

**City of Kalamazoo  
TREE COMMITTEE  
Minutes  
June 1, 2021**

Electronic Meeting

Members

Present: Erik Injerd, Forester, Consumers Energy  
Anthony Ladd, Public Works Division Manager, COK  
Brian LaBelle, Forester, COK  
Patrick McVerry, Deputy Director - Parks & Recreation, COK  
Steve Skalski, Water Superintendent & Asst. City Engineer, COK  
Gail Walter, Environmental Concerns Committee (ECC)

City Staff: Karen Rutherford, Recording Secretary

Guests: Joshua Sortland

**A. CALL TO ORDER**

Committee Chair Ladd called the electronic meeting to order at 2:00 p.m.

**B. ROLL CALL**

Committee Chair Ladd completed roll call and determined the aforementioned members were present.

**C. INTRODUCTION OF GUESTS**

Committee Chair Ladd introduced guest:  
- Joshua Sortland

**D. APPROVAL OF AGENDA**

Committee Chair Ladd requested striking the New Business Item – Farmers Market. It has been decided there will be no removals of any City trees.

By unanimous consent the Committee adopted its meeting agenda as amended.

**E. APPROVAL OF MINUTES (May 4, 2021)**

Committee Member Walter made a correction to the May 4, 2021 Minutes, under Section J - Committee Comments, first paragraph – change Urban Bird Tree to Urban Bird Treaty.

**Committee Member LaBelle supported by Committee Member Walter moved approval of the May 4, 2021 Committee Minutes as amended. With a voice vote, the motion carried unanimously.**

**E. NEW BUSINESS**

**1151 Royce Avenue – Tree Removal Request – Joshua Sortland**

Committee Chair Ladd opened discussion for a tree removal at 1151 Royce Avenue.

Mr. Joshua Sortland, property owner of 1151 Royce Avenue, presented his request to remove a City tree at his address. He provided several photos and a summary of his request. He stated about a year ago he wanted to redo his driveway. The contractor would not guarantee the work due to the roots of the tree growing under the driveway. The roots of the tree were growing into his drain as well. He called the City and placed a work order. He reported the City came out and put in a clean out for the drain. He called again at a later date about the tree and spoke to Brian LaBelle who inspected the tree and stated the tree was in good shape and if needed they could re-inspect the tree in the spring. At the end of March 2021, he placed a work order regarding the tree and the issues involving falling branches, concrete driveway, and drain problem. Brian LaBelle inspected again and stated the tree is still in good shape. Mr. Sortland stated he felt like nothing was being done to resolve his issues with the tree. He presented several reasons as to why he believes the tree should be removed. He referenced the City ordinance for his reasons as follows:

1. **“Where the tree constitutes a public hazard”**. This tree manages to produce dead branches that normally result in clean up on my property, which I consider normal duties of a home owner. I have also encountered a few “close-call” situations where the branches would drop near us while working in the front yard. There have also been a few situations where the branches will get stuck on the power lines that would be removed naturally. The more pressing concern is the larger, more dangerous branches that I occasionally find on the sidewalk by my home. We have active walkers and runners in my neighborhood and these branches drop 2-3 times a season. Although there have been no accidents yet, this is evidence to consider.
2. **“Where the tree is diseased”**. I have no knowledge nor experience to determine if a tree is diseased, but I can say that most of the trees on Royce Ave (near the baseball field) were knocked down during a heavy windstorm that came through the area 5-6 years ago. Those trees were rotted out from the inside and that would suspect me to assume that this tree could in fact have similar issues as the ones I noticed, years ago. Prior to the incident I did, however, enjoy the tree’s presence in the neighborhood. The trees almost hung over the street, which was nice during the Spring and summer months. Due to most of the trees dying and the rest that seem to be diminishing in health, that view is something that is no longer available. There seems to be additional tree removal almost every year.
3. **“Where necessary for the installation of public streets, infrastructure improvements or driveways”**. In the photos I have attached, I have included photos of the current driveway and the placement of the current tree. I would like to have a new driveway someday. My hope is to submit for a permit to extend the width of the driveway to match the current driveway. There is a noticeable curve that the drive has, that at times cause difficulties backing up due to tree placement. The tree also currently sits in area where I would like to extend my driveway’s width, to provide a straighter driveway. Half of my current driveway is dirt and is not long enough to easily back up out of my driveway and thus requires maneuvering around the tree. I have been told that tree has been hit by my family twice, once by my grandfather backing up, and once by my mother, using my grandfather’s car. My wife and I have managed to not hit the tree yet. I have provided pictures of the view from the other side of the tree, to show the comparison.
4. **“Trees whose roots lift sidewalks or driveways shall not be removed unless it is not possible to remedy the problem by relocating the sidewalk or by cutting and removing roots”**  
Attached photos will show specific areas within my driveway that have been affect by roots. 1 of these areas required 3 friends and about 1 hour of axe cutting to remove a piece of root that had pushed the concrete up to where it would rock back-and-forth. After cutting the root out, the

