

## Minutes of the

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

Thursday, March 11, 2014

#### Committee Members Present:

Dean Johnston, Rick Theisen, William Weber, Anthony Taylor, Sarah Hietpas, Carrie Wasley, Barbara Schmidt

#### Committee Members Absent:

Tony Yarusso, Robert Moeller, Wendy Wulff, Council Liaison

#### CALL TO ORDER

A quorum being present, Committee Chair Johnston called the special meeting of the Council's Metropolitan Parks and Open Space Commission to order at 4:00 p.m. on Tuesday, March 11, 2014.

#### APPROVAL OF AGENDA AND MINUTES

Johnston noted that there was an amended agenda to include Business Item 1 B. It was moved by Weber, seconded by Schmidt to approve the amended agenda. **Motion carried.**

It was moved by Hietpas, seconded by Theisen to approve the minutes of the February 4, 2014 regular meeting of the Metropolitan Parks and Open Space Commission. **Motion carried.**

#### PUBLIC INVITATION

Invitation to interested person(s) to address the Commission on matters not on the agenda.

None.

#### BUSINESS

##### **A. Public Hearing Report Regarding Park Acquisition Opportunity Fund Grant Rule Changes as Amendment to 2030 Regional Parks Policy Plan – Raintry Salk, Senior Researcher**

Salk gave a presentation of the public hearing report regarding the amendment of the Park Acquisition Opportunity Fund Grant Rule changes. She gave an overview of the 5 major changes in the rules vetted prior to the public hearing.

1. Allow for reimbursement of land acquisitions
  - When funding is not available in the acquisition opportunity grant fund account
2. Provide guidance for working with third parties to acquire lands
  - When funding is not available in the acquisition opportunity fund account
3. Provide appropriate acquisition procedures required in eminent domain proceedings
4. Require the use of any available acquisition funds from the park agency's share of a regional capital improvement program before a grant request to the park acquisition opportunity fund can be made
5. Provide appropriate documentation specifications for environmentally contaminated lands

She then reviewed the amendment consideration process as well as the public hearing comments and staffs' recommendations. She discussed comments from

three of the implementing agencies and noted all were in full support of the language changes proposed.

Theisen asked where the proposed changes are shown in the materials provided. Salk stated that they are in Chapter 4 of the Regional Parks Policy Plan and they are also spelled out in Attachment B of the packet.

Hietpas stated that the Attachment B only shows what the rules will be and does not show what it was prior.

Salk reviewed Attachment B and specifically outlined where the changes are. Under Qualifying Land (page 7) there was additional language added as follows:

e. Attorney's fees, litigation expenses, appraisal fees and other expert fees consistent with Minn. Stat. § 117.031 that the park agency must pay as part of a condemnation action;

j. 'or condemnation award'

Under Special Circumstances (page 9) sections titled Lack of available acquisition opportunity funds; Third party acquisitions; and Eminent domain - are all new. Salk noted that there is also new language under Environmental contamination regarding paper work required.

Hietpas stated that it would be helpful to have a copy showing tracked changes. Salk noted that this is actually a public hearing report of what was proposed. In the agenda item for scheduling a public hearing it did have that documentation.

Schmidt clarified that we have seen this before. Salk stated Attachment B came before the Commission on November 12, 2013 when it was proposed to go forward for a public hearing. She noted that there have been no changes to it since then.

Theisen shared his concern that a number of the Commission members were not on the Commission back in November so it is difficult to look at this document without the original or a marked up version to compare it to. He feels uncomfortable making a recommendation without the background information.

Wasley noted that she was here however is having trouble remembering and would appreciate a version showing the changes made in the future.

Chair Johnston asked if the new language shown in item 1. B. is presented in a format that shows what the changes will be. Stefferud stated that the memorandum highlights what is being proposed but does not contain the old, existing rules.

Schmidt clarified that Attachment B is the document that was approved by the Commission and was put through the public hearing process. Stefferud confirmed and stated that the proposed language in the memorandum, he will discuss, addresses issues raised by Council Member Wendy Wulff at the Community Development Committee where there was discussion regarding eminent domain. He noted that the hearing record did not address the issue brought forth by Wulff who at that time wanted the language regarding eminent domain deleted as she felt the Council should not help fund land acquired through eminent domain. Stefferud stated that his proposed language reduces funding for portions of the costs associated with eminent domain but still allows grant funding for the award because it is comparable to a purchase price.

