

## Minutes of the

### SPECIAL MEETING OF THE METROPOLITAN PARKS AND OPEN SPACE COMMISSION

Thursday, January 3, 2019

#### Committee Members Present:

Rick Theisen, Sarah Hietpas, Anthony Taylor, Michael Kopp, Todd Kemery, Tony Yarusso, Margie Andreason, Bob Moeller, Catherine Fleming

#### Committee Members Absent:

Anthony Taylor, Wendy Wulff, liaison to the Council

#### CALL TO ORDER

A quorum being present, Committee Chair Yarusso called the special meeting of the Council's Metropolitan Parks and Open Space Commission to order at 4:00 p.m. on Thursday, January 3, 2019.

#### APPROVAL OF AGENDA AND MINUTES

Chair Yarusso noted that the second information item is actually old business, but we are not taking action today because the bylaws state that they may only be amended at a 'regular meeting'. Chair Yarusso asked for a motion to approve the January 3, 2019 Agenda. It was motioned by Andreason and seconded by Theisen to approve the agenda. The **agenda was approved**.

Chair Yarusso asked for a motion to approve the minutes of the December 4, 2018 meeting of the Metropolitan Parks and Open Space Commission. It was motioned by Theisen and seconded by Kopp. The **minutes were approved**.

#### PUBLIC INVITATION

None.

#### BUSINESS

##### **2019-3 Above the Falls Master Plan Amendment (Graco/Scherer), Minneapolis Park and Recreation Board – Tracey Kinney, Planner**

Kinney presented a request from MPRB to amend the Above the Falls Master Plan as outlined in the materials provided. She then discussed further modification to the proposed action. She suggested removing the following stricken language from staff's recommendation:

1. Approve the release of the restrictive covenant on 0.20 acres of Minneapolis Park and Recreation Board-owned land within Above the Falls Regional Park ~~in exchange for placing a restrictive covenant on 0.20-acre of Minneapolis Park and Recreation Board-owned land adjacent to the regional park~~ as described in Figure 3 and depicted in Figure 4.

Fleming asked if there was a requirement for community engagement to approve this expansion? Kinney stated there were two public hearings.

Fleming asked if the National Park Service (NPS) was involved. Adam Arvidson, MPRB stated that there was community engagement done extensively in 2011 and again in 2014 when the amendment to bring in Halls Island and the Scherer sight was brought forward. This boundary adjustment process had several listening sessions, including a public comment received at the Board Meeting when this exchange was approved. Arvidson further clarified that the

NPS was not involved in this minor boundary adjustment however they are involved in the development of the master plan underlying this change.

Fleming shared her concern that the Above the Falls Community Advisory Committee has no participation from people of color and no participation from surrounding neighborhoods. She felt that there was no relevant or authentic community engagement for this process.

Theisen asked for more information about the additional contribution mentioned beyond the land exchange. Kinney stated that the Graco Foundation will be donating 3 million dollars to help with the development of this part of the park.

Chair Yarusso asked where the trail easement will be located. Arvidson stated that the easement in place today will remain and will not be altered by this action. He explained that the land swap being discussed is actually a land swap with themselves. MPRB owns both parcels so it's actually bringing in a parcel that is currently outside of the park boundary and removing one parcel. The parcel being swapped out of the regional park will be sold to the Graco Company.

Hietpas asked why the incoming parcel will not have a restrictive covenant on it when the parcel being swapped out did? She noted that the proposed action suggests a restrictive covenant. Kinney stated that this was an oversight on staff's part. She explained that the property within the park boundary was acquired with regional funds and the land being added was not and so we cannot put a restrictive covenant on it.

Chair Yarusso stated then the proposed action should be amended by removing the following stricken language:

1. Approve the release of the restrictive covenant on 0.20 acres of Minneapolis Park and Recreation Board-owned land within Above the Falls Regional Park ~~in exchange for placing a restrictive covenant on 0.20-acre of Minneapolis Park and Recreation Board-owned land adjacent to the regional park~~ as described in Figure 3 and depicted in Figure 4.

Kinney confirmed.

Hietpas asked if this will have any affects in the future and shared her concern that we are losing the rights to place a restrictive covenant on the 'traded' land. She felt that would therefore not be an equal trade. Kinney explained why/when we use restrictive covenants.

Emmet Mullin pointed to Chapter 6 in the current Regional Parks Policy Plan that talks about system protection. He referred to strategy 2 that deals with land conversion. He noted that because this land is already owned by MPRB, there is no funding changing hands but the new parcel will be afforded all of the protections of the regional parks system, without the restrictive covenant.

