

Minutes of the

MEETING OF THE METROPOLITAN PARKS AND OPEN SPACE COMMISSION

Tuesday, March 1, 2016

Committee Members Present:

Rick Theisen, Bill Weber, Anthony Taylor, Sarah Hietpas, Rachel Gillespie and Michael Kopp Robert Moeller, and Wendy Wulff, Council Liaison

Committee Members Absent: Dean Johnston, Todd Kemery

CALL TO ORDER

Vice Chair Anthony Taylor called the meeting of the Council's Metropolitan Parks and Open Space Commission to order at 4:02 p.m. on Tuesday, March 1, 2016.

APPROVAL OF AGENDA AND MINUTES

Vice Chair Taylor asked for a motion to approve the Agenda of the March 1, 2016 Meeting of the Metropolitan Parks and Open Space Commission. Moeller motioned and it was seconded by Weber. The **Agenda was approved.**

Vice Chair Taylor asked for a motion to approve the minutes of the February 9, 2016 meeting of the Metropolitan Parks and Open Space Commission. Weber motioned and it was seconded by Theisen to approve the minutes. **Minutes were approved.**

PUBLIC INVITATION

None.

INFORMATION

Overview of the Office of Legislative Auditor (OLA) audit report for the Environment and Natural Resources Trust Fund and the Legacy Parks and Trails Fund: and Metropolitan Council's Response - Mary Bogie, Metropolitan Council Chief Financial Officer

Bogie reviewed the findings and the recommendations of the Office of the Legislative Auditor's assessment for the period of time from July 2012 through February 2015. She also gave a brief overview of the Metropolitan Council's response. Full reports can be found here:

<http://www.auditor.leg.state.mn.us/>

BUSINESS

Harriet Island-South St. Paul Regional Trail Master Plan, Saint Paul - Jan Youngquist, AICP, Planning Analyst

Youngquist gave a presentation of the Master Plan for the Harriet Island – South St. Paul Regional Trail as outlined in the materials provided.

Weber raised concern that trail widths should be designed to be 12 feet wide rather than 10 feet due to the fact that this is a shared trail. Youngquist referred to page 5 of the staff report and noted where they may separate the trail for bikes and pedestrians. Weber amended to say – where feasible, he felt trails should be 12 feet.

Taylor asked if there is a way to implement this suggestion during the Master Planning process.

Moeller is in favor of larger trails and asked if there is a minimum requirement in the 2040 Regional Parks Policy Plan (RPPP). Youngquist stated that we do not dictate design standards to the implementing agencies.

Theisen asked how the 10 foot width was arrived at. Mullin noted that the Minnesota DNR Trails Guideline recommends a 10 foot standard.

Don Varney, St. Paul, stated that part of the city's consideration is the funding source. In this instance, MnDOT's standard is 10 feet. He noted that the City of St. Paul prefers 12 feet wherever possible. He explained that while they try to be consistent cost is also a concern.

Wulff stated that amending the 2040 RPPP to add a trail width standard would be a big endeavor.

Gillespie asked if it could be a suggestions as part of the recommendation (motion). Wulff stated it could however we have no legal recourse to hold them to it.

Theisen clarified that 10 feet is the minimum. Varney stated that 10 feet is the standard and noted that if they go below that they would have to get a variance. He noted that there would be additional costs for trail easements, acquisitions, and materials.

Theisen asked how wide the trails at Elm Creek Regional Park are. Jonathan Vlaming, Three Rivers Park District stated that they are almost always 10 feet except where there are space constraints. He clarified that anything below 8 feet for MnDOT trails require a variance.

Vlaming stated that most urban trails accommodate mixed use and have the highest use. Rural trails are primarily used by bicycles and receive lower use. He feels Weber's points are well advised as populations grow and development occurs. Early planning to accommodate system growth makes sense.

Theisen stated he both walks and bikes on 10 foot trails and he feels they are sufficient.

Weber stated that he feels mixed use on a 10 foot trail is not comfortable. He made a strong recommendation to the implementing agencies to consider 12 feet wherever feasible.

