

Christine J Clair  
128 29<sup>th</sup> St. So.  
La Crosse, WI 54601

Feb. 3, 2019

Andrea Richmond, Chair of Judiciary & Administration Council Member  
Chris Kahlow, Council Member  
Gary Padesky, Vice Chair & Council Member  
Jessica Olson, Secretary & Council Member  
Justice Weaver, Council Member  
Martin Gaul, Council Member  
Scott Neumeister, Council Member

City Hall  
400 La Crosse Street  
La Crosse, WI 54601

Dear Judiciary & Administration Committee Members,

I am respectfully requesting that you deny the re-zoning request #20-0011 on the February 4<sup>th</sup> agenda as it is specifically being requested to be an access point for the proposed trails known as the Grandma's Gateway plan. I will be referring to various entities as follows: Parks, Recreation and Forestry Dept. (Parks Dept.), Board of Park Commissioners (Park Bd.), Grandma's Gateway (GG), Outdoor Recreational Alliance (ORA), United States Department of Agriculture (USDA), Mississippi Valley Conservancy (MVC).

The property owners & neighbors on 29<sup>th</sup> Street and Ebner Coulee who will be impacted by Grandma's Gateway proposed trails 1a, 1b, 2a & 2b **were never knowingly notified or informed of ANYTHING regarding the planning of this project and how it would**

**directly impact our property and lives. Nor were we given the opportunity to get information, participate in any discussion or give input in the planning of this project prior to December 2019.** The only official notice we were given was for a Parks Board Meeting on January 16<sup>th</sup> and the zoning hearing meetings for February 3<sup>rd</sup>, 4<sup>th</sup> and 13<sup>th</sup>.

I became aware of the trails above our home when a friend mentioned it to me in mid-November. I subsequently contacted some neighbors & no one had any idea of the proposal. I then contacted our City Council person, Larry Sleznikow, who referred me to Jay Odegaard, Dir. Of Parks Dept. I did speak by phone with Mr. Odegaard and he shared the general plan and I shared some on my initial concerns, primarily related to safety regarding these specific trails being put above the homes on 29<sup>th</sup> St.

The Parks Dept. did hold a meeting at Black River Beach Center on Dec. 11<sup>th</sup> to meet with neighbors. Four neighbors were able to attend. We outlined our concerns and were told the Parks Dept. would get back to us. We received a Parks Dept. letter on December 18<sup>th</sup> stating that we should bring our concerns to the Board of Park Commissioners (Park Board) on January 16<sup>th</sup>.

Over 22+ neighbors appeared at that hearing. We prepared a presentation statement so as to consolidate our concerns. Our concerns were (and continue to be) centered principally on the safety of the proposed trails marked 1a, 1b, 2a & 2b and the access points on 29<sup>th</sup> St. and Ebner Coulee. A shortened listing is outlined below. More detailed information was presented at the Parks Board meeting on January 16<sup>th</sup>. If you would like more details, I will gladly share those with you.

1. **Impact on accessibility to/from our homes and safety issues as the result of increased traffic & parking with the access point of 29<sup>th</sup> St. Ebner Coulee access point also has safety issues. Safety concerns were presented at the January 16<sup>th</sup> Park Board meeting.**

Our homes are either above or below 29<sup>th</sup> St. and are driveways are on an incline, some steep than others. All driveways are blind driveways, meaning we do not have visual eyesight of oncoming traffic until we have begun to enter onto 29<sup>th</sup> St.

Additional traffic and cars parked on the street, will decrease our ability to visually

see oncoming traffic until we are further in the street which would increase risk to us and oncoming cars.

