

Submitted April 5th, 2023

Dear Town Council Members,

I am writing this letter in response to the letter submitted by Randy Catmull. I do not speak for the Tree Board but instead as a former Town Councilman and Mayor who has 10 years of experience with the Tree Ordinance. I still attend events and workshops because of my interest in trees and belief in the Tree Board's mission. Bill Muse was the first Ordinance Administrator (Section 92.04) and appointed the first Tree Board. I assumed that responsibility when I became Mayor and subsequently passed that responsibility to the current Mayor, Judy Drain. In the 10 year existence of the Tree Ordinance and Board, there has never been a complaint or problem I'm aware of. There has always been a good working relationship between the Town Council and Tree Board. I hope that will continue.

The Tree Board members can fill in some of the gaps but I'll recap what has happened in the last few months. In Early January, it was reported that trees along the Lower Boulder Road were being trimmed by A-OK Tree Service who had been hired by Garfield County. There was no consultation with the Tree Board, or approval by either the Tree Board or Town Council. Tree Board members met with the trimmers and informed them of the ordinance. They were unaware of the ordinance as was the County Engineer, David Dodds. Mr Dodds told me personally that he did not realize the LB Road was a Town Road and that he had been told the County had trimmed down it before. I confirmed that the County had coordinated trimming with the Tree Board and Town Council years ago when Brian Bremner was the County Engineer. He apologized and confirmed no more trimming by the County would occur without approval. Mr Catmull wants the Town to send a violation to the County which is within your rights. I do not think there was a blatant disregard for the ordinance in this situation.

Two cottonwoods east of the dumpsters were damaged at some point, and brought to the attention of the Tree Board. The Tree Board had an assessment done by a Utah State Arborist who determined that the trees were not a hazard but should be watched for any further degradation of the trunks. This was reported to the Town Council at the time. Since that time various Board members have made observations of the tree. An arborist was scheduled to do another assessment in March, 2023. I believe this was brought up in the January, 2023 meeting.

In the February meeting, the Tree Board agreed that the most severely damaged tree should be removed. The Town Council voted to approve the removal of that tree. The following week, it was reported that both trees had been removed plus extensive trimming of a third. The Mayor and I met with the tree trimmers who stated that Councilman Catmull had authorized the "full contract" which is attached to the original complaint. It included removing both trees and the trimming. He had also authorized trimming and removal of a tree on the Burr Trail to commence. Neither of these actions were approved by the Tree Board or Town Council.

The trimmers also told the Mayor and me that Councilman Catmull had lied about getting permission to trim on private property along the Burr Trail. Upon learning that the ordinance was being willfully violated over and over, a formal complaint was submitted to the Town Council by the Tree Board. They saw no other way to get the illegal activity to cease. My involvement in filing the complaint was due to the fact I have always supported the mission of the Tree Board and I was very familiar with the ordinance.

In regards to some specific complaints in Mr Catmull's complaint letter;

- 1) The Tree Board does not have more power than the Town Council for trimming limbs for safety along roads. As currently written, according to section 92.06 (B) approval by the Tree Board and the Town Council is required for trimming. If desired, the TC could amend the ordinance to read "...must obtain approval from the Town Council after consultation with the Tree Board" or something to that effect.

- 2) The Mayor appoints Tree Board members and there has never been a 5 person limit since previous mayors were in favor of allowing any and all volunteers willing to serve to have a voice.
- 3) In either the January or February TC meeting, the Mayor ask the Tree Board to do an assessment of trees needing trimming in the Spring and Fall. They were never given the chance to carry out this assignment. I agree that an assessment and maintenance schedule and relevant criteria should be developed and approved by the TC. Appropriate maps could be included. The Tree Board has already begun to address this.
- 4) There is an existing Management Plan. It should be posted on the Town website.
- 5) To be named a Tree City for 10 years straight, an annual work plan and budget has to be submitted. Congratulations Tree Board on 10 years of service!
- 6) Reference to "Minor" limbs may need to be clarified.
- 7) I have no knowledge of trees being removed for a new road. Planning Commission could weigh in.
- 8) Removal of an Ordinance because a Town Council Member and relatives don't like it is not an appropriate action.
- 9) No road safety issue was ever brought to the Tree Board by Councilman Catmull even though he stated he had read the ordinance.
- 10) The Board has consulted with Garkane Power before on tree trimming for safety and tree health. No problems.
- 11) The tree on UDOT property was known to be on the State ROW. The question was, "Does the Town have authority to cut it down using Town funds because it is on a BFWC waterline". Did the Town secure approval by UDOT?
- 12) I think the Tree ordinance and Tree Board have a great track record over 10 years. I appreciate them and all the other volunteers who have worked to make Boulder a beautiful and safe town.

Thank you,

Steve Cox