Taylor agreed and asked where we go to make this a regional standard.

Theisen stated he has a problem with 12 foot trails as he feels a wider trail encourages more speed. He feels there are pros and cons to both.

Moeller suggested that staff could take a look at this.

It was motioned by Gillespie, seconded by Hietpas to recommend that the Metropolitan Council:

1. Approve the Harriet Island-South St. Paul Regional Trail Master Plan.
2. Require that prior to initiating development of the regional trail, preliminary plans must be sent to Scott Dentz, Interceptor Engineering Manager at Metropolitan Council Environmental Services for review in order to assess the potential impacts to the regional interceptor system.

Catherine Zimmer, Executive Director, Women Observing Wildlife, commented on the trail design and noted that there is a state statute giving guidance on trail widths for bicycles. She also commented that increasing trail widths would diminish pollinator habitat. She asked what the plans are for providing habitat for pollinators. She asked how we plan to mitigate the wetlands discussed. Her last comment referred to materials to be used to create a boardwalk over a wetland and asked if they will be toxic. She asked how, when and where these items will be considered. Youngquist noted that the Watershed Management Organization (WMO) is the permitting agency and would address these concerns.

Varney stated that the design team is made up of professionals that will be working on the final plan details. He noted the intent is to meet or exceed all expectations. As for materials used, he stated they would adhere to the requirements of the permitting agencies.

Zimmer asked about environmental concerns. Varney shared that there are professionals on the team including two landscape architects. Wulff suggested that this conversation could be moved outside of this meeting as the Commission doesn't oversee design aspects.

Weber moved to amend the motion to include a recommendation that 'where feasible' trails should be constructed at a 12 foot width. The motion failed due to a lack of a second.

Vice Chair Taylor called for a vote on the original motion. **The motion carried** with one member voting no.

Amend Project Scope of Parks Grant SG2013-090, Anoka County – Victoria Dupre, Senior Parks Planner

Dupre reviewed the request from Anoka County to amend the project scope of Grant SG2013-090 as outlined in the materials provided.

Kopp asked when this goes before the Council will 'work' be better defined. Dupre stated that it would read the same as it does in the staff report provided. Weber asked why. Dupre stated that 'work' is outlined 'as a priority project' in the Master Plan.

Wulff stated that in this case, it is okay to be somewhat vague as we want the agency to be able to spend the remainder of the grant so we don't have to amend it again. Staff said that they would get back to Commissioner Kopp with more detailed information about this work.

Weber stated he recalls first approving this and it including staff salaries. He asked if we normally do this. Dupre responded that staff positions are common with these types of grants. The purpose of Legacy grants is to fund above and beyond traditional levels of parks funding.

It was motioned by Hietpas, seconded by Kopp to recommend that the Metropolitan Council:

1. Approve an amendment to grant agreement SG2013-090 to change the project scope to add "work for the Wargo Nature Center entrance redevelopment at Rice Creek Chain of Lakes Park Reserve."

Vice Chair Taylor called for a vote. **The motion carried** unanimously.

Amend Project Scope of Parks Grant SG2011-119 – Victoria Dupre, Senior Parks Planner

Dupre reviewed a request from Dakota County to amend the project scope of Parks Grant SG2011-119 as outlined in the materials provided.

Moeller asked if this begins the implementation of Master Plan approved projects or if it includes anything new. Dupre stated that they are all from the approved Master Plan.

Mike Fedde, Eagan resident discussed the heavy use of Lebanon Hills Park and the large amount of money being provided for paved trails. He is concerned with the substantial grading needed to develop these trails and what it will do to the water quality of the lakes. He felt that the grant should fund the engineering and design but then those plans should be subject to public review prior to providing funding for the actual construction.

Hietpas asked why the most contentious project is being brought forward as a priority when there is a list of Tier 1 projects.

