



Grand Junction Forestry Advisory Board Minutes

May 19, 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, Kamie Long at 8:30 a.m.

Roll Call

Board Members Present:

Kamie Long
Chuck Thompson
Richard Edwards
Shirley Nilsen
Elizabeth Neubauer
Teddy Hildebrandt

Assistant City Attorney:

Jamie Beard

Parks & Recreation Staff Present:

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

Item 2: Forestry Board Rights with Jamie Beard (Assistant City Attorney)

Jamie Beard stated that some of the requirements for our licensed tree care providers are not as clear as they should be so we need to relook at how to properly reprimand the tree providers for infractions. The tree care provider that we discussed at the last board meeting as cutting down City tree's, we have since determined that the trees that he cut down were not City trees. Jamie Beard stated that we can proceed with a Hearing for Matt Holdt, however we couldn't do the Hearing today, because we don't have our main witness who is Tom Ziola. After meeting with John Shaver, City Attorney, they discussed having a meeting with Mr. Holdt to see if they could come to a resolution and end the situation in a more amicable fashion considering the lack of information given to Mr. Holdt. Jamie Beard stated that they had met with Mr. Holdt yesterday and discussed the three major concerns, an agreement was put together and if Mr. Holdt is in agreement he can sign it today, with the Boards approval, but if he doesn't agree he can move it

up to City Council. If he does enter into the agreement he would just have to follow in accordance with the agreement and no further action would be necessary.

In regards to doing work in the Right-of-Way and whether you need a permit or not should go through Public Works but we need to let other departments know where to send these calls because there was some confusion. All departments should understand that if there are any questions or problems with streets the call should be directed to Public Works. As part of the forestry license we need to be sure that the “licensee” understands that they should be checking with Public Works when working in a right-of-way. To hold someone accountable with a license it needs to be clear that they have received this information. Randy Coleman and I discussed putting on a class to teach our licensed tree care providers how to use GIS on the City website and/or County website to find out if it is in the City right-of-way, some aren’t as clear as others but it would be a good start. Ultimately it is still the responsibility of the licensed provider to know whether or not they are working in the City right-of-way. There wouldn’t be any cost associated with the class, and it could be optional or mandatory that they attend a meeting each year that they are licensed. It was also discussed that we add some information on safety and what our licensed providers should be complying with. Rich Edwards agreed that we had a cap in the current training manual regarding the right-of-way and adding a brochure could be beneficial to our licensed providers.

Jamie Beard stated that the agreement with Mr. Holdt states that in both his incidents there was work done in the right-of-way with a tree ending in the right-of-way and no permit had been obtained which is in violation of the City’s Charter. In some instances citizens must go through Planning Commission and then to City Council in order to obtain a permit for work in the right-of-way, however this instance didn’t require that, it simple required going to Public Works to get the permit. Three different possibilities were discussed; lack of a permit, lack of appropriate traffic control at the scene and a safety issue with the traffic control at the scene not having a vest or helmet. Chuck Thompson asked for more detail on when licensed providers have to get a permit and whether that is true for work in neighborhoods, as that could be very prohibitive for licensed providers. Jamie Beard stated that if there is any concern that the tree may land in the street, alley or in the right-of-way a permit should be obtained however we need to work out the details on what would require it based off “risk” to the right-of-way. If there is a process where we determine that side streets are not a problem but give them the regulations that they must follow in order to receive a license. All providers should be checking with Public Works prior to doing work in right-of-way, it may not always require a permit, but there are certain steps that will need to be done and if those steps aren’t taken than the licensee could be in violation.

Item 3: Meeting and Agreement with Mr. Matt Holdt

The Board discussed the agreement that Mr. Holdt had agreed too prior to him entering the room (attached). Jamie Beard also stated that if Mr. Holdt should have any other infractions within the next year this agreement serves as proof of previous infractions and allows the Board to move forward with additional suspension/probation. It was also stressed to Mr. Holdt that during his 10 day suspension that he is not to do any work or make any appointments to do work until after May 31, 2015. The Board invited Mr. Holdt into the meeting:

Jamie Beard stated for the record we have Matt Holdt with Mountaineer Tree Service and we are here today for a status hearing. The City Attorney's office has met with Matt Holdt yesterday, May 18 with Jamie Beard and they discussed the concerns that they had due to the incidents that happened on April 28th and April 30th. It came down to three different concerns in relations to both of those instances which included that there was not a proper permit granted for work in the right-of-way, not appropriate traffic control set up based on the work being done and safety issues regarding the gentleman who was doing the traffic control at the one site and the two at the additional site, not having appropriate safety equipment on such as the vest and helmet. After going through the different concerns Mr. Holdt understood the concern of not taking care of all of those issues and was agreeable too entering into an agreement with the City to have his license suspended for a 10 day period because of the concerns.

Mr. Holdt did contact Public Works and inquired about the incident that happened on April 30th, which was at 26 Road and G Road intersection, which all of that area is incorporated into the City, but do to miscommunication and not clearly understanding "right-of-way" or what we mean by "right-of-way" his expectation was that he was working outside the roadway itself and so he didn't feel he needed a permit in the right-of-way. However, since there were limbs that were going to fall in the right-of-way, which Mr. Holdt believes that he did discuss with Tim Patty in Public Works however there is enough evidence to say no, that Tim's understanding was that nothing was going to be in the travel portion of the right-of-way and his understanding was that nothing was in the right-of-way. Again, we feel there is some miscommunication as to what is considered the right-of-way when going to get a permit and is one of the things that we are going to work forward to getting that information clarified for all tree trimmers and making access available from the City to determine whether it is a City right-of-way. After all of that Mr. Holdt was agreeable to entering into this agreement and did have the opportunity to read that document today and ask any questions of Jamie Beard in regards to the agreement and would like the Board to approve the agreement. Are there any questions for Mr. Holdt?