2. **The safety risks to the homeowners & their property due to land disturbing activities causing soil and/or rockslides, increased erosion and/or sedimentation, stormwater drainage changes, boulder displacement, etc.** Any changes to soil on the bluffs raises the risks of the above. The fragile topography of Grandad's increases those risks and history has proven that in the boulder dislocation on Cliffwood Dr. and the recurring collapses of Bliss Rd. We have continually asked for soil testing and/or an environmental impact study to determine the degree of risks. The Parks Dept. has denied all requests. So, we obtained our own detailed analysis and report from the USDA (attached.) The scientific results confirm that Grandad's soil composition and slope make it unsuitable for recreational use, including paths and trails.
3. **The safety risks to the users of the proposed trail at the access points, on the trails and on 29<sup>th</sup> St.** Due to the unsuitability of the topography in Grandad's Bluff, the proposed trails on it's north, west and south faces hold serious safety risks to its users. Additionally, where the access point enters onto 29<sup>th</sup> St. is the most dangerous section of 29<sup>th</sup> St. That access point is at the crest of the hill that begins on Cass heading north. Vehicles traveling that route have no visual sight as to what is at the top of the hill until you begin to crest the hill. By that time, it is difficult to stop and the chances of someone in the road who is entering or leaving the trail being injured is great.
4. **Safety issues to our property that is adjacent to the proposed trails.** As stated earlier, the USDA report confirms that Grandad's soil composition and slope make it unsuitable for recreational use, including paths and trails, and that would result in land disturbing activities causing soil and/or rockslides, increased erosion and/or sedimentation, stormwater drainage changes, boulder displacement, etc. The safety of our homes and property (not to mention human life) will be needlessly put at risk.
5. **Disruption and potential for permanent, structural changes to Grandad's Bluff North, West, & South sides/faces.** Grandad's Bluff is our most iconic and

memorable natural landmark in the Coulee region. Any changes to its topography will be permanent and irreversibly alter its appearance. This would be unconscionable.

Any changes in the topography of the bluff above our homes or the introduction of pedestrian and/or bike usage, will undoubtedly change what is the natural, sensitive & precarious landscape of this area. These environmental concerns will significantly impact every resident on the eastern side of 29<sup>th</sup> St & the northern side of Ebner Coulee. It also will impact to a slightly, lesser degree residents on the western side of 29<sup>th</sup> St, 28<sup>th</sup> St residents, and the southern side of Ebner Coulee.

Any land disturbing activities could cause soil and sedimentation loss that would then require environmental reclamation and extensive erosion and/or sedimentation control plans and/or stormwater drainage systems and/or landslide risk assessments and/or environmental impact plans. Best practices would necessitate that any project that is adjacent to property, the aforementioned assessments should be DONE PRIOR to any plan moving forward. In this case City has not conducted any. It is irresponsible for a governmental entity to do less, and any action without such creates a liability risk for all involved especially when notice & knowledge of such concerns are brought to a governing body's attention. We, the residents of 29<sup>th</sup> St, Ebner Coulee, and adjacent neighbors are notifying you of the physical, property and land safety risks with this proposed plan.

I and over 21+ residents in the proposed area presented our concerns to the Park Board on January 16<sup>th</sup>. The Parks Dept. also presented their position and recommendation. The Park Board relied on the information presented by the Parks Dept. and voted to deny our request to remove the public accesses on 29<sup>th</sup> St. and Ebner Coulee from the proposed plan or refer action. The Parks Dept stated, and made part of the record, that the GG's proposed plan was reviewed by various other departments, agencies and community groups and all determined no issues or concerns, giving the "thumbs up." This was not true. The information that was presented to the Park Board by Jay Odegaard, Park Dept. Director was misleading and a misrepresentation of the scope of the approval given by other departments, outside trail building professionals and the Environmental Leadership Forum.

At this January 16<sup>th</sup> meeting, another neighbor requested the “evidence” of the purported opinions and studies by various departments, agencies and community groups. There was no response from the Parks Dept. I subsequently reaffirmed that request to Council Member Sleznikow. In addition, on January 22<sup>nd</sup> I filed an Open Records Request to the Parks Dept. (I have received no documents or requested material from Mr. Odegaard to date.) Mr. Odegaard called me later in the afternoon of January 22<sup>nd</sup> to discuss what information they had and asked exactly what I was looking for in my Open Records Request. In regard to any professional opinions and studies, Mr. Odegaard stated there really was nothing.

Following is information I have obtained since the January 16<sup>th</sup> Park Board meeting and information that was revealed to me in my conversation with Mr. Odegaard on January 22<sup>nd</sup>.

1. As stated, on January 16<sup>th</sup> the Parks Dept. presented that different City departments had reviewed and approved GG’s plan. In my phone conversation with Mr. Odegaard on January 22<sup>nd</sup> , when asked what that “approval” entailed I was told it was given after looking at the GG written plan and map – a preliminary & general lookover. Mr. Odegaard admitted that the safety issues that the neighbors had raised were not addressed specifically with any of these individuals and therefore there were no professional reports prepared.