Theisen clarified that Attachment B has been approved previously with the exception of eminent domain. Stefferud clarified that Attachment B is proposed to be adopted following public hearing. The recommendation today is to adopt this language or a variation of it.

Schmidt stated the point she was making was that they've seen this before and it was recommended. It went to public hearing and the added language (i.e., what came from the CDC Meeting) is what we are looking at. Stefferud stated that is correct.

Wasley pointed out that 4 out of the 7 present today are seeing this for the first time today and that is creating a lot of confusion.

Salk suggested reviewing what provoked these changes in the first place. Weber stated it would be helpful. Salk reviewed the history of what precipitated the change of the grant rules. She noted that last summer analysis was done of the park acquisition opportunity fund accounts and also asked the park agencies to specify anticipated acquisitions that they would have over the next couple of fiscal years. The analysis showed that we would likely run out of money in those funds. The Commission, at that time, directed staff to meet with the park implementing agencies (IA's) to come up with consensus recommendations to address this potential shortfall. During the meetings with the IA's, one of outcomes was to revise the rules to be able to allow for reimbursements of lands that might be purchased when they did not have funds.

Salk stated that it was looking like we were going to be several million dollars short and we wanted to be proactive and come up with a solution to address this potential shortfall. It looked like we were going to run into this shortfall as early as next month. IA's would not be able to request reimbursement, under the current rules if there was no money available. The reimbursement clause allows us to fund acquisitions when we have money available. It will allow IA's to make the request even when we currently have no money available.

Salk noted that a third party clause was added which allows IA's to work with other entities to acquire that land and specifies ways in which they could proceed to do so and then be reimbursed when the money is available.

With regard to eminent domain, the Council has historically provided funding (on rare occasions) for acquisitions. However, the existing rules don't have any language pertaining to eminent domain. Our current rules require a signed purchase agreement and there is not one in the event of eminent domain. Therefore it was brought forward that we needed to address this type of acquisition in our grant rules.

## **B. Proposed Revision to Park Acquisition Opportunity Fund Grant Rules Regarding Eminent Domain Acquisitions – Arne Stefferud, Manager Parks and Natural Resources**

Stefferud gave a presentation regarding the memorandum provided which included proposed revisions to the rules just presented (Attachment B) regarding eminent domain acquisitions.

Stefferud noted that the public hearing testimony was in full support of Attachment B as proposed. During the development of Attachment B, there was debate by this Commission and it was a split vote on the recommendation to propose this for hearing, specifically regarding the costs associated with eminent domain acquisitions. He gave background and stated there are times when a park agency must acquire land to provide a continuous right of way for trails or there is property within a park that is needed to make that park function and the owner of that land doesn't want to sell the property (at least for the appraised value that the park agency is proposing). The Legislature has established a condemnation process in which the public government can buy or obtain land through a court condemnation proceeding. During the discussion by this Commission in proposing these rules, Council Member Wulff (not a voting member of this Commission but the liaison of the Metro Council to this Commission) was deeply concerned regarding Metro Council grant funds being used to help buy lands being acquired through eminent domain. He added that Emily Piper (a Commission member at the time) was concerned with legal costs associated with buying land through eminent domain which could be significant. She wanted to language tweaked at that time to deal with this issue however the majority of the Commission forwarded it to the CDC without it. Wulff (a member of the CDC) stated that she still had a problem with eminent domain and wanted the language stricken. The other members of CDC voted to put it forth as written (in Attachment B) for public hearing. Stefferud reiterated that the hearings were held and testimony supported the language in Attachment B. He pointed out that the positive support testimony came from agencies receiving money from us but noted there is no motivation for them to change this so there would be less money from us. He noted that the Council is a steward of its

funds and Wulff pointed out to him that we have the authority to regulate how we grant these dollars and that's what these rules do.

Stefferd stated that the Council's role (as advised by the Met Council's attorneys) is the Council has the authority to restrain and control how it grants funds to these regional park agencies and that is what these rules are intended to do. He noted that rules have to be rational and they cannot be arbitrarily applied.

