

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

**MEETING OF
METROPOLITAN PARKS AND OPEN SPACE COMMISSION**

Meeting held at the Scott County Government Center, County Board Room

July 6, 2010

COMMISSION MEMBERS PRESENT: Chuck Haas, Barb Schmidt, Jeff Lee, Richard Jabs, Bob Moeller, Doug Baines, Wendy Wulff, Metropolitan Council Liaison to the Commission

ABSENT: Billy Dinkel, Tom Gamec, Daniel Shlaferman.

CALL TO ORDER

Chair Haas called the meeting of the Metropolitan Parks and Open Space Commission to order at 3:07 p.m. on July 6, 2010.

APPROVAL OF AGENDA/MINUTES

Commissioner Baines motioned and Commissioner Schmidt seconded to approve the July 7, 2010 Agenda and the June 8, 2010 Minutes. Chair Haas called for a vote. **The motion carried.**

PUBLIC INVITATION:

Mark Themig, Scott County, welcomed the Metropolitan Parks and Open Space Commission to Scott County and indicated that he had invited the Scott County Parks Advisory Commission to attend the meeting. The County Parks Advisory Commission members introduced themselves. Ann Beckman introduced Tori Dupre, who recently joined the Council's parks staff.

BUSINESS

Update to 2030 Regional Parks Policy Plan

Adoption of Draft for Public Hearing version of plan, Ann Beckman, Regional Systems Planning and Growth Strategy Manager

Beckman indicated that staff would bring the draft plan as an information item to the Community Development Committee on August 2, that the public hearing would tentatively be October 13 where comments from the public as well as the park agencies would be accepted, and that hopefully the plan would be adopted October 27.

Steve Sullivan, Dakota County, distributed notes with suggestions for changes to the draft 2030 Regional Parks Policy Plan.

Commissioner Baines asked about incorporating the suggested changes into the plan. Beckman responded that most of the items would be easy to respond to, but that outside help would be needed to address brownfield issues.

Commissioner Lee stated that if a responsible party could not be identified for soil contamination, it made sense to use regional funding for cleanup.

Council Member Wulff expressed concern about buying land where the purchase price was based on the assumption of the land being clean if there are going to be costs associated with cleanup.

Lee stated that with regard to Siting and Acquisition, Strategy 3, there is no statutory definition of “adverse impact” and suggested that the language regarding trails having “no adverse impact on the natural resource base” be changed to state that the trails should “avoid or minimize impact to the natural resource base.”

Lee indicated that there should be some form of public participation process before agencies begin construction so the public can see any changes to the project.

Commissioner Jabs said that the policy is broad enough to allow public input.

Beckman said she wants meaningful public input while not putting an undue burden on the implementing agencies.

Commissioner Baines made a motion and Commissioner Moeller seconded to accept the draft with the comments that were brought forward. With no further discussion, Chair Haas called for a vote. **The motion carried.**

Boe Carlson, Three Rivers Park District, complimented staff on their work on the policy plan. He stated that with regard to Strategy 7 on page 22, there should be some flexibility regarding the 10 year minimum use of trails that may be used for transit in the future.

Carlson stated that page 33 lists inline skating, mountain biking and night use as potential new uses of trails, while these uses have been around for several years.

Carlson said that with regard to Strategy 4 on page 43 that requires the findings of Phase I environmental site assessments to be submitted to the Council in the master plan, there is a potential disconnect of timing, since agencies typically have the site assessments done during the site acquisition process rather than during the master planning process.

Commissioner Moeller asked Carlson how he would change the policy language on page 22. Carlson said that he could work with staff to suggest language changes.

Jabs stated that he does not want the policy to lose context and wants to make sure the 10 year trail life is worth it.

Wulff said that from a regional perspective, corridors should be kept for the long term and she is concerned with spending regional money on something that is temporary.

