



Grand Junction Forestry Advisory Board Minutes

May 1, 2015

Parks Operations Building

2529 High Country Ct, Grand Junction, CO 81501

Item 1: Meeting Called to Order by Grand Junction Forestry Advisory Board Member, Shirley Nilsen at 8:10 a.m.

Roll Call

Board Members Present:

Kamie Long
Chuck Thompson
Richard Edwards
Shirley Nilsen
Elizabeth Neubauer

Board Members Absent:

Teddy Hildebrandt

Assistant City Attorney:

Jamie Beard

City Council Member Present:

Marty Chazen

Parks & Recreation Staff Present:

Randy Coleman, Parks Supervisor
Darcy Austin, Sr. Administrative Assistant

Item 2: Approve Minutes

Rich Edwards moved to accept the April 8, 2105 Forestry Board meeting minutes. Motion was seconded by Elizabeth McCauley.

Motion adopted by the Grand Junction Forestry Advisory Board: 5 Yes 0 No

Item 3: Update from the City Forestry Division:

- Shirley Nilsen mentioned the thank you cards that Randy Coleman received from all the children that he did presentations for at the schools. Also mentioned going to the library and checking out all the framed posters in the kids section.

- Randy Coleman stated that Southwest Arbor Festival was canceled due to weather but Shirley Nilsen still gave away seedlings the Monday and Tuesday following the event. Some trees were kept for the Parks Department to try to grow around town (specifically Texas Buckeye).
- Randy Coleman ran the “Glad You Asked” in the paper and will run it again. Also let everyone know that the contest poster winner’s tree was planted and the stone put in over at Lincoln Park, near the golf club house and the rose garden at Lincoln Park is going to get an upgrade and will be more educational.

Item 4: Forestry Board Rights with Jamie Beard (Assistant City Attorney)

Randy Coleman stated that we have Jamie Beard with us today, Assistant City Attorney, due to questions about what rights the Forestry Board has when dealing with our Licensed Tree Care Providers who aren’t following the regulations or disregarding certain rules. It seems that if we are providing a list of tree care providers we owe it to the public to make sure it’s a good provider.

Chuck Thompson mentioned that he had a much easier time finding the Licensed Tree Care Provider list on our website; it had been more difficult to locate in the past.

Jamie Beard passed out sections of City Code that affect this Board directly (Attachment A). Based on a call received from Randy Coleman and a conversation with Mike Vendegna (Superintendent of Parks), we apparently have someone that is licensed in the City but we may be bringing the Board a complaint based on the actions they have taken in this past week that are questionable. Due to those actions, if we file a complaint and ask the Board to take action on it, it’s a regular hearing, meaning you’d be acting more like a Judicial Board when that happens.

She stated that we have to give due process to the person we are filing the complaint against and include any information that we think is relevant to the violation which gives the Board the ability to take action. They would then have an opportunity to come before the Board and present their position as to why they did what they did. If the Board then finds that they have done some type of violation the Board can go as far as to revoke their license or take action to suspend their license for a period of up to sixty days. Since this Board is who would be acting as the “Judicial Board” for this case we won’t fill you in at this time with the details because we don’t want to predispose you to the situation before you hear it. Basically you are taking a right from this person if you choose to revoke or suspend his/her license.

Jamie Beard stated that there is also a letter from Mrs. Underwood, a separate issue, which we can discuss later. Due to the fact that the next meeting may also include a hearing regarding moving forward on a complaint against the licensed tree care provider, we should address Mrs. Underwood at another time.

Kamie Long stated that based off this information it is her understanding now that the Board does have the right to revoke or suspend a license based on a hearing that we would have. Jamie Beard stated that if after the provider comes to the Board and doesn’t agree with the Board’s decision it can end up with City Council. Very similar to other Board’s that we have where they

have an appeals process and have to go through the whole appeals process before they could go all the way to Court.

Randy Coleman discussed in limited detail the situation that occurred with the tree care provider chopping down a large cottonwood tree into a main roadway with no traffic control in place. It was also the second City tree that this particular provider had chopped down since the 1st of this year without City permission. Randy Coleman explained that the tree was blocking a one way entrance into a neighborhood and had someone needed fire/police at this time there would have been no way in. Jamie Beard stated that she has already heard two definite violations, being that someone cut down City trees without the City's permission and without a permit in order to take that type of action and based off the Code that would be a violation.