concrete piece no longer causes movement but has been raise 2-3 inches. The desire to replace my damaged concrete is not feasible because thus far I have had 2 contractors disclose that they will not warranty their work, due to the current condition and upon showing them the root that we cut years ago. This makes me not want to have any concrete work completed until this tree is gone. The Tree is directly in front of my driveway, causing me to have to curve the driveway to work around the tree. This has been a burden throughout my family's life.

5. **“Trees shall not be removed for the sole reason that the tree roots are clogging the sewers”**

There is sewer damaged caused from this tree. The city came out and installed a clean-out and removed the roots, prior to this I would have a backup into my home twice a year. So far (roughly 9 months) there have been no immediate issues. Upon my last call to have my pipes cleaned, the company suggested that due to the frequency, they suggest that roots have damaged and possibly cracked the pipe (they also suggested I have clay pipe, which has not been verified). They discussed replacing the pipe and installing some type of liner into the pipe (a \$6000 and \$10,000 quote). Although per the code, this is not the sole reasons for removal, consider that this tree has caused and continues to cause considerable damage to parts of my home. There has also been damage done to the gutters which I just had to re-install gutters onto my home (another \$2100 expense).

Committee Member LaBelle stated the tree is a silver maple that is in good condition. It has been pruned several times. Most of the silver maples in the area have reached their maximum age and have been removed. This tree is reaching its maximum age. It doesn't seem to be hollow and has no signs of decay. Utilities lines are on the opposite side of the street.

Committee Chair Ladd asked how old the driveway was. Mr. Sortland stated he believes the driveway is around 60 years old. Committee Chair Ladd stated you could not put in a new driveway without significantly damaging the tree roots.

Committee Member LaBelle stated due to the driveway cracking, water got under the concrete causing the roots of the tree to grow toward the water source resulting in more damage to the driveway.

Committee Member Walter agreed with the statements made. She took a look at the tree and stated the tree is in good condition.

Committee Chair Ladd stated Forestry has been working in the area to remove some of the trees. Looking at the big picture for this site and with the opportunity to improve failing infrastructure from a sidewalk and driveway approach standpoint is a benefit. It's not a strong enough reason by itself but with the work the City is doing in the area and removal of other trees and plant more appropriate species make sense to remove the tree. This tree is in good condition now, but it is at the end of its life cycle and it is interfering with the driveway and infrastructure. Removing the tree to have new plantings at the beginning of its life cycle would be his opinion.

Committee Member LaBelle stated the Committee usually asks for replacement plantings. He recommended replacing the tree with four trees. He stated there is room to plant two trees across the street. The trees would need to be smaller species due to the overhead wires and put two larger species trees in front of his home.

Committee Chair Ladd stated with this being deemed a healthy tree, removal and replacement costs would fall on the homeowner.