Stefferd pointed out the changes proposed in the provided memorandum. The first change is in regards to legal services associated with buying land. He noted that the attorneys fees, litigation expenses, appraisal fees and other expert fees consistent with Minn. Stat. § 117.031 that the park agency must pay as part of a condemnation action are not grant eligible.

Stefferd reviewed the next change (on the top of page 2) where we are acknowledging the negotiated purchase price for a parcel is a grant eligible item or the condemnation award value of the parcel is grant eligible so we are making a comparable award for buying land but not for paying the extra costs associated with a condemnation award.

Stefferd continued pointing out the added language (at the bottom of page 2 in the Eminent Domain paragraph) that makes it very clear that the grant would not finance the attorney's fees, litigation expenses, appraisal fees and other expert fees consistent with Minn. Stat. § 117.031 that the park agency must pay as part of a condemnation action.

Stefferd reviewed the impacts of the revision that they would clearly allow the legal costs associated with negotiated purchases from willing sellers to be grant eligible. He noted that this has been the case before but it eliminates grant funding for extra attorney fees, litigation expenses, appraisal fees and other expert fees consistent with Minn. Stat. § 117.031 [eminent domain law] that the park agency must pay as part of a condemnation action. The other impact of the change is that it allows only the value of the land determined by condemnation proceedings to be grant eligible since that's comparable to a purchase price. He noted that we are trying to keep this consistent with what was proposed initially in these rules but instead of condemnation award, which could be more than just the value of the land, we are restricting it.

Stefferd reviewed the reasons for the revisions as outlined in the materials provided. He noted that extra legal fees can be significant and because of that the Council has the prerogative to say we won't help you fund that and it will be the responsibility of the park agency because it is the park agency that is making the decision to acquire land through eminent domain. The Council is just helping to fund acquisitions.

Schmidt asked how much of a change this is from what we have been doing in the past. Stefferud referred to the acquisition in the Lake Minnetonka Regional Park and stated that there are three laws that specifically dealt with that acquisition. Background, this is regarding three parcels that comprise the 292 acres on the shores of Lake Minnetonka and all were purchased through condemnation proceedings. The Legislature adopted specific laws for that acquisition that did two things. One allowed Three Rivers Park District (the entity buying the property) to obtain that land through eminent domain without the consent of the local municipality (the City of Minnetrista). Normally they would have needed to do that under existing law, however, the Legislature made an exemption. Two – they required the Metro Council to find that this park was needed and that eminent domain was a reasonable approach to obtain the land under the circumstances and then award the grants that the Legislature had appropriated if those findings were true for buying that land. Within one of those appropriations, it specifically allowed up to \$400k of a \$6 million dollar bonding bill to pay for legal costs associated with the eminent domain proceeding. He noted however that this was the Legislature's prerogative to do that. He pointed out that Three Rivers Park District staff noted there was much more costs that the District incurred than just the \$400k. Schmidt pointed out that this was an unusual case where the Legislature themselves established that park by law. Stefferud corrected Schmidt to say that the

Legislature allowed Three Rivers Park District to buy the land through condemnation without the consent of the City of Minnetrista and they appropriated money to help purchase it.

Hietpas clarified that when a sale is being negotiated with willing sellers legal services are going to be relatively known whereas under condemnation action they could skyrocket. She shared her concern that while she agrees with not allowing the eligibility of those legal fees she thinks if there is a piece of land that is really important and the only way to get it is through eminent domain then it seem a little unjust that the park agency can't get any legal fees covered. Stefferud reviewed the law (Minn. Stat. § 117.031) and noted that if the award is greater than 20% of what the park agency initially offered, then the seller is to be compensated for reasonable attorney fees, expenses, and other costs as provided in the statute. If it is more than 40%, it's not only reasonable attorney fees it's litigation expenses, appraisal fees, other experts fees, and other related costs in addition to other compensation and fees also directed by that law. It does not apply if the award is less than \$25,000. Stefferud stated that the law is really focused on those expensive acquisitions where there are significant litigation costs because there was such a big difference with what the park agency proposed and what the condemnation court awarded. Hietpas stated that to her the proposed language reads that no fees are eligible. Stefferud clarified that it is when it is consistent with the statute. He noted that appraisal costs for the acquiring agency is still covered, appraisal review costs needed to verify land donation will still be paid, phase one environmental site assessment, environmental contamination/remediation cost (if applicable), state deed taxes would be grant eligible because they would be comparable to a negotiated purchase. He reiterated that only the legal costs associated (and when they're large) come into play as they are tied to the statute.