With each additional violation and/or concern the Board can decide what the most appropriate steps would be to take in regards to their license. First we will give you a written narrative as to what each one of those violations is and then ask the Board to take action. That information will then be provided to the licensed tree care person and he will have the opportunity to come forward and dispute it or give his/her side of the story. The licensed tree care person would be entitled to bring an attorney with him/her but it is not required for him/her to do so.

Shirley Nilsen asked if it was the homeowners' responsibility to know if it's a City tree or the licensed tree care provider's responsibility. Randy Coleman stated that as a provider through the City they are made aware that they are not allowed to work on City trees and it falls on the tree care provider to check into it. However this is a tricky area because only portions of the street are "annexed" into the City, there is a lot of grey area in that part of town. Marty Chaven asked if we were speaking of the area between the road way and the property and Randy Coleman stated that we are and most are based on utility easements.

Randy Coleman stated that he had a discussion with the previously discussed tree care provider and let him know what his concerns were and discussed safety and to please contact him before doing any other work within in the City. It was noticed by another forestry crew member that this tree care provider was taking down another large tree in a roadway with only one crew member on the ground and a small sign. The crew member stated that if he hadn't been so aware of the situation his vehicle could have been hit by the tree. Randy Coleman stated that this incident happened shortly after he had the conversation with the tree care provider.

There was discussion regarding other companies working on (pruning) City trees. Randy Coleman stated that if a licensed tree care provider gives us notice that a customer has asked them to work on a City tree, we just verify that the homeowner is aware that we can do it for no cost but if they are wanting it done immediately and they are okay with paying the licensed tree care provider than that is okay as well. We don't have enough staff to get to every property that has a request immediately so if they opt to use a tree care provider than we are happy to pass that work over to them. Rich Edwards discussed a time when he owned a landscape management company and talked about how they had removed a dead Ash tree that they later found out was a City tree. Mr. Edwards stated that there is more work needed to be done to get the word out there that if you are unsure if it's a City tree to contact the City's Forestry Department.

Randy Coleman stated that he was unsure if the Ordinances were being given to the licensed tree care providers at the time that they get their license and thinks that this would be a good first step.

Jamie Beard stated that our next step regarding the tree care provider we have been discussing is to do the complaint and serve him with the complaint which will include the date of the hearing. Since the provider has been given multiple verbal warnings it is important that we get the complaint served to him as soon as we can. There was some concern expressed about whether the tree care provider would be worried about losing his license since it's just a \$50 fee and no other real enforcement. Jamie Beard stated that we do have to catch them but if we do catch them, particularly after we've gone through these steps with someone who did have a license and lost their license, than we charge them criminally. There is a point where this tree care provider shouldn't be causing risk to drivers on the street, trees are one important issue but the public shouldn't have to worry about driving down the road and a tree falling on him. That is not the type of risk we should be taking.

Kamie Long asked about the providers who won't take the test and are doing okay work around the community, what steps do we have to force them to become licensed. Jamie Beard stated that we would than need to take the step to actually cite them, starting first with a verbal warning and include a deadline. If the provider doesn't retain their license within the deadline than you would keep an eye out for them to see if they are still working within the City, if they are you can give a second verbal warning. After that you would want to send a letter out warning them that if they are continuing to do work within the City that we will take action and relay what some of those actions would be, such as citing them.

Kamie Long asked who would put the complaint letter together and Jamie Beard stated it would come from the Forestry Division with some assistance from the legal department. Randy Coleman asked if there was any reason on our licensed tree care provider list that we couldn't track infractions based on our Code. Jamie Beard stated that she wouldn't keep that on the list and to be cautious about putting people's complaints on the list because it could just be a dispute between a company and a previous customer and not a substantiated claim. Randy Coleman stated that he was just thinking of tracking the substantiated ones, the ones that we have had to take action on. Jamie Beard stated that if it was for the providers who got as serious that we had suspended their license than we could talk about putting those on the list. Elizabeth McCauley asked if we would remove that companies name from the list if they were suspended and Jamie Beard stated that we should either remove them from the list or put suspended and not available until the date they regain their license. There was conversation regarding what a good deterrent that would be because than the public is noticing that information on the list.