Committee Member Walter stated she would agree with this and noted if they plant a replacement tree there is over-head utilities on the right side of the property.

Committee Member LaBelle made a motion to allow the removal of the tree and replanting two large size species trees in front of this property and two smaller species trees across the street with all fees and work of the removal and re-planting to be the responsibility of the homeowner.

**Committee Member Skalski supported by Committee Member LaBelle, made a motion to approve the removal of the tree and replanting two large size species trees in front of this property and two smaller species trees across the street with all fees and work of the removal and re-planting to be the responsibility of the homeowner. With a voice vote, the motion carried unanimously.**

Committee Chair Ladd instructed Mr. Sortland his next step would be to get a Right-of-Way Permit application which can be accessed through the City's website. He noted he and Committee Member LaBelle would help him through the process and to insure he obtains a certified arborist to do the work.

#### **G. OLD BUSINESS**

##### **Bank Street Realignment Project – Tree Species**

Committee Chair Ladd stated the landscape architect was on site last week. He is hoping to present a landscaping plan of this corridor of Bank Street next month. He stated he is hoping to have several plantings, possibly seven, to replace the tree that was accidentally removed.

#### **H. ACTION ITEMS**

None.

#### **I. PUBLIC COMMENT**

None.

#### **J. COMMITTEE COMMENTS**

Committee Member Walter asked where we were with the revisions of the Tree Ordinance. Committee Chair Ladd stated he wants to address this sometime this year and to get other stakeholders involved for input. He recommended possibly getting a consultant to help organize this. He stated he will get with Karen Rutherford and get a doodle poll out to find out everyone's availability and then start the process.

Committee Member Ladd stated three of the four tree related projects has been sent out for bid and one has been awarded. He stated 2001 was the last time a city-wide tree inventory survey was done. We now are using Lucity, an asset management software, which will help us update our inventory and help manage our City urban forest going forward. Additionally, still out to bid is our 2021 Tree Planting Project. There were 300 sites selected for this project, all in City right of way, along with a Neighborhood Tree Maintenance Program which is a routine maintenance block pruning project.

**K. . ADJOURNMENT**

**Committee Chair Anthony Ladd supported by Committee Member LaBelle, made a motion to adjourn the Tree Committee meeting. With a voice vote, the motion carried unanimously. The meeting was adjourned at 3:01 p.m.**

Submitted by: Baren Ruthford Date: 7-8-2021  
Recording Secretary

Approved by: [Signature] Date: 7/8/2021  
Staff Liaison



1151 Royce Ave Kalamazoo Mi, 49001

March 12<sup>th</sup>, 2021

James J. Baker | bakerj@kalamazoocity.org

Anthony Ladd

City of Kalamazoo - Public Works Division

415 E Stockbridge Ave

Kalamazoo, MI 49001

Dear James J Baker/Anthony Ladd,

My name is Joshua Sortland, a lifelong resident of Kalamazoo and owner of 1151 Royce Ave. Prior to my ownership, my grand-mother had owner this home for most of my families lifetime. It would be safe to assume that my family is familiar with the Millwood Neighborhood.

I am writing today in request of removal of a tree that located on a Verge (I believe this is the term) that is city property and is next to my driveway. This area of the Verge is property that I upkeep and not a neighbors Verge. I will call this tree, "The Tree" for the remainder of this letter. I have submitted tickets to the city of Kalamazoo and have spoken to Brian LaBelle, who on one (possibly 2) occasion came out to view the tree. We had spoken about the tree because in my tickets I was unsure if they were being read, that was not the case. In summary, the tree could not be removed given the information at that time.

To the best of my knowledge and to provide documentation in this letter, my intent was to outline some reasons I believe that the city should remove this tree and I am requesting for another opportunity to look at the tree for consideration for removal. I am using City of Kalamazoo Code, Chapter 42- Tree Ordinance, Section 6-C, Tree Removal. I have organized my reasoning below, following Chapter 42.

