Lake Monona, it is looking at the entire system ecologically, recreationally and safety, and environmentally with regard to flooding and the potential loss of life and property.

Registered Speakers:

Jim Hughes support

Ald. Satya Rhodes-Conway Neutral

Jon Becker Neutral

Schumacher continued that there is no certainty this Resolution will change the DNR's decision but this Resolution may persuade the DNR and County to work on this. The Resolution puts everyone on notice that if no action is taken now and something else happens in the future no one can hide and deny they knew of the problem. There are many organizations, such as the Friends of Cherokee Marsh, Yahara Clean, a UW group working on shoreline issues, and other advocacy groups, that can speak to the DNR and County about possible solutions. The City of Monona is also discussing a similar resolution.

Commissioners congratulated Schumacher for his initiative on this issue. Neighbors along Sherman Avenue are supportive of this Resolution. It makes common sense to request this review.

City Engineer Larry Nelson stated he was happy to see this Resolution moving forward. The Engineering Division had asked the DNR to consider this issue a year ago and the DNR finally said the request had to come from the Common Council. The rules that are in operation for this man made system date to 1979. Many things have happened in the watershed since that time. The past winter's snowfall and this June's record rainfall point to changes in the climate. There was a record elevation of Lake Monona at the highest it's even been and shorelines are being battered. The extent of that damage won't be known until the waters do actually recede. The hope is to create a dialogue not only with Madison, but also Middleton, Monona, and McFarland. It's not just a case of pushing the water downstream, the movement of the water needs to be run as a system. Following the winter's snow melt, county staff informed the Engineering Division they couldn't get the lakes down to normal levels. The week-end storm in June put the area into flood stage and caused the release of untreated wastewater into Cherokee Marsh. The capacity at the treatment plant had been maxed out and in fact came close to flooding out the wastewater treatment plant itself.

The DNR has many missions and goals to consider. One concern is changing the elevations in the spring might affect spawning fisheries. In the past when they have gone through requests such as this, many people with opposing views show up at the hearings. This resolution defines terminology because most people don't know what the lake levels really are and will use words such as flood stage as opposed to maximum lake levels. First it must be determined that the rules from 1979 are being met. Next is to identify the elevation that needs to be maintained to minimize the risk for flooding. The DNR has been requested to make this determination at least twice in the past and did nothing.

Commissioners expressed concern that the Resolution didn't contain stronger language regarding a timeline for a response from the DNR. The target date is the spring of 2009. It is believed that public momentum will put pressure on the DNR. In the past the recreational constituency opposed any change but

many shoreline owners and boaters are now in support of this request.

A motion was made by Schumacher/Wallner to approve Resolution #11110 To a) authorize the Common Council of the City of Madison to request that the Wisconsin Department of Natural Resources review authorized lake levels on Lake Mendota, b) request from Dane County a review of their policy on summer minimum and maximum lake levels and its potential impact on residential flooding and wetland deterioration, and c) direct the City Engineer, the Parks Division, and the City Attorney to work with the National Weather Service, the Wisconsin Department of Natural Resources, the Cities of Middleton and Monona, and Dane County to establish pre-determined thresholds representing the onset of flooding for Lakes Mendota, Monona, and Waubesa. MOTION CARRIED UNANIMOUSLY.

OLD BUSINESS

Letter from Water Utility regarding Well Siting Issues.

Registered Speakers:

Jurgen Patan support  
Fae Dremock support  
Glenn Christians support  
Ald. Satya Rhodes-Conway Neutral

City Engineer Larry Nelson indicated that the letter from the Water Utility addressed well siting issues. Engineering is aware of how sensitive the Park Commission is about parks in the city. From Engineering's perspective there is always a good reason to use parkland because it is empty and in the past pieces have been used for police and fire stations. Engineering and the Water Utility are now asking for guidance. In many areas of the city parkland may be the only vacant land. However, the Standard Operation Manual suggests that all sites be considered, and that includes parks. They are willing to accept the recommendation of the Park Commission on whether to include park sites for future well sites.

It was acknowledged that attempting to site a well anywhere in the city was an extremely complex process. There are well sites adjacent to parks but the wells are on their own sites. Nelson continued, stating it is difficult to find land in the East Isthmus area other than parkland. In addition to location and ownership, additional criteria to be considered include potential sources of pollutants and areas around existing wells that are too close. Basically the city doesn't have land that its been saving for these types of projects. The discussing during committee meetings for the siting of Well 3 included where are spaces that are not precluded by the foregoing criteria and was not someone's house. What was left was parkland and a few other small parcels.