Randy Coleman stated that he has some ideas as far as marketing, making the license more valuable for companies to be licensed and making our forestry website more valuable and up front and include more information on urban forestry in general and health of trees. Chuck Thompson stated you could also put some guidelines as to what people need to look for, such as why topping is bad and other general urban forestry information. Kamie Long stated you could add "A Homeowners Guide to Pruning & Maintenance" on the site as well.

Jamie Beard stated they would have the complaint letter ready to go by the end of the week and should set a hearing date within a two week time frame and have a minimum of four board members present. Also he needs to be given at least five business days and if he requests a continuous, that we are reasonable in giving him additional time. Kamie Long stated that the board will start the hearing at 9:00 a.m. on May 19th and the board should arrive, to prepare, at 8:30 a.m. here at the Parks Conference Room.

Item 5: New Business

- Jamie Beard briefed us on the letter from Cynthia Underwood and the response from Curtis Swift. The board is being asked whether we would amend the 8.32.070 Code. It was decided to table this issue until the next board meeting in June.
- Shirley Nilsen suggested putting an announcement in the City water bills to relay the information about City Right-of-Way trees and where to go to see if you have one.
- Randy Coleman is working with Karen Peterson to push a new forestry webpage. Wants to include information on the site such as promoting the trees in our community, promoting the industry and what value it has to our community. He also would like to start leaving “How Did We Do” cards with customers after we have done work on their property to let us know how we’ve done and also the opportunity to do the same on the website. Wants it to include links to other organizations. Kamie Long said the board should do some research on the CTC Website and other websites that are already developed so that we don’t have to completely recreate the wheel.
- Randy Coleman and Chuck Thompson brought up raising the forestry license fee.
- Chuck Thompson mentioned that we had postponed the “Day in the Park” event, which was a day to get together with our licensed tree care providers and their families and share/provide information. If/when we reschedule we could bring some of the City Codes for information and get some feedback from them as well.
- The Board discussed having a short board meeting after the hearing on May 19th to go over a possible date for the “Day in the Park” event.
- Kamie Long let the Board know that three master gardeners (Bob Eckles, Erin MacEntire and Maquet) had reviewed the manual, all from very different perspectives. Changes were made, per their suggestions, and feels that this is the “Final Draft” for the manual.
- Randy Coleman thanked Shirley Nilsen for all of her work during Arbor Day, in dealing with the posters and schools, etc. Shirley Nilsen stated that she had been given some feedback from one of the schools that we should put a disclaimer on the bottom of our announcement that you “may get pencils, you may get trees”. Randy Coleman stated that they may have misunderstood the purpose of the trees. That particular school wanted to keep all of the trees at the school and it has always been for the kids to be able to take a tree home and receive some education about our urban forests. Elizabeth McCauley stated since we are scanning in the winning posters it would be easy, in the future, to use a program like Publisher and fit more scans into one frame so that all winning posters can be up at the Mesa County Library and will always look into “framing ideas” because the current frames are already in bad shape. Randy Coleman said maybe we limit the poster contest to just certain grades and not for everyone in all elementary schools.
- Rich Edwards is the judge for May, Yard of the Month and Kamie Long stated we need to get new calendars and get the Sentinel the nomination forms. Also we need to get gift cards for the

winners; we will talk with Mt. Garfield Nursery, Bookcliff Gardens, Murdoch's, Home Depot and Lowe's. Kamie Long stated that Darcy Austin will get a map together of an accumulation of all the nominations for the judge and for May, Rich Edwards will get all the judges together and go do the judging and return the paperwork to Darcy Austin.

Item 7: Adjourn

The next Forestry Board meeting will be held on June 5 at 8:00 a.m. We will have an interim meeting after the hearing on May 19th.

Meeting adjourned at 9:45 a.m.

Respectfully submitted,
Darcy Austin