Wasley asked what if it is a willing seller but legal fees are extremely high. Do we automatically cover or is there a cap? Stefferud stated that with a willing seller, there is no cap.

Wasley stated she is confused because we did decide to go ahead and hold a public hearing without this language restricting the coverage of legal fees but now a non-voting member of the committee is able to have the eminent domain language added. She noted that this language wasn't in here in November. Stefferud stated that this is for the Commission's consideration and the Commission can recommend to the Council whatever language they choose. He noted that the Council, in the end, will be making the decision. He stated that the hearing record gave support from Dakota County because they want to be eligible to obtain a grant for land obtained through eminent domain, because they are in the middle of it right now. It would be arbitrary to not provide some funding for those acquisitions when the agency can't control how they can purchase the property. The issue then and the Commission discussion in November, was to allow it.

Theisen clarified that this is a change to the previously established policy. Stefferud noted that the second sentence regarding attorney's fees, etc. that precedes the underlined 'are not grant eligible' was proposed for hearing. That was not in the existing rules. Theisen then clarified that this second sentence was not approved for public hearing but is now new. He then discussed that statute quoted and the sliding scale. He felt it raises the question why would an entity come in with a price that is 20-40% off. Stefferud stated that this is essentially the motivation here.

Johnston noted that the agenda item before the Commission is to review staff recommendations on policy changes. He asked the Commission if this is something we want to address today or do we want to ask staff for additional clarification and bring it back at a future meeting.

Wasley asked if we are on a rigid timeline or could this be postponed. She noted that there are four new members since this was first put forward. She stated she is confused at this point would like to table this. Salk stated that this item is on the Agenda for CDC for March 17, but that doesn't mean we cannot change it. The timing was because we were looking at running out of funding as early as April. She stated that the proposed changes shown in Attachment B are the exact document that was reviewed in November and went through public hearing. In November, there were two members that voted against holding a public hearing. At the subsequent CDC meeting, there was one member that

opposed conducting a public hearing. She noted that there has been debate but there has also been overwhelming support for the proposed amendment as shown in Attachment B.

Hietpas asked for background to clarify where we are at right now. She asked what the policy for legal fees is at this time. Stefferud stated that there isn't any for eminent domain. Hietpas asked if there are any pending eminent domain purchases that this would significantly impact and is there a timeline where we need to let them know whether legal fees will be grant eligible. Stefferud stated that Dakota County is in eminent domain proceedings now. Hietpas asked if Attachment B were put into place, when would it become policy. Stefferud stated that the discussion is adopting a set of rules that may include the language he provided regarding the exclusion of legal fees being grant eligible or they may be as proposed in Attachment B or a variation of either. He noted that after the Commission has made a recommendation to the CDC and then their recommendation would go to the Council. He reviewed an alternative timeline if this item were tabled. Hietpas confirmed that Attachment B should not be recommended to only have additional language changes recommended afterwards. Stefferud affirmed that we will have one action recommending the new rules.

Theisen stated that he is comfortable with moving forward with Attachment B assuming that previous members of this Commission have already had considerable conversation about this and he trusts they gave it due attention.

Salk noted that the amendment being provided by Stefferud has not been vetted through any Council Members and stated that they have only seen Attachment B. Wasley clarified that they have not seen the additional language provided by Stefferud. Salk affirmed. Wasley stated she then felt they should table this item. Johnston apologized and stated that he felt it would be a relatively minor change and noted the Commission still needs to decide whether to take action or table until we get additional information.

It was moved by Theisen, seconded by Wasley, that the Metropolitan Council adopt the amendment to the *2030 Regional Parks Policy Plan* to replace the Park Acquisition Opportunity Fund Grant Rules currently found in Chapter 4 with those shown in Attachment B.

Hietpas asked if wording for eminent domain could be changed prior to the public hearing. Stefferud clarified that the public hearing has occurred. He noted that we are adopting a set of rules and that the motion on the table is that we adopt Attachment B. Hietpas asked if we will be giving eminent domain fees by adopting Attachment B and then possibly going back and amending the rules again. Stefferud clarified that if the Council adopts Attachment B, there will be no restriction on litigation costs. He further explained that the reason for the proposed language change is because Council Member Wulff (the one who opposed holding a public hearing on Attachment B) could choose to recommend adding it to Attachment B. He noted that this Commission could recommend that as well.