While currently this is an informational topic, the Commissioners noted that this is a question the Park Commission may need to act on in the future. The Park Commission stated in conclusion that the Water Utility should follow all possible leads, and not just presume parkland can be used. Parkland should be considered as a last resort.

Request of The Dane County Hawks, a new Adult Professional Minor League Football Team, to use the Warner Park dual use field (#2) for practices and games beginning in August through November 2009.

**Note: The Dane County Hawks are requesting to use the field, to provide concessions but not beer or alcohol sales, to do colored field markings, requesting naming rights, to charge admission, and to put up temporary signs and banners of their sponsors that would hang over and on the chain-link fence and be taken down after each game.**

**Registered Speakers:**

**Todd O. Dillinder support  
Ald. Satya Rhodes-Conway**

Dillinder reported he did look at different high school fields but they were more expensive than their budget could accommodate. The Hawks are an adult professional minor league and a for-profit corporation. The request for naming rights would be for any improvements that the Hawks would install, such as a press box. The Hawks are not currently soliciting donors for this purpose. Weisinger reported that Parks staff had concerns about parking issues, overuse of the park, amplification of sound, naming rights and long term plans for the park. With regard to field use for 2009, staff believe it would be acceptable based upon the Hawks statement of 150 spectators for each of 6 games and knowing it would be for one year until bigger logistics could be worked out. There would be no extension of a contract for 2010, it would need to be fully renegotiated. The Park Commission is well aware of the overuse of Warner Park and Parks staff are also very concerned about this issue.

Ald. Rhodes-Conway reported that while she has nothing against any type of football – be it minor or major league, she had not been contacted by the applicant and knew nothing of the proposal until she read the Park Commission Agenda. She does not support the request and is concerned about spillover of sound and the impact on parking. There are many large events in the park that compete for parking. She is very concerned about the issue of naming rights and referred to the discussions held with the Mallards on that issue. A better system is needed for scheduling large events in the park, at Warner Park Community Recreation Center, the stadium, and the shelter. When scheduling events what at times is forgotten is people who just want to use the park to go for a walk or sit in the open space, etc. She encouraged the Long Range Planning Committee to meet and discuss the long-range plans for Warner Park. Commissioners noted that the Long Range Planning Committee has begun to discuss the Warner Park plan.

Superintendent Briski noted that he had apologized to Ald. Rhodes-Conway for the lack of notification. The overriding issue for him was maintaining the quality of the turf based on that particular activity. He added that Parks was not in a position to support the request at this time.

Following the end of the Mallards season, the first week-end of August (or middle of August if they are in the playoffs and championship) the Hawks would schedule games. Any games to be played prior to that would be away

games. Weisinger reported that following the end of the Mallards season the park switches into a youth football, fall soccer mode changing the dynamics of the park. Parks does not schedule multiple large events in the park at the same time, outside of field use. Schumacher added he would not support either another referral of the request or support the request if voted on tonight.

With regard to questions about parking, there is nothing the applicant could do about the parking problems, it is a scheduling issue. Superintendent Briski added that the parking could possibly be remediated since it would be a testing ground for the Hawks to determine popularity. He reiterated his concern about turf damage if there were rain and wet grounds during either practice or game situations with adult players. That damage would end up directly affecting our local youth players.

A motion was made by Schumacher/MacDonald to deny the request of The Dane County Hawks, a new Adult Professional Minor League Football Team, to use the Warner Park dual use field (#2) for practices and games beginning in August through November 2009. Roll call – Yea – Chewning, MacDonald, Schumacher, Nay – Wallner. MOTION CARRIED.

**C. James Madison Park Property Planning Committee**

**Registered Speaker:**

**Ald. Paul Skidmore, former Park Commission member neutral**

Ald. Skidmore spoke to the Park Commission regarding process and precedent. He noted that the Park Commission had voted three times unanimously to reject the request of the Mayor to sell the land under Lincoln School to help fund the rewriting of the Zoning Ordinances and later to fund an operational deficit. The Park Commission has never declared any parkland surplus and state statute provides that Park Commissioners have special status to protect parkland from being raided. Selling the land would be a huge precedent that would allow removing it from being parkland in the future. He believes it should not be sold to fund the operational budget nor should it be sold to fund improvements for the park.

