

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

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

**January 3, 2012**

**COMMISSION MEMBERS PRESENT:** Jeff Lee, Daniel Shlaferman, Seyon Nyanwleh, Carrie Wasley, Barb Schmidt, Bob Moeller, Wendy Wulff, Metropolitan Council Liaison to the Commission

**ABSENT:** Emily Johnson Piper, Chuck Haas

**CALL TO ORDER**

Vice Chair Wasley called the meeting of the Metropolitan Parks and Open Space Commission to order at 4:03p.m. Tuesday, January 3, 2012.

**APPROVAL OF AGENDA/MINUTES**

Commissioner Lee motioned and Commissioner Shlaferman seconded to approve the January 3, 2012 Agenda and the December 6, 2011 Minutes. Vice Chair Wasley called for a vote. **The motion carried.**

**PUBLIC INVITATION:**

None.

**BUSINESS**

**Park Acquisition Opportunity Fund Grant Request for Trout Brook Regional Trail, City of St. Paul - Arne Stefferud, Planning Analyst-Parks**

Stefferud gave a PowerPoint presentation outlining the request from the City of St. Paul for a park acquisition opportunity fund grant for Trout Brook Regional Trail. Stefferud noted the Parks and Trails Legacy Fund Acquisition Account in the Parks Acquisition Opportunity Fund should be used to finance this grant because it is consistent with the utilization of this account.

Stefferud noted a change to staff's recommendation. It should stated .."to finance 75% of the acquisition..." not ..."to partially finance the acquisition..."

It was moved by Lee and seconded by Shlaferman to recommend that the Metropolitan Council authorize a grant of up to \$1,526,723 from the Environment and Natural Resources Trust Fund Acquisition Account in the Park Acquisition Opportunity Fund to the City of St. Paul to finance 75% of the acquisition of 2.5 acres (Jackson Auto parcel) as depicted in Figure 2 for Trout Brook Regional Trail. The grant should be financed with:

- \$916,034 from the FY 2012 Parks and Trails Legacy Fund appropriation
- \$610,689 from Metropolitan Council bonds

Shlaferman asked if this will turn this into 'trailhead' condition. Stefferud stated it will not. He noted that grant acquisition funds may be used for 'stewardship' (making property safe), however not for development.

Lee asked if due diligence has been done. Stefferud deferred to Mike Kimble, St. Paul Parks. Kimble stated that they believe that there may be some contamination however they do not have an idea to what extent. He noted that further investigation will need to be done.

Wulff asked if there is any mechanism in the purchase price to ensure that the city is not paying for polluted land. Kimble stated that it has been their experience that you never can tell and gave examples of past experiences where testing had been done and although they thought the land was clean, contamination was found during the development phase. Wulff asked if the cost for anticipated clean up is reflected in the purchase price. Kimble stated it is not.

Members asked if there are other funding sources that the city would look to if clean up was necessary. Kimble replied that they would look to other funding sources including other grants and the city's capital improvement plan.

Wulff stated she is concerned with the high purchase price and asked what is so special about this land. Kimble responded that it is part of the Master Plan and they have willing sellers. He also noted that they felt the price was low due to the current economy.

Nyanwleh asked if it is safe to say that there will be more investigation by the city into the possibility of this land being contaminated. Kimble stated that there may be further investigation.

Wulff clarified that the Met Council does not clean up contaminated land. Stefferud stated that the Council asks park agencies to do due diligence in estimating potential clean up costs through Phase I Environmental Assessments. He noted that this process helps the agencies negotiate a price. He stated that if more contamination is found, after acquisition, the Council requires agencies to look elsewhere first and then potentially come back to the Council, as part of a development grant. That money would then come out of their share of capital improvement dollars.

Youngquist cited the policy language and stated that the Council will reimburse implementing agencies for contamination clean up only when there is no real alternative for the park/trail function. She noted that there is certain criteria that needs to be met. She noted that the Council will not consider funding soil contamination clean up or capping abandoned wells that have contaminated the ground water aquifer on Regional Park land unless all of the following criteria are met:

1. The land is already under Regional Park Implementing Agency ownership or control and was acquired or under the control before Phase I Environmental Audits were required.

She noted that this is pretty restrictive and in this case, the criteria would not be met. She noted that there are several more criteria sited in the Parks Policy Plan.

Beckman pointed out that when the Park Policy Plan was reviewed last, they specifically broadened the acquisition costs to find out if it would be 'brownfield' in advance. She noted that this was done because clean up is so expensive that all of our park funding could easily be spent just in this area. She noted that there are other sources of funding for clean up.

Shlaferman asked about the difference in two appraisals. Kimble explained how they came to an agreement with the seller that they felt comfortable with.

Lee asked if a Phase One has been done. Kimble stated that he doesn't believe one has been done. Lee stated he is concerned with potential contamination. He noted that this property is adjacent to what was once a railroad corridor and they can be notorious for contamination. He felt this could be used as a negotiating tool.

Wasley stated that she toured this area and noted that it follows the original Trout Brooke along the 35E Corridor.

Lee agreed that this land is part of the park and part of the trail system but noted it is potentially contaminated property and wonders why that wasn't used as a negotiating tool to lower the price.

