



Twin Falls Parks and Recreation Commission Minutes

Tuesday, October 12, 2021, 11:30 AM

City Hall - Rm. 116, Overflow
203 Main Avenue East- Twin Falls, Idaho

Members: Kirk Melton, Chairperson; Sherry Murray, Vice-Chairperson; Gabe Ostyn; Corey King; Kevin Jensen; Jade Titus; Ashley Squires; Micheal Metcalf; Heather Muth

1) Confirmation of Quorum/Call Meeting to Order

Kirk Melton called the meeting to order at 11:36 a.m. A quorum was present.

Members Present: Kirk Melton, Chairperson; Sherry Murray, Vice-Chairperson; Gabe Ostyn (11:59 a.m.); Kevin Jensen; Ashley Squires; Micheal Metcalf; Heather Muth (online); Greg Lanting, Council Liaison.

Members Absent: Jade Titus, Corey King

Staff Present: Wendy Davis, Parks and Recreation Director; Kevin Skelton, Parks Superintendent; Dave Nebeker, Parks Lead Operator; Sean Standley, Code Enforcement Coordinator; Elois Joseph, Parks and Recreation Administrative Assistant.

2) Consent Calendar

- a) Request to approve the minutes from September 14, 2021 meeting

MOTION: Kevin Jensen moved to approve the consent calendar as presented. Micheal Metcalf seconded the motion. Roll call vote determined all present voted in favor of the motion. Approved 5 to 0.

3) Items of Consideration

- a) Request for the Twin Falls Tree Commission to "cause a written notice to be personally served or sent by mail to the owner of the particular property."

Kevin Skelton explained the request including the following:

- The Parks department received a phone call from a neighbor of the property address: 409 Bracken Street, raising concerns about the trees that are on the right-of-way of the property.
- The property owner was contacted and informed the Parks department that they were unable to find someone to do the tree work at an affordable rate.
- 2 letters were received from citizens in the neighborhood raising concerns about trees on the property.

Wendy went over the Tree Ordinance (8-4-9) outlining the process for this request.

It was the Parks recommendation that 30-days would be a reasonable deadline for the required tree work to be completed.

Discussion ensued regarding a reasonable timeline for the removal of the trees in the view of the trees being a hazard. Concerns were raised about the current condition of the trees.

The issue of finding someone to complete the necessary work based on the seasonal demand for tree work was discussed.

MOTION (1) : Micheal Metcalf moved to declare the trees as a nuisance to public safety, to authorize a letter for the Parks department to be served to the property owner, and to allocate a 6-month deadline to remove the trees. Ashley Squires seconded the motion.

Discussion ensued regarding the 6-month deadline to the removal of the trees. It was clarified that if the tree becomes an immediate hazard, the deadline will move up to an immediate date. The 6-month deadline was mentioned in consideration of the property owner to be able to come up with the funds to complete the work.

Concerns were raised with the condition of the trees and the impact of snowpack. Wet ground conditions and high winds were mentioned as primary concerns.

Discussion ensued regarding the City's responsibilities if the tree work was not completed within the 6-month deadline. The cost of this project for the City versus the cost for the property owner was discussed.

The property owner will be required to submit a tree-removal permit for approval by the commission. Concerns were raised regarding the 6- month deadline and the time that it takes approve a tree-removal permit as the commission meets once per month.

Discussion ensued with the concern that the 6-month deadline. Concerns were raised that 6-months was too long of a timeframe to complete the tree work associated with this project.

Gabe Ostyn entered the meeting at 11:59 a.m.

MOTION (amended): Micheal Metcalf moved to declare the trees as a nuisance to public safety, to authorize a letter to be drafted and served in-person by Code Enforcement to the property owner, to allocate a 3-month deadline to complete the items in the letter, and to proactively approve the required tree-removal permit for the trees once received by the Parks department. Ashley Squires seconded the motion with the amendments. Roll call vote determined all present voted in favor of the motion. Approved 6 to 0.

b) Staff Seeking Direction on Penalty for Tree Topping Violation

Kevin Skelton explained the request including the following:

- Illegal tree-topping work that has occurred at the property address: 605 4th Avenue East.
- A code-enforcement citation was issued for 3 separate code violations pertaining to the tree work. The citation was hand delivered to the property owner and mailed to the company "Custom Works" (located in Buhl, Idaho) that performed the tree work. Further investigation by Parks staff revealed that the company was listed under "Taurus Electrical". The company owner was also contacted via phone call on the day of the citation by Code Enforcement.
- The property owner was concerned about tree branches that were hanging over his home and contacted the company that completed the work. The owner was advised by the representative of the company to top the trees. Parks staff explained that topping the trees cause major damage that is often irreversible.
- Dave Nebeker explained the calculation of the monetary value of the trees based on the ISA's "Guide for Plant Appraisals" guidelines. The calculations are based on the replacement cost of the trees.
- Staff is seeking direction from the Tree Commission on how to proceed with this violation.

Discussion ensued regarding what direction the Staff were expecting from the Commission. A series of examples were offered.

The guidelines in the Tree Ordinance were discussed as related to the violation.

Discussion ensued regarding the interpretation of the section in the Tree Ordinance as a matter that would require a court of law to assess the violation and allow the property owner to defend/present their case. Involving the City attorney in the process of figuring out how to involve a court of law to assess an appropriate penalty was discussed.

The need for the commission to re-evaluate the Tree Ordinance to create clear procedure/guidance on how to assess violations in a consistent manner through the Tree Ordinance was emphasized. Forming a sub-committee to re-evaluate the Tree Ordinance will be an agenda item for a future meeting.

Discussion ensued regarding whether routine maintenance may help the trees recover. Staff were concerned that regardless of regular pruning and training, the damage caused by tree-topping would adversely affect the tree structure causing more issues in the future.

Sean Standley left the meeting at 12:58 p.m.

4) Department Updates

a) Department updates

John Pauley gave an update on the pool, including the vandalism to north-west corner of the pool bubble. The Parks department was able to craft a plywood patch as a temporary fix to the large slash in the bubble. This allowed the Pool to continue operating. Additional security measures will be implemented to prevent future vandalism.

5) Adjournment

The meeting was adjourned at 1:00 p.m.

Elois Joseph

Elois Joseph, Recording Secretary