Commissioner Schumacher reported the James Madison Park Property Planning Committee held a public hearing attended by more than 25 people who spoke. The majority of the speakers believed that selling that small piece of parkland would add value to their community and believed that putting conditions on it such as if the building were demolished it would revert back to the park. Skidmore noted that the land under the school is not a legal zoning lot nor does it have the proper setbacks on the sides with rights of ingress and egress. It is a prime asset overlooking the lake. It was originally public land under a public building.

The city is faced with the issue of buildings that are falling apart. Skidmore has no problem with the disposition of the three houses along Gorham Street. The houses without any land could be sold and remain where they are or they could be moved and the land would revert to parkland. There is a real need for more parkland in the Isthmus area. It would be shortsighted to sell the land under Lincoln School for a few bucks rather than look at the long term.

A letter from Nan Cheney was read into the record.

Past President Chewing stated that the Park Commission are stewards of the parks in the city both now and in the future. Two members of the Park Commission were replaced last year.

Wallner reported there were approximately 50 people at the public hearing and approximately 25 of them spoke. A second public hearing was held earlier this evening and there will be another meeting on August 4. At that point they hope to bring a proposal to that meeting and then forward it to the Park Commission.

Schumacher noted that as a Park Commissioner he has been asked to look at issues thoroughly and carefully and weigh many issues. He hoped there was respect among all of the members to accept differences of opinion. He has served on the James Madison Committee with an open mind, explored every option and thoroughly researched the issue over the last 20 years. He asked that if Park Commissioners had concerns about this issue, that they attend the committee meetings and participate in the exchange of ideas.

Wallner reported that approximately 80% of the people who have spoken at the public meetings were in favor of selling the houses and moving them. The downtown alders and neighborhood associations all back that proposal. He spoke at the committee meeting about moving the houses to get more parkland. No one is going to get everything they want. He stated he has a 25-year history with James Madison Park, back to when he served as a downtown alder and has always been passionate about parks.

It was again stated that the role of a Park Commissioner is a steward for the parks, similar to what occurred back in the Park and Pleasure Drive era.

**D. President of the Park Commission**

Past President Chewing reported she met with the Community Gardens Committee by Rennebohm Park to view what is becoming an extremely difficult situation. The garden may be taken away because of proposed construction at the Hill Farms/DOT site. She is hopeful that the community garden location can be replaced for those gardeners. Widstrand reported that a location within Rennebohm Park is one of the proposed relocation sites.

**E. Superintendent of Parks**

**Written Report of Supervisors' Activities**

Superintendent Briski noted there are lots of things happening in parks as noted in the report. He noted changes to the reporting format by the supervisors to provide more direct information about who we are, what we do and how we do it, incorporating direct data that ties in with the tangible and intangible information. A motion was made by Schumacher/Wallner to approve the written report. MOTION CARRIED unanimously.

As the new Superintendent he has taken the opportunity and listened to advice

from the Park Commission to get to know and see the field staff. The field staff have a great commitment to parks and are great stewards. In the past five weeks he's found all of their advice is true and there is a really committed parks staff and they take great pride in our system. He hears pride in the voices of staff and sees it in their work.

**Madison Parks Newsletter**

This is another management directive that will be produced monthly and used as a promotional piece. This will become a venue to promote People for Parks and garner more support. It will be e-mailed to various lists, there will be a direct link on our website, it will be shared with the Park Commission, all alders and Mayor's staff as well as sending it out as a monthly press release.

He then talked about the tourism phenomenon called StayCations. Packages have been developed for area residents and visitors covering different activities that are helpful and friendly about where you can go, whether it's water related or golfing, etc. The media is picking up on this concept. It was suggested that the Parks Foundation might also be able to benefit from the newsletter. Another suggestion was to put them in the libraries.

**August Parks Tour**

Superintendent Briski recognized LaVonne LaFave's skills as a poet with regard to personalizing the parks tour. He is looking forward to his first tour.

**Miscellaneous**

An opportunity presented itself at the Goodman Pool via a sponsorship by Smart Toyota. They paid the admissions for all patrons of the pool today and with only minor promotion, provided us with almost the highest attendance ever in the three years it's been open. Parks will be developing a policy on promotional opportunities.

**V. COMMUNICATIONS**

- A. Letter from Nick Schweitzer dated June 23, 2008 regarding Solar System Exhibit in Rennebohm Park

This item was informational.

- B. Request from Eric Melton-White to install a public art arrangement entitled Living Lanterns on and above the Yahara Riverway.