Wasley stated that she is frustrated that this amendment was brought forth after we decided not to include it in the original language.

Johnston noted that he spoke with Council Member Wulff and stated that she supports this amended language. Stefferud stated that the point made at CDC, when they voted to conduct a hearing on the language proposed in Attachment B, was that the language proposed should be in there and to hear what testimony there is on it and then make a decision after the public hearings. He reiterated that the hearing record shows support for the language in Attachment B. Stefferud stated that his amendment is an adjustment to that language that the Council may choose to do. It was brought to the Commission's attention today because Council Member Wulff would have brought it up if she could have been at this meeting. In the interest of full disclosure, the Council can change what's been proposed for hearing. He stated his amendment gets at the issue of additional costs associated with eminent domain acquisitions that is not incurred with negotiated purchase acquisitions. He stated that the CDC has not seen his amendment (as a committee).

Taylor clarified that the language that this Commission has not seen is the language that limits reimbursement for legal expenses of a condemnation proceeding.

Johnston clarified the motion on the table (Attachment B) and asked if there are any motions to amend the motion to include language regarding limiting reimbursement.

Taylor made a motion to approve Attachment B with the inclusion of additional language which states attorney fees, litigation expenses, appraisal fees and other expert fees consistent with Minn. Stat. § 117.031 that the park agency must pay as part of a condemnation action are not grant eligible. Weber seconded the motion.

Wasley spoke against the amendment because this was added after the Commission had taken a motion to have a public hearing. She felt the Commission should have been consulted prior to this meeting. She stated that the CDC and the Metro Council can override this Commission, however, if this Commission is to have any validity we need to have a process we can count on. She noted that there are pros and cons for the additional language but asked why it is being added at the last minute instead of being fully vetted by the Commission.

Hietpas feels the amendment is premature and that she has very little background to make a decision.

Theisen asked if the amendment does not pass, will the language from Attachment B be in effect. Stefferud clarified that the Commission is making a recommendation to the Council as to what they should accept.

Salk reminded the Commission that there is a \$1.7 million dollar cap regardless of the park acquisition grant. As we think about exceeding legal fees, she reminded the Commission that we have a cap instituted across all acquisitions, so we are not signing off to pay unlimited amounts of legal fees.

Johnston commented that bringing something to the Commission at the last minute rarely happens. He feels that what we are talking about in the motion to amend is good policy. He apologized for the last minute amendment.

Johnston called for a vote on the motion to amend the original motion. **The motion carried** - four in favor and two against.

Johnston called for a vote on the motion to approve Attachment B, as amended. **The motion carried** - five in favor and one against.

Commissioner Schmidt abstained from the votes.

### **Request for Reimbursement Consideration for Future Mississippi River Regional Trail Construction, Anoka County – Tori Dupre, Senior Planner**

Dupre gave a presentation regarding a request from Anoka County regarding consideration for reimbursement for future Mississippi River Regional Trail construction outlined in the materials provided.

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

1. Consider reimbursing Anoka County up to \$340,000 from its share of future Regional Parks Capital Improvement Programs financed with Parks and Trails Legacy Funds for construction of a segment of the Mississippi River Regional Trail from Mississippi Community Park in the City of Anoka to Mississippi West Regional Park in the City of Ramsey.
2. Acknowledge that the Council does not, under any circumstances, represent or guarantee that reimbursement will be granted, and expenditure of local funds never entitles a park agency to reimbursement.

Theisen asked for Anoka County representative to explain the need for this trail. Karen Blaska, Anoka County Parks stated that creating trail connections is the goal here. She noted that this will be a huge connection.

Theisen asked for a projected completion date. Blaska stated the first segment is estimated to be completed in 2015 and the second segment in 2017.

Taylor asked about gaps shown on the maps. Blaska pointed out that this is where the trails are on the street.

Weber noted that he likes hearing how this fits into the big picture.

Johnston called for vote. **The motion carried.**

**Amend Scope of Park Grants SC-2012-035 and SC-2012-049, City of Bloomington – Tori Dupre, Senior Planner**

Dupre reviewed two grant amendments to current grants requested by the City of Bloomington outlined in materials provided.