Steve Sullivan, Dakota County explained that there was a 2001 master plan that showed a connector trail connecting all the facilities. He explained that what was contentious during the recent update to the Lebanon Hills Master Plan is a trail that went from one end of the park to the other that would connect all of the primary use facilities with a handicapped accessible trail that could be used year round by people of all abilities. He noted that currently the park has less than one mile of paved trails and even with the addition of what's recommended in the 2015 plan, less than 20% of the park will ever be developed, which means although it's a regional park, it's meeting a park reserve standard. He stated that in terms of due diligence of preserving natural resources, it is being done at a much greater level than one might expect for a regional park. He noted that the plan also speaks to natural resource improvements. He stated that the Dakota County Board looked at all of this information and determined that this trail not only meets ADA compliance but it will be a trail that will accommodate all users year round. He also noted that the parking lot being improved is just too small.

Hietpas asked where the public stands on these proposed trails and also what will the environmental impacts be to the lakes. Sullivan stated that there was a Citizen's Advisory Group to discuss these issues and compromises were made.

Wulff noted that she has been to the boat landing and noted that it is not a wooded natural area that will be torn up. It is a grassy mowed area.

Taylor feels the challenge of today's meeting is that this is not a forum for discussion of an approved Master Plan. He felt that Dakota County did engage the public in the Master Planning process.

Hietpas stated she is concerned that people do not feel their concerns are being heard. Theisen stated that he doesn't see this as a negative but a normal part of the political process.

Holly Jenkins, resident stated she is concerned that this grant is being amended for a project that was opposed by the public. Her concern is that the final design and engineering phase has not had any public input. She suggested that the funding request going forward could cover the design and engineering phase but until this project has gone through a public process any additional grant money for construction or construction administration should be delayed. She is also concerned with public opposition sent via email that has not been noted. She asked for a definition to a minor amendment and what is the criteria that needs to be met. Dupre stated that pages 121-122 of the 2040 Regional Parks Policy Plan defines what constitutes a minor amendment. She explained that this grant agreement does not change the amount or the terms of the grant so it is a minor amendment. The scope of the grant requires Council approval because it is a major change to the original approved project.

Taylor noted that the emails were received very recently, after the staff report was posted (showing 'no known opposition').

Sullivan discussed the efforts Dakota County has made in terms of public process. He passed out a summation of meetings held. In regards to public input on design and engineering, he noted that these trails are being developed based on an approved Master Plan. He stated that there will be a very public process with the design and engineering process prior to start of the proposed project.

Jenkins stated she feels we have not been asked about these specific projects and feels funding projects before there is public input ends up being 'after the fact' and is often too late.

Moeller asked do we feel that the policy noted on page 82 has been met and we need to consider this? If it has not been met, it should not go forward.

Taylor stated we have an approved Master plan. This is what we use as guidance for allocating money for projects coming before us. He asked staff whether this proposed amendment is consistent with the 2015 Master Plan. Dupre stated that staff has found the 2015 Lebanon Hills RP Master Plan to be consistent with the 2040 Regional Parks Policy Plan. This grant amendment is reviewed according to policies we have in place for reviewing grant agreements. We look at appropriation funding, any conditions or terms linked to that appropriation, we rely on what the grant agreement says for amending these types of grants. She stated that staff finds the proposed amendment consistent with those

processes and conditions that we have in place. Primarily though we want to make sure that the proposed projects in the amendment are consistent with the Council approved Master Plan and this is. Moeller then asked does that policy require us to have more public hearings to approve each phase of construction.

Jenkins stated that she has been told that the Master Plan is the concept and it doesn't have the details. Now we're getting into the details and we're being told you already had your public process.

Taylor asked if that is a responsibility of Dakota County. Sullivan stated it is a responsibility, as a public park agency, to include people that have a stake and interest in a project to have them involved. He stated it is their intent to do this. He reiterated that this project is just now being prepared and it will include a public engagement and public communication plan.

Jenkins stated that in the past they've been told 'we already have the money, so we're not going to change it now' and that is what they are trying to prevent.

Dupre stated the Council's role is to ensure that Master Plans are consistent with the 2040 Regional Parks Policy Plan and that they have gone through a public process. She added that the Council's role is then to fund projects listed within those Master Plans. She felt that a lot of this discussion is really about the County's role in this partnership.

