

METROPOLITAN COUNCIL
390 N. Robert Street, St. Paul, MN 55101

MEETING OF
METROPOLITAN PARKS AND OPEN SPACE COMMISSION

November 10, 2008

COMMISSION MEMBERS PRESENT: Glen Skovholt, Chair, Barb Schmidt, Gary Botzek, Richard Jabs, Robert Wicklund, Daniel Shlaferman, Dan Wolter, Metropolitan Council Liaison to the Commission

ABSENT: Bob Moeller

CALL TO ORDER

Chair Skovholt called the meeting of the Metropolitan Parks and Open Space Commission to order at 4:28 p.m. on November 10, 2008.

APPROVAL OF AGENDA/MINUTES

Commissioner Jabs motioned and Commissioner Wicklund seconded to approve the November 10, 2008 Agenda and the October 7, 2008 Minutes.

PUBLIC INVITATION: Invitation to Interested Persons to Address the Commission on Matters Not on the Agenda (Each speaker is limited to a five-minute presentation.)

None.

BUSINESS:

Information Item: Regional park land acquisition costs eligible for CIP reimbursement consideration if there is insufficient Park Acquisition Opportunity Funds to make a grant from that source - Arne Stefferud, Planning Analyst-Parks

At its October 7, 2008 MPOSC Meeting, the Commission discussed whether a park agency could ask the Metropolitan Council to consider reimbursing the park agency 100% instead of 75% of its costs from the Parks CIP when the Council didn't have sufficient funds to award a Park Acquisition Opportunity grant at that time.

The Commission requested Metropolitan Council staff to prepare a memorandum that explains what amount of regional park system land acquisition costs financed by a regional park agency would be eligible for Parks CIP reimbursement consideration. The rules for the Park Acquisition Opportunity Fund apply if there is money in the Fund to provide a grant under the rules for the Fund. If there is insufficient money in the Fund to provide a grant, then park agencies would be allowed to request reimbursement consideration from the regional parks CIP for 100% of grant eligible costs to acquire the land (purchase price, appraisal, closing costs, property tax equivalency payment and pro-rated share of property taxes, plus stewardship costs including restoration of the site for park purposes, but not Phase 1 and 2 Environmental Studies).

There was no further discussion and no action was taken, as this was an information item only.

Acquisition Opportunity Grant request to purchase land for Above the Falls Regional Park, Minneapolis Park & Recreation Board - Arne Stefferud, Planning Analyst-Parks

Stefferd gave a PowerPoint presentation describing the request from the Minneapolis Park and Recreation Board (MPRB) for an acquisition opportunity grant to purchase land for the Above the Falls Regional Park.

Stefferd stated that just prior to this meeting the policy question was raised that by using the acquisition opportunity grant first are we violating state law, as the MPRB has the 35W fund for land acquisition for the Above the Falls Regional Park. Initially, the MPRB proposed to use money from the "I-35W account" to finance the 25%

match to the Council's grant. Council staff raised the issue of whether the I-35W account could be used for the match because it may violate the Council's expenditure of the 2008 Environmental Trust Fund portion of the Council's grant. In this case, State funds in the I-35W account are not supposed to be matched with the 2008 Environmental Trust Fund portion of the Council's grant.

Stefferd also raised the question of whether a Park Acquisition Opportunity Grant should be awarded in this case since the MPRB had sufficient funds in the I-35W account to finance this acquisition, and was mandated by law to spend the account to buy regional park land along the Mississippi River.

Mike Kimble, Minneapolis Parks and Recreation replied that the MPRB was negotiating with other landowners along the Mississippi River and would use the I-35W account to purchase those parcels. The projected costs of acquiring these other parcels exceeded the amount in the I-35W account.

Brian Rice, Attorney for Minneapolis Park and Recreation Board thanked the Commission for their work and described the other parcels that the MPRB is looking at acquiring.

Wicklund asked if staff is concerned that we would be setting precedence. Stefferud noted that the money is coming from the State DOT and the Environmental Trust and that both are 'state dollars'. He stated that his concern is that you cannot match state dollars with state dollars. He feels that the LCCMR should be contacted on this issue.

Wicklund asked who is responsible to raise this question. Stefferud stated that this is a public process and a citizen raised the question just prior to this meeting. He feels it needs to be looked at further, prior to the Council taking action.

Rice suggested that the MPRB could use local money and not the I-35W account for matching dollars. He stated that the MPRB has about \$100,000 of local funds in addition to the I-35W account that could be used to provide the 25% match to the Park Acquisition Opportunity grant.

Wicklund questioned if the Commission has asked for 'guarantees' in the past. He stated his concern that the Commission is 'crossing the line' of authority here.

Schmidt stated that she feels the question is raised to the IA's if they have any other funds available every time an acquisition opportunity grant is requested.

Jabs stated he would feel more comfortable with further investigation into this issue. He asked if the MPRB could wait on this. Kimble asked that the Commission go ahead with this measure, and he would ensure that local funds are used for the 25% match. He noted then that he would ask their attorneys to look at this issue further.

Skovholt stated that he feels that the acquisition opportunity fund is a way to keep the level of reimbursement funds down. He would recommend the Commission go ahead with the provision that staff check into this further before bringing it to the Council. Stefferud stated he will call the LCCMR staff. He stated that he wants to do some checking and noted that this will go to the CDC on 11/17 and to the Council on 12/10.

Botzek asked where the funds for the I-35W fund came from. Rice thought they were Federal Highway dollars.

Schmidt made the observation that the I-35W funds are not Met Council grant funds and noted that she would like to move this forward 'provisionally'.

Commissioner Wicklund motioned and it was seconded by Commissioner Jabs that the Metropolitan Council authorize a grant of \$139,670 from the State Acquisition Grant Account in the Park Acquisition Opportunity Fund to the Minneapolis Park & Recreation Board to partially finance the acquisition of 1808 and 1812 Marshall Street

NE and the tax equivalency payment for the 13th Ave. NE parcels as part of Above the Falls Regional Park. The Minneapolis Park & Recreation Board must use funds other than the I-35W bridge condemnation proceeds as the 25% local match (\$ 46,557), to the Council's grant. The Council's grant will be financed with \$83,802 from the 2008 Environment and Natural Resources Trust Fund appropriation and \$55,868 of Metropolitan Council bonds. (The Metropolitan Parks & Open Space Commission recommended an amendment to the recommendation to clarify the local match source to the Council's grant). **The motion carried.**

REPORTS

Chair: None.

Commissioners: None.

Staff: Stefferud discussed the constitutional amendment passed in the recent election. He shared language of the Statute. The commission discussed questions of how the money will be disbursed going forward. It was noted that there are many questions yet to be answered, but this is a good 'problem' to have.

Schmidt asked about the twelve member Heritage Council to be formed. Skovholt described the responsibilities of the Council and noted that they will be making recommendations to the Legislature on how to disperse funds.

NEXT MEETING

Tuesday, December 2, 2008.

ADJOURNMENT

Chair Skovholt adjourned the meeting at 5:28 p.m.

Respectfully submitted,

Sandi Dingle, Executive Secretary

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