Weber commented that he is comfortable with these recommended amendments.

It was moved by Weber and seconded by Wasley to recommend that the Metropolitan Council:

1. Approve an amendment to grant SG-2012-035, "Development Project," to add, "of the total grant amount, \$147,328.47 may provide partial funding to reconstruct Normandale Lake parking lot and driveway, add new lighting, add a new connector trail, resurface Normandale Lake boat ramp, and complete landscaping and associated storm water management improvements, plus design/engineering fees and contingencies."
2. Approve an amendment to grant SG-2012-049, Grant Contract "(2) Grant Project", to substitute, "at Hyland-Bush-Anderson Lakes Park Reserve, grant partial funding to reconstruct Normandale Lake parking lot and driveway, add new lighting, add new connector trail, resurface Normandale Lake boat ramp, complete landscaping and associated storm water management improvements, plus design/engineering fees and contingencies."

Johnston called for a vote. **The motion carried.**

**Park Acquisition Opportunity Fund Grant for Hyland-Bush-Anderson Lakes Park Reserve (7907 Lea Road), City of Bloomington - Tori Dupre, Senior Planner**

Dupre reviewed the grant requested by the City of Bloomington for a park acquisition for Hyland-Bush-Anderson Lakes Park Reserve as outlined in the materials provided.

Weber asked how close the trail is to the existing house. Dupre noted that it is 65 feet from the house.

Weber asked if the trail is on an easement or a separate piece of property. Randy Quale, Bloomington Parks stated that the trail is on the property owned by MnDOT and is part of the right of way for the Hwy 494 corridor. He stated that there is a concern that right of way may be utilized in the future if Hwy 494 were to expand and this is another reason why they feel it is important to acquire this adjacent property.

Weber asked about future reimbursement. Dupre explained our policy that stated implementing agencies can request reimbursement in a future CIP. She discussed the caveat that this does not guarantee future funding put puts them on the list.

It was moved by Weber and seconded by Hietpas to recommend that the Metropolitan Council:

1. Authorize a grant of up to \$187,029 from the Parks and Trails Legacy Fund Acquisition Account to the City of Bloomington to finance up to 75% of the costs to acquire 0.5 acres at 7907 Lea

Road, Bloomington for Hyland-Bush-Anderson Lakes Park Reserve. The grant should be financed with:

- \$112,217 from the FY2014 Parks and Trails Legacy Fund appropriation, and
- \$74,812 from Metropolitan Council bonds

The grant will be matched with up to \$62,343 provided by the City of Bloomington.

2. Consider reimbursing the City of Bloomington up to \$62,343, its 25% share of the total acquisition costs, from a future Regional Park Capital Improvement Program. The Council does not under any circumstances represent or guarantee that reimbursement will be granted, and expenditure of local funds never entitles a park agency to reimbursement.
3. Authorize the Community Development Director to sign the grant agreement and accompanying documents including the restrictive covenant.

Johnston called for a vote. **The motion carried.**

### **Park Acquisition Opportunity Fund Grant for Intercity Regional Trail, Three Rivers Park District -** Tori Dupre, Senior Planner

Dupre reviewed a request from Three Rivers Park District for a park acquisition opportunity fund grant for Intercity Regional Trail as outlined in the materials provided.

Schmidt asked if the entire trail will require easements. Kelly Grissman, Three Rivers Park District stated that much of the trail is in the public right of way and reviewed where the trail will be located.

Schmidt asked if the trail will be located off road. Grissman stated that it would.

Weber stated that he feels this is a good location with good connections in a populated area that has nothing like this now. He clarified if this grant is for easements only or also for construction. Grissman confirmed that this request is only for the handful of permanent easements required and discussed other funds/sources that would be used for construction.

Taylor asked if the planning is in process and if walk-ability is planned. Grissman stated yes to both questions and noted that this will be a multi-use trail.

Taylor asked if he could see the master plan. Grissman stated that they could make it available.

Weber commented that, as the new guy, he would like to see master plans.

