

City Council Special Meeting Agenda

Date: 09/01/16
Time: 4:15 p.m.
Location: City Hall Council Chambers

- Mayor Nancy Tia Brown
- Donny Anderson
- Karen Ballinger
- Jerry Fritz
- Landon Greer
- Steve Miller
- Stan Wolz
- City Administrator, Barry Cook
- Administrative Services Officer, Cindy Baker
- City Attorney, Scott Kolpitcke

- 4:15 – 4:30 – WMPA Update
 - Staff Reference: Bert Pond, Electrical Engineer
- 4:30-4:45 – Update on Zoning Ordinance Revision Process
 - Staff Reference: Barry Cook, City Administrator
- 4:45– 5:00 - Update – Deer Questionnaire Results
 - Staff Reference: Barry Cook, City Administrator
- 5:00 – 5:15 –Discuss request from Tom and Ann Flack – Dead or Dying Tree
 - Staff Reference: Steve Payne, Public Works Director
- 5:15 – 5:30 – Update on Potential Grants for Future Projects
 - Staff Reference: Barry Cook, City Administrator
- Review September 6th Meeting Agenda
- Staff Updates – Cindy Baker
- Council Updates
- Meeting Reminders:
 - Tuesday, September 6, 2016** - Regular Council Meeting 7:00 p.m. City Council Chambers
 - Tuesday, September 20, 2016** – Regular Council Meeting 7:00 p.m. City Council Chambers
 - Thursday, September 29, 2016** – Council Work Session 4:15 p.m. - Tentative

Time Adjourned: _____

City of Cody Agenda Request Form

In order to fully prepare the Council for their meetings, individuals wishing to appear before the Council are asked to complete the following information prior to placement on the agenda. You may be notified by mail, telephone or e-mail of the date you have been scheduled to appear. You may also be contacted by City staff prior to the meeting to see if your concerns can be addressed without appearing before the Council.

Please provide the following detailed information relating to your concern or request. This form (and any relevant attachments) is due no later than seven days prior to a Council meeting to allow sufficient time for internal review. Council packets are prepared the Wednesday prior to the Tuesday meetings. Meetings are held the first and third Tuesday of each month. Please complete the following information in full and return to City of Cody PO Box 2200 Cody, WY 82414 (Fax 307-527-6532)

Name of person to appear before the Council - Tom and Ann Flack

Organization Represented - Private Apartments - 838 13th Street Cody _____

Date you wish to appear before the Council - Do not live in the area _____

Mailing Address 405 W. Bell St., Sequim WA 98382 _____ Telephone 307-250-7369

E-Mail Address ann@mesaocho.com or tom@mesaocho.com _____

Preferred form of contact: Telephone _____ either _____ E-Mail either _____

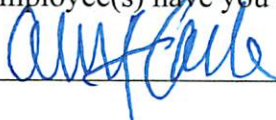
Names of all individuals who will speak on this topic – mailed request for consideration _____


Event Title (if applicable) removal of dead tree on city easement _____

Date(s) of Event (if applicable) N/A _____

Full description of topic to be discussed (include all relevant information, attach additional sheet if necessary) - There is a large tree on the corner of 13th and Bleistein that is dead. It has gotten worse over the last two years with one branch that appears to be ok. We have put considerable money into fixing up these apartments and have been told that although we don't own the property where the tree is located we have to pay to have it removed. The estimate given by Danforth Tree Service is \$1,200. We don't have that kind of money and we are requesting that the city of Cody remove the tree before wind takes it down on a car or pedestrian.

Which City employee(s) have you spoken to about this issue? - we spoke to Steve Payne

Signature  Date 7/27/16

MEETING DATE:	SEPTEMBER 1, 2016
DEPARTMENT:	COMMUNITY DEVELOPMENT
PREPARED BY:	STEPHEN PAYNE, PE
CITY ADM. APPROVAL:	
PRESENTED BY:	STEPHEN PAYNE, PE

AGENDA ITEM SUMMARY REPORT
Request to have city remove tree located
within right-of-way at 838 13th Street

ACTION TO BE TAKEN

Approve or deny the request to have the dead or dying tree located at 838 13th Street removed by the City of Cody.

SUMMARY

The Flack's indicate "that there is a large tree on the corner of 13th and Bleistein that is dead. It has gotten worse over the last two years with one branch that appears to be ok". They have asked for and received an estimate for the removal of the tree and were advised that it would cost about \$1,200.

City Code, 7-4-7: PRUNING; CORNER CLEARANCE, indicates that it is the responsibility of the adjacent landowner to "remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public". "If owners do not correct such problems, the city shall notify property owners in writing. If owners are advised of the above mentioned problems and they are not corrected within ten (10) days, the city shall remove the problem trees or limbs and the cost thereof shall be assessed to the owner".

Dutch Elm Disease came through Cody starting roughly from 1999 - 2004. It affects American Elms. The Flacks have a Siberian Elm which is resistant to DED. Siberian Elms are considered a trash tree with brittle branches. They are very fast growing and were originally introduced as a windbreak tree.

