

## NOVEMBER 2011 MEETING MINUTES

**November 9, 2011  
Merriam Park Community Center**

**MEMBERS PRESENT:** Susan Bishop, Jonathan Carter, Erick Goodlow, Dave Haley, Dan Marckel, John Mountain, Betsy Mowry, Emily Shively and Andrew Trcka

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Mike Hahm, Diana Berchem, Kathy Korum, Jody Martinez, Mike Kimble

**GUESTS:** Kathryn Mitchell, Terry Brueck, Marla Kennedy, Bob Reidell, Thomas Romens, Mary Kay Edwards, Jean Surdo, Peggy Lynch, Sherri Buss, Jon Kerr, Susanna & Phil Zinos, Jeff Zayer, Eric Anderson, Dennis Merley, Brian Harmon, Nancy Hone, Greg Schmidt, Mike Madden, Ed Lehr, Anne Marie Foy, Bill Driver

### 1. AGENDA, MINUTES, INTRODUCTIONS, ANNOUNCEMENTS

- a. The November agenda was moved to approve by Commissioner Trcka. Commissioner Marckel seconded the motion. The vote was 9 to 0 in favor with no commissioners absent.
- b. Commissioner Goodlow moved to approve the October 2011 minutes. Commissioner Mountain seconded the motion. The vote was 9 to 0 in favor with no commissioners absent.

### 2. ACTION ITEM

a. **Resolution #11-14 Solar Array at 2279 Summit Avenue**

Director Hahm explained that the Owners of 2279 Summit Avenue (Terry Bruek and Kathryn Mitchell) have requested a parkland diversion to install a structure on their property which would encroach on the Mississippi River Boulevard Parkway. He indicated that the City has met with the Owners at various meetings over the last year and had denied their request. He did recommend advancing the issue to the Parks Commission for a public dialogue. He said the materials presented to the Commissioners included information provided by the resident as well a timeline and materials provided by Department staff.

Director Hahm introduced Jody Martinez, the Department of Parks and Recreation Design Section Manager, who gave the Commissioners an overview of the area using a display board showing surveyed property lines. She identified the reasons for the staff recommendation to deny the Owners' request for diversion.



Owners, Terry Bruek and Kathryn Mitchell, presented their request for approval of a parkland diversion to install a solar array on their property which would encroach upon parkway land. As an alternative, they also offered a land swap with the Department in order to allow for the installation.

They discussed that in siting the structure, they relied on City Forestry Division orders to remove diseased trees which the Forestry Division erroneously believed were on the Owner's property.

Commissioners Goodlow and Trcka asked the owners if the pictures provided show an accurate portrayal of the structure. The Contractor, IPS-Solar, indicated that pictures referenced were a mock-up put together using the software program "Photoshop" to give an idea of what solar equipment could look like.

Commissioner Mountain asked the Contractor if property lines are generally assumed before a permit is requested. The Contractor indicated that it is.

Commissioner Bishop asked for clarification on the size of the proposed structure which is 25" long x 10.5" wide.

Commissioner Marckel asked if the installation could be adjusted by a few feet so as not to encroach on Park property. It was indicated that the area proposed is for optimum effect and that moving it closer to the resident's property would result in a 90% benefit.

The following visitors provided comments:

Joan Haan commented in support for the proposed diversion.  
Marla Kennedy commented in support for the proposed diversion.  
Greg Schmidt commented in support for the proposed diversion.  
Dan Hintz commented in support for the proposed diversion.  
Tom Romens commented in support for the proposed diversion.  
Peggy Lynch commented in support of the Resolution to deny diversion of the park land.  
Sherri Buss commented in support of the proposed diversion.  
Mike Madden commented in support for the proposed diversion.  
Nancy Hone commented in support of the proposed diversion.  
Paul Bush commented in support of the proposed diversion.

Chair Carter motioned to close public comment which was seconded.



Chair Carter asked Director Hahm to clarify some points raised in testimony:

Materials:

- The information, and specifically images, provided to the Commissioners is information that was either existing sources or provided to the Department. The Department did not alter the images.
- All information given to Department staff by the Owners for distribution for this meeting was provided to the Commissioners.

Tree Removal Issue:

- The Department of Parks and Recreation agreed that the City Forestry Division mistakenly requested the Owners to remove diseased trees at the Owner's expense which were thought to be on their property.
- It was made known to the Owners that the City would provide reimbursement for all expenses incurred from removing the trees. To date, receipts or documentation requesting payment have not been provided.
- Director Hahm indicated the Department is addressing the tree issue separately from the proposed diversion.

