

Boulder Mayor and Town Council

March 5, 2023

Regards: Tree Committee Violation Appeal

Quite Honestly Im confused on how a tree committee has more power than the Town Council over the Health Safety and Welfare of all people that uses our roads, town dumpster, safety of our school bus and our kids and the tourist that also support the Town.

The tree board is an appointed position by the Town Council to serve as a advisory board with the Town Board not have power and control over Elected or Appointed Official that fill vacancy left by elections or any other reason.

92.01 PURPOSE AND INTENT

(B) Intent. It is the intent or the Town Council that the terms of this chapter shall be construed as to promote.

Key word here is shall.

(2) The protection of community residents from personal injury and property damage, caused or threatened by the improper planting , maintenance or removal of trees located in and upon public areas and right-of-way within the town.

Question Where is the tree committee maintenance schedule for removing trimming to keep the roads safe for all who travel. Is this a one year, two year, plan five year plan or only as needed or when a Town Board and council members moves forward because of the non involvement of the tree committee to keep the town safe.

Example : The condition of the tree around the dumpster was reported to be hazardous and un safe condition during the prior Mayor term and still nothing was done, and now they start complaining about removing a dangerous tree even after being on the tree committee himself.

92.02 DEFINITIONS .

TREE BOARD. The group of citizens charged by to develop and administer a tree management program for tree on public property .

Question : The ordinance has been in effect for nearly ten years so assuming there are reports on the condition of the trees in the community on existing road that are currently in use and roads that are not currently used that are plated . And when making the plans does it show trees on private property along with all trees in the town right-of-way, park trees, U.D.O.T .

Is there a maintenance schedule, maps that show private property line that currently

exist within the town road right-of-way including , Burr Trail, Lower Bldr and all town roads. There for I am requesting a copy of the tree management plan submitted to the Town as shown to stay a tree city USA This is a town ordinance.

92.03 DESIGNATION OF A STREET TREE ADVISORY BOARD

(A) Assist the town , The tree board (Shall) write and implement an annual work plan and submit an annual budget to qualify and be deemed a Tree City.

Question. Where is this plan and what does it cover town park , streets and roads etc.

92.04 ORDINANCE ADMINISTRATION

(A) Authority .The Council member responsible for administering and enforcing will be appointed by the Mayor. (Is the Mayor not in charge or is the old Mayor)

Question. As stated in (A) above was this council member appointed to the town roads to over see the safety which includes everything in the right-of-way includes private property the town has there road with right -of -way by use. Now who pays for the maintenance?

92.05 STREET TREE MAINTENANCE AND CARE BY THE TOWN

(A) Standards. The Town should make reasonable efforts to maintain all trees located within town streets , parks, right-of -way, landscape borders or on town maintained property.

(B) Town tree planting and maintenance. The town shall have the right to plant, prune, maintain and remove street trees located within the public right-of-way.

(E)Town Authority. The Town may condemn and remove, or order to be removed any tree or tree stump upon any of the public owned property within this town where the same is dead, diseased or for any reason whatsoever deemed undesirable or unsafe by the tree board.

Question. Was this tree not deemed undesirable or unsafe by the tree board.

92.06 STREET TREE MAINTENANCE AND CARE BY CITIZENS

(B) Trimming. Any person, firm, partnership, corporation or organization of any kind must first obtain approval from the tree board and the town council prior to trimming any designated street tree plant. Approval is not required for removing minor limbs causing obstructions.

Question. Is there any record of Garkane Energy given any guidance from the committee maintain clearance from power lines or does this fall under Approval is not required for removing minor limbs causing obstructions.

Looking in your definitions I see nothing about what size limb or branch you are given permission that is considered minor this clearly not defined,

(C) Adjacent property owners to maintain trees on their property

Question. The Burr Trail and the majority of Lower Boulder road all exist on private property and the town has a right of way by use of this property so do all trees inside the right of way now become the town responsibility to maintain the trees at the towns expense or is this the owners expense.

(E) Approval required

Question. Was there a n approval letter given for the trees removed on the recently approved road off Hwy 12 going to the new home site.

Was there an approval letter for the construction of the road from the tree committee on 100 west 500 north

In conclusion,

1- Repeal the ordinance - this ordinance gives to much power to tree committee when the Mayor and Council are over ruled by a advisory board sure this was not intentional .

2- Dissolve the tree committee.

92.03 (B) Failure to implement an annual work plan and submit an annual budget to qualify and be deemed a tree city. Failure to make a maintenance plan of the trees to keep town roads safe.

3- Would like to see the Letter sent to Garfield County for same violation and also expect the same charges filed against the county, and if a letter was not sent what justify the reasoning and how that will be backed up in court. Does this not start to seem personal. And they talk ethic.

4- The tree board should review there own ethic and for the lack of responsibility for not performing the position they signed up for and causing this situation to come about and only worrying about trees in the park for the last ten years.

The tree cut down over the water line and trimmed around the Fire Hydrant on the Burr Trail are not even in the Town road it is Udot right of way and the town has no say so over udot. Goes to show you the tree committee don't even know where the town roads are.

5- Have tree committee sign personal notarized wavier that hold them personally liable seeing how they have more power than the Governing Body

6- You can caulk this up as a misunderstanding by all parties, change your ordinance so you have final say so over Health Safety and Welfare of the community and set term limits for tree committee starting now and only allow residents of the town to be a 5- person board as it should be.

Randy Catmull