Beckman explained that staff did have significant discussion about this when doing the policy plan. She spoke to the Council's attorney and also Marcus Martin, who does TBRA and they stated that logically the appraisal should be less. She stated that this is not the case. The appraisal is based on selling it and stated that it is urban land – which is expensive.

Wulff stated that she is concerned with paying full price without doing a Phase I Environmental Assessment first as it could potentially lower the cost of the land.

Steffered stated that he was not aware that the assessment had not been done and suggested that the Commission could vote to table this item until it is done. Kimble stated that he can check into it to see what, if any, work has been done.

Lee made a substitute motion that this request be tabled until the city can provide due diligence in the form of a Phase I Environmental Assessment so that we have an idea of what potential contamination can be expected. Nyanwleh seconded the motion.

Without further discussion, Vice Chair Wasley called for a vote. **The motion carried.**

**Park Acquisition Opportunity Fund Grant Request for Miesville Ravine Park Reserve, Dakota County - Arne Stefferud, Planning Analyst-Parks**

Steffered did a PowerPoint presentation outlining a request from Dakota County for a park acquisition opportunity fund grant for the Miesville Ravine Park Reserve as outlines in the staff report provided.

It was moved by Schmidt and seconded by Moeller to recommend that the Metropolitan Council authorize a grant of \$100,500 from the Environment and Natural Resources Trust Fund Acquisition Account in the Park Acquisition Opportunity Fund to Dakota County to partially finance the acquisition of 25 acres (Lewis parcel) as depicted in Figure 1 for Miesville Ravine Park Reserve. The grant should be financed with:

- \$60,300 from the 2009 Environment and Natural Resources Trust Fund appropriation
- \$40,200 from Metropolitan Council bonds

Moeller asked for clarification on where the money is coming from. Stefferud discussed three funding sources and their appropriate uses.

Without further discussion, Vice Chair Wasley called for a vote. **The motion carried.**

**North Creek Regional Greenway Trail Master Plan, Dakota County (Referral No. 50015-1) - Jan Youngquist, Planning Analyst-Parks**

Youngquist reviewed the North Creek Regional Greenway Trail Master Plan outlined in the staff report provided. She gave a refresher on the role of the MPOSC, the implementing agencies and the Metropolitan Council in regards to Regional Park and Trail Master Plans.

Lee noted he would abstain from voting on this issue as he worked on the Natural Resource Assessment for this Master Plan.

It was moved by Shlaferman and seconded by Schmidt to recommend that the Metropolitan Council:

1. Approve the North Creek Greenway Regional Trail Master Plan (Referral No. 50015-1).
2. Require Dakota County to work with Metropolitan Council Environmental Services as the County prepares the initial development plans for the trail segment along the Vermillion River near the Empire Wastewater Treatment Plant, as well as during construction of this trail segment, in order to minimize impacts on the wastewater treatment plant site.
3. Require that prior to development of new trail segments along the entire length of the regional trail corridor, Dakota County should send development plans to Metropolitan Council Environmental Services for review and comment to ensure the integrity of the regional interceptor system.

Nyanwleh asked for further clarification on the conclusions of staff. Youngquist explained the process in which Master Plans are looked at by technical reviewers on staff thought the different departments of the Met Council. She noted that because a portion of this trail route is located in the vicinity of the Metropolitan Council Environmental Services (MCES) interceptors and related easements, staff is requesting that Dakota County work with MCES as they prepare the initial development plans for the trail, as well as during construction of this segment.

Nyanwleh asked if reviewers went and physically looked at the proposed trail locations. Youngquist stated that they have reviewed the Master Plan based on mapping done by Environmental Services and the Metropolitan Council.

Wulff complimented Dakota County on the fabulous job they've done on trail portions that are complete that she's visited thus far. Moeller agreed and stated that she feels that this is an exciting project.

Without further discussion, Vice Chair Wasley called for a vote. With one abstention, **the motion carried.**

### **Minnesota River Regional Greenway Trail Master Plan, Dakota County (Referral No. XXX) - Tori Dupre, Sr. Planner-Parks**

Dupre reviewed the MN River Greenway Regional Trail Master Plan as outlined in the memorandum provided.

Lee noted he would abstain from voting on this issue as he worked on the Natural Resource Assessment for this Master Plan.

It was moved by Nyanwleh and seconded by Shlaferman to recommend that the Metropolitan Council:

1. Approve the Minnesota River Greenway Regional Trail Master Plan.
2. Require Dakota County to provide trail alignment plans to MCES for review to protect the access to the Seneca WWTP and adjacent RMF.
3. Require Dakota County to provide trail development plans to MCES for review and comment to ensure the integrity of the wastewater treatment interceptor system.

Nyanwleh asked why there are two separate master plans as opposed to just one. Dupre responded that the trail corridors are identified as separate segments. She noted that part of the public process was done in conjunction with the North Creek Regional Greenway Trail Master Plan to save money.

Without further discussion, Vice Chair Wasley called for a vote. With one abstention, **the motion carried.**

## **REPORTS**

- **Chair** – None.
- **Commissioners** – None.
- **Staff** – None.

## **NEXT MEETING**

The next meeting will be February 7, 2012 beginning at 4:00pm at the Metropolitan Council.

## **ADJOURNMENT**

Meeting adjourned at 5:12 p.m.

Respectfully submitted,

Sandi Dingle  
Executive Assistant  
Community Development