Land Swap Issue:

The Department of Parks and Recreation denied the land swap proposal because:

- it would establish a bad precedence for other private use on public land requests.
- property lines would require modifications shaped in an inconsistent and irregular alignment.
- it would affect future planning, design, and improvement decisions for the parkway.

St. Thomas Tennis Courts:

Director Hahm clarified that the tennis court situation with St. Thomas University should not be considered a comparable issue as the tennis courts proposed was entirely on University property.

Commissioner Mountain asked for more explanation on the land swap option. It was explained that the issue of the impact to the viewshed along the corridor would remain. Additionally, screening suggested for the proposed structure would cause the diversion to expand.

Commissioner Marckel commented that the public benefit from parkway land includes driving, visual impacts and enjoyment. He feels the proposal in question sets up conflicts.



Commissioner Bishop commented that she has given this a great deal of thought and commends the Owners for their passion to pursue sustainable energy. As a steward to the public parks, she has seen property ownership/use issues arise before in the context of master plans. While it may seem to property owners that the land serves no valuable purpose as park land, it is important to retain ownership to address the changing needs of the public relative to safety and access.

Commissioner Haley asked if there is a possible alternative to the solar structure to avoid the encroachment. Mr. Brueck explained that the determined location for a solar structure is considered the best spot to work effectively.

**Commissioner Trcka motioned to approve Resolution #11-14. Commissioner Bishop seconded the motion. The vote was six in favor, three in opposition with no commissioners absent.**

### **3. DISCUSSION ITEMS**

#### **a. Hamline Building**

Director Hahm explained the old Hamline Building, formerly housed by the Midway Coalition and located at 1564 Lafond, is now a vacant building. The issue is to raze the building or find a new tenant. The Department has met with a small group of concerned residents about the future of the facility. They are in opposition to demolition of the facility. The Department will also work with the District Council to possibly find a new tenant. Once a new tenant and use is determined, it will be brought before the Commission.

#### **b. Annual Meeting Suggestions**

Due to time constraints, Director Hahm asked the Commissioners to email Diana with suggestions, concerns, ideas, etc. for the annual meeting.

#### **c. Bicycle Policy Review and Update**

Director Hahm briefly reviewed that the Bicycle Advisory Board was disbanded about a year ago and the focus on bicycle programs is now being discussed through the Transportation Committee of the Planning Commission which includes Parks and Recreation staff.

Handouts were shared on Capital funded projects relating to bicycling in St. Paul as well as updates to bicycle projects called Nice Rides; Bike Rack Program; and Pedicabs.

Andy Singer, co-chair for the St. Paul Bicycle Coalition, commented on bicycle projects in St. Paul.



Ed Lehr, a Battle Creek resident and former Bicycle Advisory Board member, commented on bicycle projects in St. Paul as well as bike safety.

d. **Support and Affiliated Groups Policy**

Kathy Korum, Deputy Director for the Department of Parks and Recreation, reviewed the importance of this policy. She indicated the Department counts on the assistance of volunteer groups to help support and administer programming in our system. As a Parks Commission workplan item as well as part of the Department's strategic plan, progress reports are required. Progress in 2011 includes: the City Attorney's office and Kathy have met twice with representative group organizations; progress has been made to have background checks on adult volunteers and compliance with the State of Minnesota's new concussion law; progress has been made with some groups related to keys and building access; the "Ice Commission" meets before, during and after ice skating season to discuss flooding, rink maintenance and scheduling of outdoor rinks.

The next issues to address are cash handling and the effective management of support group funds.

4. **DIRECTOR'S REPORT**

a. **Monthly Highlights**

Director Hahm pointed out the new format of the monthly Director's Report.

b. **Budget Update**

Director Hahm indicated there is nothing new to report but indicated that Parks staff has had structured budget meetings with Councilmembers.

5. **SUBCOMMITTEE AND TASK FORCE REPORTS**

a. **Como Regional Park Committee**

Commissioner Marckel had no updates but indicated the next meeting is in a few days.

b. **Blooming St. Paul**

Commissioner Mountain had no updates.

c. **Transportation Committee of the Planning Commission**

Commissioner Trcka had no updates.



d. **Tree Advisory Panel**

Commissioner Goodlow provided an update from the last Tree Advisory meeting.

e. **Other Reports**

None.

6. **ADJOURNMENT**

Commissioner Marckel motioned to adjourn. Commissioner Haley seconded the motion. The vote was 9 to 0 in favor with no Commissioners absent. The meeting adjourned at 8:15 pm.