Registered Speaker:

Eric Melton-White support

A motion was made by Schumacher/MacDonald to approve the request of Eric Melton-White to install a public art arrangement entitled Living Lanterns on and above the Yahara Riverway pending approval of the alder and neighborhood association and subject to sponsor's compliance with staff recommendations. MOTION CARRIED UNANIMOUSLY.

- D. [10141](#) Authorizing the Mayor and the City Clerk to execute an Agreement with Blue Plate Catering, Inc. for exclusive alcohol beverage services at Warner Park Community Recreation Center and Olbrich Botanical Gardens from January 1, 2009 through December 31, 2010, with the possibility of two successive two-year renewal terms.

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

- E. [10207](#) Authorizing the execution of an easement to the County of Dane for public pedestrian/bicycle path purposes across lands within Glacier Crossing Park, located at 3702 Ice Age Drive.

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

- G. **Appeal of Encroachment Violation by John and Fanny Garver**

Registered Speakers:

Sara Garver support  
John Garver support  
Paul Skidmore support

Widstrand reported Parks rationale was that had the Garvers asked before they did the work, Parks would not have given permission. The Garvers do have the right to appeal the violation and that is why they are here this evening. While they have moved some of the materials in the encroached area, some materials still remain and it is Parks position that it should all be removed. The more formal stone wall on park property should be removed. This would be potentially precedent setting and Parks needs to enforce the removal of the encroachment. Parks does not have a consistent program of going out and searching for encroachments along parkland borders but deal with them as they come to Parks attention. There are probably many such encroachments out there that are a problem. Parks is concerned about allowing them after the encroachments become known.

It was noted that the Garvers have removed the flagstone patio and path, the benches as well as the non-native plants. The remaining fieldstone is set in a bank in a buffer area that is not visible from the park. Commissioners observed there are competing values since if the stones are removed it might produce a negative impact but if the Park Commission allows them to stay it might create a precedent.

Superintendent Briski noted that once the issue was brought to his attention, he found the area was easy to identify. It was a beautiful, secret garden. But the issue is that it is an encroachment without permission and those precedent issues apply. The area in question serves as a woodland buffer between the Tamarack Condos and the park. In new park developments, many times those buffers aren't there. What Parks is really concerned about is the precedent it

creates if the stone is allowed to remain. He stated he didn't notice an elevation change or slope that he could detect.

Alder Skidmore reported this parcel is in his District and he personally viewed the area. All of the materials that were removed were flagstones in the activity/use area and the materials that remain are boulders that are set into the bank and not in a use area. The area where the flagstones were removed will quickly return to the forested buffer area within a season.

A motion was made by Wallner/MacDonald to accept the compromise version of the encroachment by allowing the fieldstone that is set in the bank to remain. Roll call – Yea – Chewing, MacDonald, Wallner, Abstain - Schumacher. MOTION CARRIED.

## VI. NEW BUSINESS

### A. Proposed CDBG Improvements in Hammersley Park and potential community garden

#### Registered Speakers

Margaret Lis in support

Joe Matthews, Community Action Coalition Gardener in support

Approximately six months ago the Park Commission approved the neighborhood plan that included some recommendations for Hammersley Park. Because there was no sponsor for the community garden this past spring, the Parks Division went back to the neighborhood and is now being brought back to the Park Commission. Community Action Coalition will lead the effort for the garden next spring. In response to a question about how the varied interests of different groups using a park are made, community gardens are located in areas approved by the Parks Division after going through a planning process. It is an aesthetic value and provides a residual effect on behavior in society providing another set of eyes in the park.

A motion was made by Schumacher/MacDonald to approve the proposed CDBG improvements in Hammersley Park and potential community garden. MOTION CARRIED UNANIMOUSLY.

### B. Proposed Nine Springs E-Way bike path in Baxter Park

Widstrand reported this is a cooperative venture between the city and the county. The section of the trail in Baxter Park will serve as an accessible path to the playground and basketball court. The trail will then continue into the county trail system in their Nine Springs E-Way. They will build the entire route as a gravel trail and the city will pave the portion of it in Baxter Park because that is our normal standard for accessible trails.

A motion was made by MacDonald/Schumacher to approve the proposed Nine Springs E-Way bike path in Baxter Park. MOTION CARRIED UNANIMOUSLY.

## VIII. ADJOURNMENT

**On motion of Schumacher/Wallner the meeting adjourned at 9:55 p.m.**