Reason 2 – **"Where the tree constitutes a public hazard"**. This tree manages to produce dead branches that normally result in clean up on my property, which I consider normal duties of a home owner. I have also encountered a few "close-call" situations where the branches would drop near us while working in the front yard. There have also been a few situations where the branches will get stuck on the power lines that would be removed naturally. The more pressing concern is the larger, more dangerous branches that I occasionally find on the sidewalk by my home. We have active walkers and runners in my neighborhood and these branches drop 2-3 times a season. Although there have been no accidents yet, this is evidence to consider.

Reason 3 – **"Where the tree is diseased"**. I have no knowledge nor experience to determine if a tree is diseased, but I can say that most of the trees on Royce Ave (near the baseball field) were knocked down during a heavy windstorm that came through the area 5-6 years ago. Those tresses were rotted out from the inside and that would suspect me to assume that this tree could in fact have similar issues as the

ones I noticed, years ago. Prior to the incident I did, however, enjoy the tree's presence in the neighborhood. The trees almost hung over the street, which was nice during the Spring and summer months. Due to most of the trees dying and the rest that seem to be diminishing in health, that view is something that is no longer available. There seems to be additional tree removal almost every year.

Reason 5- **"Where necessary for the installation of public streets, infrastructure improvements or driveways"**. In the photos I have attached, I have included photos of the current driveway and the placement of the current tree. I would like to have a new driveway someday. My hope is to submit for a permit to extend the width of the driveway to match the current driveway. There is a noticeable curve that the drive has, that at times cause difficulties backing up due to tree placement. The tree also currently sits in area where I would like to extend my driveway's width, to provide a straighter driveway. Half of my current driveway is dirt and is not long enough to easily back up out of my driveway and thus requires maneuvering around the tree. I have been told that tree has been hit by my family twice, once by my grandfather backing up, and once by my mother, using my grandfather's car. My wife and I have managed to not hit the tree yet. I have provided pictures of the view from the other side of the tree, to show the comparison.

Reason 7- **"Trees whose roots lift sidewalks or driveways shall not be removed unless it is not possible to remedy the problem by relocating the sidewalk or by cutting and removing roots"** Attached Photos will show specific areas within my driveway that have been affect by roots. 1 of these areas required 3 friends and about 1 hour of axe cutting to remove a piece of root that had pushed the concrete up to where it would rock back-and-forth. After cutting the root out, the concrete piece no longer causes movement but has been raise 2-3 inches. The desire to replace my damaged concrete is not feasible because thus far I have had 2 contractors disclose that they will not warranty their work, due to the current condition and upon showing them the root that we cut years ago. This makes me not want to have any concrete work completed until this tree is gone. In. The Tree is directly in front of my driveway, causing me to have to curve the driveway to work around the tree. This has been a burden throughout my family's life.

Reason 8- **"Trees shall not be removed for the sole reason that the tree roots are clogging the sewers"** There is sewer damaged caused from this tree. The city came out and installed a clean-out and removed the roots, prior to this I would have a backup into my home twice a year. So far (roughly 9 months) there have been no immediate issues. Upon my last call to have my pipes cleaned, the company suggested that due to the frequency, they suggest that roots have damaged and possibly cracked the pipe (they also suggested I have clay pipe, which has not been verified). They discussed replacing the pipe and installing some type of liner into the pipe (a \$6000 and \$10,000 quote). Although per the code, this is not the sole reasons for removal, consider that this tree has caused and continues to cause considerable damage to parts of my home. There has also been damage done to the gutters which I just had to re-install gutters onto my home (another \$2100 expense).

My request is for the city to revisit my request to have the city remove the tree for the following reasons above. I request that you please consider the reasons above and if There is nothing more that can be done, please provide me in the direction that would allow me to present my appeal to a board that would be willing to hear my case. I thank you for your time and will patiently await your response.

Joshua Sortland































