Kamie Long asked Mr. Holdt if he understood where the Board is coming from in regards to this agreement and Mr. Holdt stated that he did but a lot of it was ignorance because in eastern Colorado he would drop trees in the street all the time. He also stated that he figured he would have the tree clear in 20 minutes and probably had one lane cleared in about 10 minutes and that was not sufficient. Kamie Long stated that you understand that you almost hit quite a few cars going down 26 Road and that is pretty scary. Mr. Holdt said he did have a smaller limb, which was a hanger in the tree that did come down and almost hit Tom Ziola's vehicle. Rich Edwards asked if Mr. Holdt was willing to commit to having the safety equipment that you need and Mr. Holdt stated that he has the equipment but his staff just wasn't using it at the time. There was one sign out about 500 feet down on 26 Road and cones all the way down past the tree we were trimming, inside the white line, just to let people know that we were working there. We also had a worker who was injured in the eye and Mr. Holdt stated that he took him to St. Mary's and dropped him off and I had another guy coming in but he never showed up.

Kamie Long stated that you are committed to following the Standards that you talked to Jamie Beard and Randy Coleman about and Jamie Beard stated that you understand that during the suspension period you can do no work within the City limits, no scheduling work within the City limits and if you receive a call to do work in the City limits they will have to contact you after May 31st. Mr. Holdt stated that he understood that. Jamie Beard stated that the Board needs to make an official vote, with only 4 Board Members voting due to Teddy Hildebrandt and Chuck Thompson being potential witnesses.

Jamie Beard asked for a motion to approve the agreement with Mr. Holdt in regards to the incidents that took place on April 28th and April 30th.

Motion adopted by the Forestry Board: Yes 4 No _____

Jamie Beard stated to Mr. Holdt that as of May 21st he is not to be doing any work within the City starting at 12:00 a.m. and continuing until Midnight on May 31st. If you do anything that could be considered a violation during that time the Board could then consider revoking your license and you would be unable to do any future work within City limits and once a license is revoked another one may not be re-granted, could be, but doesn't have to be. Mr. Holdt and Jamie Beard exited the meeting, when Jamie Beard returned to the Board Meeting she stated that an official copy of the agreement will be sent to Mr. Holdt. Also reminded the Board that in the future we can have the potential for more formal 'hearings' but a lot of similar Boards do choose to work out an agreement before going to those lengths.

Jamie Beard stated that she feels the Board wants more done as far as enforcement is concerned and we can take that into consideration but at the same time the real decision as to how to handle enforcement comes from City Hall and their policies. The Board can make suggestions and recommendations and legal can take it to City Council and they will give direction on how they want things handled. Right now when Code Enforcement is called for a complaint they will only go check on that complaint and pass up 20 clear violations on the way to the complaint that was called in because that is how the policy is at this point in time. Jamie Beard stated that it is different since we are issuing licenses and telling people they are set to a higher standard because you have a license from the City, meaning we can more enforcement but for the most part the action and attitude of City Council has been to work the citizens and try to get things taken care of.

Kamie Long stated we would like to have more enforcement for the safety of the City and the trees but without making undue process on the licensees and the Board needs to find that balance. Jamie Beard stated that it would be a good idea to meet with Tim Patty from Public Works and does the majority of the work with right-of-way permits and can tell us what and when he requires permits for right-of-way. There was some discussion about the expense of using companies such as "Your Way" to handle traffic in busy, right-of-way situations. Kamie Long asked Jamie Beard what she felt the Boards next step was as far as filling in all the grey areas of the licensed tree care provider's standards and Jamie stated that we need to look at what we think all of our licensees need to know and what is the best steps to start getting the information to them and to anyone else who may be interested in getting licensed after that.

Item 4: Additional Discussion

- Kami asked if the Board had the right to fine and Jamie Beard stated that she could not find any information in the Boards by-laws that state that we can issue fines and should research other Boards and see if that is something they have included.
- The Board discussed "adding value" to having a City License, with the potential of increased fee's, an improved Forestry Website, more classes on GIS and proper City Code, etc. Jamie Beard stated it would be a good idea to see what other communities are charging for forestry licenses because ultimately any changes to the fee's would have to be approved through City Council.

- Jamie Beard asked the Board if they had a copy of approved by-laws for the Forestry Board. Randy Coleman stated that he had a copy but they weren't signed and may have been under review. Jamie Beard said we should get those officially approved as soon as possible.
- Jamie Beard discussed 201 Boundary (information can be found on City Website).
- Randy Coleman stated that we should have Tim Patty come to the next meeting and give us the details on who would need to obtain a permit and what the different variables would be. Teddy Hildebrandt stated that it should be kept pretty simple except for the major roadways but on side streets that have parking areas you shouldn't need a permit to work there. There needs to be some simple guidelines in the neighborhoods and maintain any safety standards the same as OSHA. Kamie Long and Randy Coleman will put together an outline and bring it to the Board meeting on July 3rd.

Item 5: Adjourn

The next Forestry Board meeting will be held on July 3 at 8:00 a.m.

Meeting adjourned at 9:51 a.m.

Respectfully submitted,

Darcy Austin