These “approvals” were not professional or comprehensive assessments, evaluations or opinions; they were anecdotal and “a nod” after looking at the mapped plan. They did not address any of the safety issues that the neighbors had raised in December. As such, the reliance put on them should be minimal (if any) and they should hold no reliability regarding the safety concerns raised by neighbors.

The presentation by the Parks Dept. - that the Park Board relied on - was a misrepresentation

2. On January 16<sup>th</sup> the Parks Dept. presented that an outside organization/trail specialist had reviewed and approved GG's plan. The organization stated was the International Mountain Biking Association (IMBA) and Trail Alliance.

Trail Alliance is a branch of IMBA. They are also a company that will be bidding on the proposed contract for GG's proposed trails. I contacted them on January 21<sup>st</sup> and spoke with Mike Repyak. Mr. Repyak stated he was familiar with GG and that Trail Alliance had been on site twice – once in late fall 2018 and in April 2019 for six days. Mr. Repyak stated that the April visit was for flagging potential trails, assessing materials needed for future building, and reviewing the totality of the plan. I asked specifically if Trail Alliance had performed any testing regarding the slope, the soil composition, the stormwater drainage patterns, the history of rockslides, boulder dislocation, etc. Mr. Repyak stated NO, that there were no resource specialists from Trail Alliance on site, and that the City had not identified any need for this testing or study.

Mr. Repyak acknowledged they would be bidding for the trail building contract for GG's proposed plan. Obviously if Trail Solutions is bidding on the potential contract for GG's proposal, they have a vested interest in this proposal moving forward and therefore any opinion of theirs is self-serving and not independent.

Given the above, the presentation by the Parks Dept. - that the Park Board relied on - was a misrepresentation. The representation that Trail Solutions approved this plan is faulty on many levels. They developed the plan, they have a vested interest in the GG's proposal moving forward, and they did not address any of the safety issues that the neighbors had raised in November and December. They prepared a plan that did not include scientific testing because the city told them the City had not identified that as a need. As such, no reliance on their general site review did not address the safety concerns raised by neighbors.

3. On January 16<sup>th</sup> the Parks Dept. presented that the Environmental Leadership Forum (ELF) had reviewed and approved GG plan. The Environmental Leadership Forum (my understanding) was formed by the Parks Dept.

I have spoken with several members of ELF and I was told that some of them were presented with a non-detailed and overall view of GG's proposed plan, that is was ORA representatives that presented the plan, they were presented with the plan as it existed then, they were shown maps and did answer questions. A few said they did visit the site on top of Grandad's Bluff, but not the access points. Several ELF members were told that neighborhood homeowners and citizens were aware of GG's plan (including the two access points and lower bluff trails) and they were in favor of the plan. My understanding is no information was presented regarding the safety concerns raised by neighbors.

I since have contacted several of ELF's members who have confirmed the above. I received a reply from Carol Abrahamson, Exec. Director of Mississippi Valley Conservancy and she verified that she was unaware that Mississippi Valley Conservancy was being represented as having given approval for this project and they have not formally endorsed the GG plan.

Given the above, the presentation by the Parks Dept. at the January 16<sup>th</sup> Board mtg - that the Park Board relied on -was a misrepresentation.

It is extremely disappointing that it has taken the submission of an Open Records Request to reveal, through the admissions by Mr. Odegaard, that the Parks Dept has no credible evidence by reliable sources that address any of the safety concerns raised by the property owners and citizens nor have any professional, independent soil or geological testing been done regarding the stability of the bluffs in the proposed plan. None of our concerns related to the two proposed access points (29<sup>th</sup> St and Ebner Coulee Rd) and trails 1a, 1b, 2a and parts of 2b have been adequately acknowledged, much less addressed seriously outside of rhetoric.