Cody has been a Tree City USA since 1996. This required us to develop a city tree ordinance, which has been in effect for 20 years. There are 42 other communities in Wyoming with the same status. Everyone of them, including Cody, states that the adjacent landowner is responsible for trees in the city right-of-way. In the older part of downtown, the 10 foot strip of land from the back of the curb to and including the sidewalk is city right-of-way. The city doesn't shovel snow off the sidewalk, mow the grass or take care of the trees. This is done by the landowner.

FISCAL IMPACT

There are possibly 35 to 40 Elm trees within the City terraced right-of-way. If all of the trees were removed commercially by the City, the cost would be about \$48,000. This would appear to be a rather large burden on an already strained budget.

ALTERNATIVES:

Approve or deny the request.

AGENDA ITEM NO. _____

RECOMMENDATION:

Park's personnel have indicated trees add 8-10 % in property value, and would encourage the Flack's to consider replanting trees in the right-of-way on both the West and South sides of the their property. City staff would be happy to advise/help them with the kind of trees and the spacing if they decide to do this.

Ask for an internal accounting of the numbers of Elms and the relative condition thereof and request a recommendation from the Tree Board as to what they think should be done.

ATTACHMENTS:

Agenda request.

AGENDA & SUMMARY REPORT TO:

Tom and Ann Flack

under or within ten (10) lateral feet of any overhead utility wire, or over or within five (5) lateral feet of any underground water line (with the exception of underground irrigation systems), sewer line, transmission line or other utility. (Ord. 96-15)

7-4-6: **PUBLIC TREE CARE:** The city shall have the right to plant, prune, preserve and remove trees, plants and shrubs within the rights of way of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to ensure safety when servicing city utilities, or to preserve the symmetry and beauty of such public grounds. The city may, at its option, remove or cause to be removed any public tree or part thereof which presents an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines or other public improvements. (Ord. 96-15)

7-4-7: **PRUNING; CORNER CLEARANCE:** The pruning and maintenance of trees that interfere with the proper spread of light of any streetlamp or obstructs the view from any intersection, is the responsibility of the adjacent landowner, whether the tree lies on private property or within the city right of way. There shall be a clear space of ten feet (10') above the surface of the street, eight feet (8') above sidewalks and twelve foot (12') clearance in alleys. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public.

If owners do not correct such problems, the city shall notify property owners in writing. If owners are advised of the above mentioned problems and they are not corrected within ten (10) days, the city shall remove the problem trees or limbs and the cost thereof shall be assessed to the owner. Such trimming will be confined to the area immediately above the right of way. (Ord. 96-15)

7-4-8: **APPLICATION, PERMIT FOR TREES LOCATED IN THE RIGHT OF WAY:** No person or company shall plant, remove, cut above the ground, or disturb any tree on any street, park, or other public place without first filing an application and procuring a permit from the city. The person receiving the permit shall abide by the standards set forth in this chapter. Permits are issued free by contacting city hall. (Ord. 96-15)

Barry A. Cook, City Administrator

City of Cody | 1338 Rumsey Ave
cityofcody-wy.gov | (307) 527-7511



Forwarded conversation

Subject: **The Flack ROW tree**

From: **Monte Bales** <monteb@cityofcody.com>

Date: Thu, Aug 4, 2016 at 9:51 AM

To: Barry Cook <bcook@cityofcody.com>

Cc: Rick Manchester <rickm@cityofcody.com>

Dutch Elm Disease came through Cody starting roughly from 1999 - 2004. It affects American Elms. The Flacks have a Siberian Elm which is resistant to DED. Siberian Elms are considered a trash tree with brittle branches. They are very fast growing and were originally introduced as a windbreak tree.

Cody has been a Tree City USA since 1996. This required us to develop a city tree ordinance, which has been in affect for 20 years. There are 42 other communities in Wyoming with the same status. Everyone of them, including Cody, states that the adjacent landowner is responsible for trees in the city right-of-way. In the older part of downtown, the 10 foot strip of land from the back of the curb to and including the sidewalk is city right-of-way. The city doesn't shovel snow off the sidewalk, mow the grass or take care of the trees. This is done by the landowner.

Trees add 8-10 % in property value, and I would encourage the Flack's to replant trees in the right-of-way on both the West and South sides of the their property. I would be happy to advise/help them with the kind of trees and the spacing if they decide to do this.

From: **Monte Bales** <monteb@cityofcody.com>

Date: Thu, Aug 4, 2016 at 12:49 PM

To: Barry Cook <bcook@cityofcody.com>

I've issued hundreds of notices to homeowners over the past 20 years for trees in the right-of-way. The majority of them were during the time span when DED came through. These diseased tree notices were for complete removals to help protect other American Elms. A notice for a hazardous tree, one that could fail and damage vehicles, houses or pedestrians, could be something as simple as removing one branch, all the way to a complete removal depending on the condition. The other main notice would be for clearance over sidewalks, streets or alleys.