Weber stated that he is hearing there will be a public process.

Sullivan discussed the process to be followed and stated that the Board has required a feasibility study with public input and asked County staff to provide the greatest due diligence. Sullivan discussed the role of the agency and also the need for public input. He noted that the County intends to have a web-page to provide monthly updates and key milestones and they also have the listserv.

Sullivan stated he feels it is important for all to understand our roles and for this Commission to look at what is germane to this item based on policy and to leave project management to the County.

Taylor discussed the Lebanon Hills process and the importance of inclusive and equitable public engagement. He then asked staff to clarify what Commissioners are being asked to look at today. 1. Is the amendment consistent with policy? Staff affirmed. 2. Is the new project allocation consistent with the Lebanon Hills Master Plan? Staff affirmed.

Jenkins is concerned with funding before public input. She fears if the funding is given too early in the process then all the public engagement becomes meaningless because the project is already funded.

It was motioned by Moeller, seconded by Weber to recommend that the Metropolitan Council:

1. Approve an amendment to grant agreement SG2011-119 to change the project scope to add the following: "design, engineering, construction and construction administration for the following improvements at Lebanon Hills Regional Park:
 - ADA compliant paved loop trail and site improvements around McDonough Lake,
 - ADA compliant paved trail and site improvements from the Holland Trailhead facility to an existing ADA fishing pier on Holland Lake,
 - Parking and site improvements at the West Trailhead facility,
 - Associated natural resource improvements for the above projects"

Vice Chair Taylor called for a vote. **The motion failed due to a tie vote** – three were in favor and three were against.

Hietpas made a motion to approve the funding for design and engineering phases and then give consideration to the construction phase after public input. Weber seconded this motion.

Dingle asked Dupre if the grant can be split. Wulff stated that some of the grant could be lost due to timing. Dupre stated she was not sure as it has never happened before. She stated that the grant will end in 2018.

Hietpas stated she feels like there is a gap in her role and partnership with agencies. She stated Commissioners review policies, approve master plans, and grant requests but feels there is a gap in the partnership with the implementing agencies and in who reviews the job that they're doing as far as public engagement and natural resource protection that these funds support.

Wulff stated dividing grants is not a good idea and not our level of oversight. She recommended to send the item through to Community Development Committee (CDC) without a recommendation. Staff can work on details and it can be further discussed at the CDC as to how to ensure that the public process happens.

Taylor stated options would be to table this until the next meeting or send it on to CDC without a recommendation.

Hietpas stated she feels like she needs more information and therefore withdrew her motion.

Kopp made a motion to table until next month. It was seconded by Hietpas.

Vice Chair Taylor called for a vote. **The motion failed** – two were in favor and four were against.

Weber moved to approve staff's recommendation with the additional requirement that the County engage in public participation that allows all interested stakeholders to have input on the design details of the proposed improvements and that work be funded out of the grant.

Taylor stated that public engagement may look different to all folks at the table and asked if there is a way to build in accountability to the amended motion. Weber feels we need to leave that to the County and doesn't feel we can micro-manage. Taylor stated he feels that we are micro managing in what we are doing.

Hietpas disagreed that we are micro managing. She feels that we are here to evaluate proposals against policy, and that is it. In this case she feels that we need to review what our policy is as it relates to the funding of projects so that the natural resources are protected and that the funds are being used the way that they are intended.

Chair Taylor called for a second. **Motion failed due to lack of a second.**

Moeller feels we need a policy review regarding public input as he feels it is not this Commission's role to look at public input. Taylor discussed equity in public engagement.

The MPOSC meeting ended promptly at 6 PM as directed by state law (precinct caucus night) with the understanding that the business item 2016-50 will go forward to the Community Development Committee without a MPOSC recommendation, but with a staff recommendation.

REPORTS

Chair: None.

Commissioners: None.

Staff: None.

ADJOURNMENT

6:00 p.m.

Respectfully submitted,

Sandi Dingle
Recording Secretary