In addition, any proposal for changing topography, **that is above homes**, is reckless and negligent. That seems obvious and should not be a basis for a battle. And if the proposed change is for an unwarranted want (biking trail) versus justified need (stabilization such as was done on Bliss Road) WHY would we proceed. And if the need was justified, nothing should be done without legitimate evaluations as to the safety concerns for homeowners in the affected area. An argument that has been presented to me is “we’ve done trails before, even in sloping areas.” **Yet no trails have been completed that is reflective of Granddad Bluff ‘topography – specifically the slope, the soil composition, the stormwater drainage patterns, the history of rockslides, boulder dislocation, etc. – AND that are above homes that would be impacted directly by any downward consequence.**

I understand that the Parks Dept has recently hired an independent engineering firm (ISG) to review the written Request for Quotation (RFQ) and that supporting documents for that RFQ were included. I’d point out that the RFQ was developed by ORA and the Parks Dept. Jim Flottmeyer, Parks Dept. representative, stated on January 27<sup>th</sup> that due to costs the independent evaluation (ISG) are for a preliminary “look over” before any comprehensive evaluation is done. This does not satisfy our concerns, nor does it reassure us as to our personal or property safety or the safety of the users of these proposed trails.

On January 22<sup>nd</sup>, I asked Jay Odegaard to recommend that all plans for the areas we’ve specified be put on hold. I asked that he go back to the Park Board, correct the record and asked that he recommend a referral. Mr. Odegaard said he would consider it. I have not heard back from Mr. Odegaard or anyone regarding that request. Obviously, he has chosen not to do that as we are at the second phase of zoning hearings.

I sent a letter to Parks Board Chairman Paul Medinger, respectfully requesting that an agenda item be added to the February 20<sup>th</sup> Park Board agenda to reopen the January 16<sup>th</sup> request to remove or refer the neighborhood access points for the Grandma’s Gateway Trail Project (GG.) I have not heard anything back on that request.



As stated earlier, I also obtained a detailed report from the USDA addressing the soil & environmental concerns in the GG's plan area and specifically for the suitability of the soil for recreational use. This scientific report is independent, they are not taking a position on the project, they are just giving the facts. The report clearly identifies the proposed trails 1a, 1b, 2a, and 2b as unsuitable for recreational uses, including paths and trails. The science says this is NOT an area that should be used for the purposes the Parks Dept and ORA are pushing for. I have attached a copy of that report.

To be frank, at this point I have not been given any reason to believe anything of what the Parks Dept is doing or saying. They have misrepresented facts as being endorsed by other departments, agencies, environmental groups, etc., etc., etc. just to get a project through that has had little, to no input, from stakeholders and no professional assessments as to the safety of these proposed trails and access point.

I should be able to rely on my local government and their departments. Local boards and elected officials should be able to rely on their departments' recommendations and representations. If departments don't know the answer or don't have reliable information on a specific subject - they should just say so. They shouldn't misrepresent the facts. I never thought I would have to investigate personal safety issues related to governmental actions because my local government leaders are not watching out for my best interests or those of my neighbors. My concerns have been dismissed, I have been given answers that are misrepresentations, and I don't like it.

I understand that the Parks Dept and ORA have set a timeline that they are intent on keeping. I understand that they were given a planning grant sum of money. I understand that a delay, modification, or stoppage of this plan may have legal and financial implications for the Parks Dept. and ORA. But that is on them. The safety of the homeowners, residents and users of these trails should not be put at risk because the Parks Dept and ORA didn't do due diligence regarding this plan.

Since we became aware of the details of this plan, we have asked numerous times to put things on hold so we can all come to the table to look at other options that address increasing recreational opportunities and neighbor access. There is no desire by the Parks Dept. or ORA to look at other options, it's this plan period. We have been told categorically by ORA that this is public land and public roads and therefore our objections are self-serving and selfish. When safety (mine, my neighbors and users of this trail) is brought into the equation, I will not stand down to anyone and I do not like the intimidation tactics being used by ORA.

It is irresponsible, unprofessional, and unethical for inaccurate information to be presented by a city department (in this case the Parks Dept) with knowledge that it will be relied on by other city officials and people's lives and property will be put at risk. Our personal safety and the preservation of our property should be the priority. The stability of the iconic Grandad's Bluff should also be the priority. It is unconscionable that this situation has gotten to the point it has.

I respectfully request that you deny the request to rezone the lots on 29<sup>th</sup> St. as it would allow the access points for the Grandma's Gateway Trail Project (GG) to trails 1a, 1b, 2a and 2b to move forward without ANY recourse for the homeowners and residents in the adjoining area. Those trails and access points to those trails should be taken out of this proposed plan. At a minimum it should be referred for 60-90 days to get the scientific facts before putting people's lives at risk, not to mention the risks to the topography of Grandad's Bluff.

Sincerely,



Christine J, Clair

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