Hietpas felt that the exchanged parcel should carry the same restrictive covenant as the removed parcel to be considered an 'equal exchange'. Mullin stated that the land coming into the regional park will be protected.

Hietpas asked what the difference is between 'protected land' and a restrictive covenant. Mullin stated that the restrictive covenant allows the Council to place wastewater infrastructure on the land if needed.

Chair Yarusso stated the restrictive covenant language is in a different portion of our policy than the system protection because it deals with funding. He checked the policy plan and confirmed that there is no particular language regarding applying restrictive covenants in a land exchange.

Moeller asked if there are any significant value changes to either parcel in this land exchange. Arvidson stated that there is significant benefit to both parties in this agreement.

Fleming asked if there are any other benefits to Graco? Arvidson stated that this element of the park will be name Graco Park. He noted that there was some concern from the public that it be known that this is a public park.

It was motioned by Hietpas and seconded by Kemery to recommend the amended staff proposed action (removing stricken language) that the Metropolitan Council:

1. Approve the release of the restrictive covenant on 0.20 acres of Minneapolis Park and Recreation Board-owned land within Above the Falls Regional Park ~~in exchange for placing a restrictive covenant on 0.20 acre of Minneapolis Park and Recreation Board-owned land adjacent to the regional park~~ as described in Figure 3 and depicted in Figure 4.
2. Approve the minor acquisition master plan boundary amendment to Above the Falls Master Plan that removes 0.20 acre and adds 0.20 acre as depicted in Figure 4.

Chair Yarusso called for a vote. **The motion carried.**

**2018-333 Regional Parks Funding Allocation Policy and Regional Parks Fund Distribution Policy**  
– Libby Starling, Deputy Division Director, Heather Agesen-Huebner, Director, and Emmett Mullin, Manager

Starling, Agesen-Huebner, and Mullin gave a presentation on the Regional Parks Funding Allocation Policy and the Regional Parks Fund Distribution Policy as outlined in the materials provided.

Chair Yarusso passed out a proposed slight amendment on land donations as suggested by Three Rivers Park District. Mullin noted that staff agreed with this amendment, as it clarified current practice.

Andreason discussed her concern for public transparency having sections removed from the 2015 Regional Parks Policy Plan (RPPP) and placing them in Council policies. Starling noted that they will be on the Council's website and referenced in the Fund Distribution Policy.

Chair Yarusso shared his concern that when MPOSC discussed this change, the point was to have consolidated financial information in one place, and now we are looking at two or possibly three documents. Starling noted that the Funding Allocation Policy (which would be in the Council's policies and procedures) gives permission/credibility to the Fund Distribution Policy and is unlikely to change very often. In terms of the two remaining documents, staff will include policy level information in the Fund Distribution Policy so that policy level decisions would come through MPOSC and the Council as policy makers for the regional parks system. The administrative guide is for program implementation of that policy and is more descriptive in nature.

Chair Yarusso asked how consolidating the financial information into the Fund Distribution Policy is any different from being a part of the Policy Plan. Mullin described the benefit of pulling these policies from the Policy Plan because the Fund Distribution Guide can be amended more regularly with greater ease and transparency rather than the arduous effort to amend the Policy Plan, which can be a six-month process.

Chair Yarusso stated that it may make sense for the future, but in the mean time it may make more sense for the Fund Distribution Policy to include the financial portions of the Policy Plan verbatim as an interim approach. Starling explained that it is now structured like other policy and procedure documents within the Council's policy framework, and she feels confident that it will adequately capture the policies formally included in the Policy Plan.

Chair Yarusso stated that the Policy Plan is the only thing that is authorized in state statute and asked how we give precedence if there is a conflict in how they relate to each other. Starling explained that the first statement of the Fund Distribution Policy sets up the hierarchy, with the Policy Plan subservient to the Minnesota Constitution and state laws. Chair Yarusso stated his concern as a desire for consistency and clarity.

Theisen stated that giving this document greater flexibility may be a negative as it implies wider interpretation and capacity to change to meet the need and asked if this could potentially cause problems. Mullin discussed the new documents as providing more regular opportunities to improve

program operation as needs arise. He sees the new documents as a benefit. He stated he is committed to watching for negative impacts but reiterated that they see this as a benefit to the operating programs.

Aagesen-Huebner noted to keep in mind that if any of these policies are to change, there is a formal approval process and would not be done administratively by staff.