Commissioner Jabs made a motion and Commissioner Baines seconded to accept the comments for staff to respond and report to the Community Development Committee. With no further discussion, Chair Haas called for a vote. **The motion carried.**

Marty Walsh, Carver County, stated that the plan is silent on large or high value land acquisitions and should provide guidance and direction to agencies on how to proceed with these acquisitions.

Baines commented that tying fees for regional parks to housing development would be more of a State decision rather than the Metropolitan Council.

Mark Themig, Scott County, indicated that Scott County has the authority to charge fees in rural areas.

Commissioner Schmidt asked if the Legacy funding could be used as the local share for an acquisition opportunity grant.

Arne Stefferud, parks staff, indicated that Legacy funds are being used for future payments for the timed acquisition of the Scherer Brothers parcel recently purchased by the Minneapolis Park Board with an acquisition opportunity grant.

Schmidt asked whether the 25% match applied only to park acquisition opportunity grants or if it also applied to land acquisitions that went through the CIP. Beckman stated that the match applied to the park acquisition opportunity grants.

Moeller suggested that language be added regarding the source of other funds, like a parks dedication fee.

Walsh responded that Carver County has little opportunity to collect fees for areas being considered to be annexed into cities. He said that the plan should recognize what agencies options are for large acquisitions.

Chair Hass stated that large parcels of land may not be affordable given the current allocation for small agencies.

Lee asked about the implications of increasing the \$1.7 million cap for acquisition opportunity grants. Stefferud explained that the Council has a limited amount of bonding authority and that the current cap was raised from \$1 million a few years ago.

Walsh suggested that a study could be done to examine ways to fund large parcels.

Lee suggested that we look at how other agencies have funded large acquisitions.

Schmidt indicated that we need to take a harder look at how to solve these problems and should study this issue before the next parks policy plan. It could be studied similar to the regional park study areas that are proposed.

Commissioner Schmidt made a motion and Commissioner Moeller seconded to recommend that a study be done to determine ways to finance larger value parcels. With no further discussion, Chair Haas called for a vote. **The motion carried.**

Jabs recommended that the strategies in Chapter 2 be better labeled to avoid potential confusion for the reader. Beckman responded that minor changes can be made for clarification purposes.

Moeller inquired about wayfinding and signage language in the plan. Beckman responded that meetings have been held regarding the issue and that after consultation with the Council's Bicycle Coordinator, guidelines could be brought forward in 6 months or sooner.

Lee stated that Chapters 4 and 5 project the costs for development between 2010 and 2030, but there are no projections for operations and maintenance costs. This will be an ongoing issue since the legislative appropriation does not meet what State statute says.

Stefferdud responded that it is not possible to project operations and maintenance costs to 2030.

Baines asked that the schedule for the policy plan be reiterated.

Beckman responded that it will go to CDC as an information item on August 2, to CDC on August 16 to adopt the plan for a public hearing which will be held on October 13, with a potential adoption date of October 27.

Themig mentioned that the plan should discuss coordination between implementing agencies, the long term governance of the system and looking at a unified approach to long term operations.

REPORTS

- **Chair** – None.

- **Commissioners** – None.

- **Staff** – Arne Stefferud reported that a presentation was made to the LCCMR (Legislative-Citizens Committee on Minnesota Resources) on June 28 regarding the Council's request for \$2,250,000 for regional parks system land acquisition. The LCCMR will draft a bill in December with its recommendations for the next Legislative session.

NEXT MEETING

The regularly scheduled meeting of August 3 has been rescheduled to Monday, August 9, 2010. The meeting will start at 3pm at the Theodore Wirth Golf Course Clubhouse/Chalet (2nd floor) followed by a tour of Theodore Wirth Regional Park. Directions will be included with agendas sent prior to this meeting.

ADJOURNMENT

Meeting adjourned at 4:21 p.m. Tour of Cedar Lake Farm Regional Park followed.