Moeller asked if we have gotten any feedback from the implementing agencies that this is concerning? Mullin replied that the implementing agencies were a part of this process and are supportive.

Fleming asked if there is any language regarding equity in these documents. Starling discussed primary language around equity is in the Regional Parks Policy Plan and pointed out that the bonding program section and Legacy program section contain language that discuss the equity tool kit.

Chair Yarusso noted the Fund Distribution Policy was supposed to reflect the previous policy plan – just be a new vehicle. He gave examples of many areas where he feels there are substantive changes. Starling responded that some of the pieces identified as missing will be a part of the administrative guide. Chair Yarusso felt that the administrative guide may not reflect all the changes made. He stated that he would like staff to come back with a new document with all the past language that was in the 2015 RPPP and redline any/all changes. Starling noted that there is some language that has been refined since 2015 language and asked if he would like to see a document that clearly identifies what the updates are.

Chair Yarusso made a motion that staff are to come back with a new document with all the past language and redline any/all changes. It was seconded by Fleming.

Theisen asked if staff is clear on what the Chair is asking for. Mullin suggested a redlined version with annotations and noted staff can also work with Chair Yarusso to develop this document.

Chair Yarusso called for a vote. **The motion carried.**

## INFORMTION

**Competitive Equity Grant Program Discussion** – Emmett Mullin, Manager and Dan Marckel, Planning Analyst

Chair Yarusso invited members of the Equity Advisory Committee to join the discussion at the table.

Mullin and Marckel gave a presentation on the program discussing the possibilities and the challenges and noted that they will be looking for comments/questions from this group.

Marckel explained the ‘question burst’ exercise and gave out post-it notes and asked the group to put their questions on the post-its. He stated they are looking for what the Commissions questions are about developing and implementing an Equity Grant Program. He stated this same exercise has been done with the Council staff from Regional Parks as well as finance admin. A similar exercise will be done with implementing agencies and the Equity Advisory Committee. He noted that staff are looking for questions to identify what they need to be thinking about with this program. Mullin explained that this will be a 4-minute exercise that will be followed by conversation. He noted that we will not try to answer the questions raised today.

Mullin stated that the focus questions is: what are your questions regarding the opportunities and challenges of implementing the equity grant program?

Mullin gave some example questions: Could the grant program have implementing agencies partner with community organizations as part of the process? How will MPOSC be involved in the process?

Moeller asked how a competitive grant program helps us to improve equity and make more people, not currently using the system, aware of what is available for them. Marckel suggested reframing that into a question for this process, i.e., how does a competitive grant program allow for a region-wide awareness

campaign? He stated a second question could be: should all of the money be focused on one proposal to do that?

Fleming asked what are awareness barriers? Mullin stated that awareness of the regional parks system was the number one barrier during the 2014 focus group research.

After giving Commissioners some time to write out their questions, they were read and categories were developed as follows:

Financial Concerns, Quantifiable Results/Measurements, Priorities, Composition of Decision Body; MPOSC Role; Criteria (for decision making), Definition of Equity, Who are We Serving, What Data are We Using, Purpose, Concern that Capital Projects Will Not Serve Equity, Competitiveness.

Marckel noted that the information will be collected with work done with staff, IA's and EAC and it will be brought back for future discussion.

### **Metropolitan Parks and Open Space Commission Bylaws Update – Emmett Mullin, Manager**

Mullin gave an update on draft by-laws. He noted that the by-laws can only be modified at a regular meeting so this item will be taken up at next month's meeting.

## **REPORTS**

**Chair:** Chair Yarusso noted that a new Council Chair has been appointed – Nora Slawik, former Mayor of Maplewood.

**Commissioners:** Andreason thanked Chair Yarusso for going through the finance document in such detail. She asked that any news clips, due to the Channel 5 presence at the meeting, be forwarded to the Commission.

Moeller asked if the \$300,000 could be used to kick start the Equity Grant Program.

Fleming suggested we continue to use Adam Arvidson as a resource for community engagement. She feels he does a great job.

**Staff:** Mullin noted the legislative session is about to begin.

Mullin stated there is Parks and Trails Legacy Event at the History Center on 2/6/19, sponsored by Freshwater Society. He requested that all Commissioners be invited.

Mullin stated that the Parks and Trails Legacy and Operations and Maintenance Funding will also be determined in this legislative session.

## **ADJOURNMENT**

Business completed, the meeting adjourned at 6:05 p.m.

Sandi Dingle  
Recording Secretary