Respectfully submitted,

Jan Youngquist, Senior Planner—Parks

NOTES (from Dakota County) FOR 7-6-10 MPOSC

Chapter 2:

Siting and Acquisition Strategy 3: New trails, or trail segments, that serve a regional audience have priority over other proposed trails.

To qualify for regional trail status, an existing or proposed trail must serve a regional audience, based on visitor origin and service-area research on regional trails, and should not duplicate an existing trail. The trail may include part of an existing county or local trail if it is a destination itself, providing a high-quality recreation experience that traverses significant natural resource areas where the trail treadway will have no adverse impact on the natural resource base;

Recommendation: Delete “no impact on the natural resource base” and insert “be designed to minimize impact to natural resources.” This recommendation applies to four other similar references throughout the draft system plan.

Siting and Acquisition Strategy 4: Special recreation facilities must enhance services and facilities already offered, not complete with or duplicate them.

- Not duplicate or compete with recreation facilities adequately provided by the private sector.

Recommendation: Add private and “public” sector.

Finance: Strategy 6: The Metropolitan Council may reimburse implementing agencies for the costs of acquiring some lands before they have been made part of the regional parks system.

- Park agencies should submit their CIP funding requests with the understanding that reimbursement grants should not exceed 40 percent of an agency’s biennial CIP allocation.

Recommendation: Delete bullet, since IA’s have in the past and still can submit reimbursement requests that exceed the 40 percent threshold.

Planning Strategy 1: Acquisition and improvement projects must be part of approved master plans, or their amendments. Importance of accurate master plans, and for local government to guide land shown within master plan boundary as intended for future park use.

If a master plan amendment is needed prior to funding construction of a facility, the regional park implementing agency must provide the general public and agencies that have an effect on the particular park or trail an opportunity to participate in the process. The opportunity for public input must also be provided in the final design/engineering phase of any project.

Recommendation: The work “any” implies all CIP projects require public input. There are CIP projects where this is not warranted, e.g. establishing sewer service to a facility. Consider language, “the IA’s will provide opportunity for public input for CIP projects where warranted. This reference is found in two places within the document.”

Planning Strategy 2: Joint-powers agreements for regional trails are encouraged.

Regional park implementing agencies are encouraged to enter into joint-powers agreements with local governments regarding the acquisition and operations/maintenance of regional trails. The joint-powers agreements should address who has control over the trail right-of-way and how that control is exercised, and who will operate and maintain the trail and how operations and maintenance will be accomplished.

Recommendation: JPA's are not the only form of agreement that accommodate the mutual interest of regional trails. Suggest using the term "agreements" in lieu of JPA's.

System Protection Strategy 3: The Council will reimburse implementing agencies for contamination cleanup only when there is no real alternative for the park or trail function.

The Metropolitan Council will not consider funding soil contamination cleanup or capping abandoned wells that have contaminated their ground water aquifer on regional park land unless all the following criteria are met:

- The land is already under regional park implementing agency ownership or control via a joint powers agreement or lease, and was acquired or was under the park implementing agency's control before Phase 1 environmental audits were required.
- The land is essential to make the regional park or trail function as intended according to a Council-approved master plan, and no reasonable alternative exists to relocate the park or trail facilities elsewhere.
- The park or trail is essential in contributing to strengthening neighborhood vitality consistent with the Regional Development Framework.
- The cost of cleanup is not eligible to receive federal or state soil contamination cleanup funds or abandoned well-capping funds from any other program or funding has been denied.
- The regional park implementing agency has an agreement with the party that will remediate/clean up the contaminated or cap an abandoned well that absolves the regional park implementing agency from any future liability of pollution caused by the contaminated soil or contaminated groundwater.

Question: Are existing inholding eligible for contamination funding?

Question: Does partial State or Federal funding preclude Met Council funding of the balance?

Question: What if the clean-up has no association to neighborhood vitality?

Question: Last bullet/What if the IA doesn't have an agreement with another party that absolves future liability?