It was moved by Theisen and seconded by Wasley to recommend that the Metropolitan Council:

1. Authorize a grant of up to \$55,400 from the Parks and Trails Legacy Fund Acquisition Account to Three Rivers Park District to finance up to 75% of the costs to acquire five permanent public railway easements for the Intercity Regional Trail as described in Attachments 1 to 7. The grant should be financed with:
  - \$33,240 from the FY2014 Parks and Trails Legacy Fund appropriation, and
  - \$22,160 from Metropolitan Council bonds

The grant will be matched with up to \$18,465 by Three Rivers Park District.

2. Authorize the Community Development Director to sign the grant agreement and accompanying documents including the restrictive covenant.

Johnston called for a vote. **The motion carried.**

## **INFORMATION**

**Regional Park Usage among Select Communities of Color** –Raintry Salk, Senior Researcher

Salk shared a study that she has been working on for the past six months regarding regional park usage among select communities of color. She gave some background and discussed the purpose of her research. She then reviewed the focus groups formed, questions asked, and the findings as outlined in the report provided.

In summary, Salk stated her findings showed that in order to enhance visitation of the regional parks, it's essential that people are aware that they exist, that they will feel safe while they're on site, and that they are provided the activities and amenities that they desire onsite.

Wasley asked if participants surveyed came up with ideas of how to make people more aware of regional parks. She felt that signage in different languages would be helpful. Salk stated that the report outlines some of these suggestions in great detail. She noted that there was a lot of variety of what it was people wanted.

Johnston stated he was surprised when at Lake Elmo Regional Park, at the large swimming pool, he noted that the perimeter was seemingly self divided by ethnic group.

Weber was surprised at the safety concerns but felt that research was very good and useful.

Johnston asked where this work goes from here. Salk responded that staff will be reconvening focus groups to discuss findings. She stated that the report will be finalized and will result in different 'products' being made, for instance, providing materials in different languages.

Theisen complimented Salk on this work.

Weber was struck by 75% of participants were volunteers. Salk stated that many were volunteers and some were captive audiences, for example, adult education classes.

#### **2040 Regional Parks Policy Plan Discussion Regarding Strengthening Equitable Usage of the Regional Parks System – Raintry Salk, Senior Researcher and Jan Youngquist, Planning Analyst**

Youngquist began a discussion regarding equity and gave background as this relates to the Thrive. She noted that on April 7<sup>th</sup>, there will be a second discussion on equity and will be a joint meeting of this Commission and the Community Development Committee (CDC). She noted that there will be potential policy direction that will help form the discussion on April 7<sup>th</sup> and that will be based on input gathered from the park implementing agencies. Youngquist stated that at the April 22 meeting, staff will be looking for confirmation of the direction that we are going with equity.

Youngquist discussed the policy direction coming from Thrive MSP 2040 for the Regional Parks Policy Plan is to strengthen equitable usage of regional parks and trails by all of our region's residents. In addition to Salk's report regarding usage among communities of color informing this discussion she asked that the Commission also think about the discussion from last month's meeting on the changing demographics and the aging of our population to 2040. She noted that we will be looking at age, ability, race, ethnicity, and class.

Salk stated that there are certain bullets that may want to be considered when thinking about the Thrive MSP 2040 document including:

- Using our influence and investments to build a more equitable region.
- Engaging a full cross section of the community in decision making.

Salk stated that the Council is very focused on these equity issues and even to the point of thinking about them in their investment decisions.

Salk discussed the different funding streams including operation and maintenance funds, the capital improvement program funds, the parks and trails legacy fund, and the acquisition opportunity grant fund.

Salk talked about community engagement and stated that the Metropolitan Council is currently engaged in creating a public engagement plan. The draft for this will be available in May of 2014.

Youngquist discussed requirements that the park agencies need to fulfill in the preparation of a master plan. Currently there is a requirement on citizen participation that typically occurs with open houses or public hearings/meetings.

Youngquist discussed opportunities with regard to planning for the regional park system to deal with equity. She refreshed the Commission on some of the requirements currently outlined in the 2030 Parks Policy Plan as well as activities allowed.

Youngquist highlighted four areas in the parks policy plan that could potentially impact equity when developing master plans.

- Citizen participation
- Show developing concepts (plan for recreational development and general facilities located within a regional park)
- Accessibility (needs to be identified, special populations to be served by the facility, etc)
- Public awareness (websites, maps, flyers)

Youngquist discussed three principals of Thrive MSP 2040 including integration, collaboration, and accountability.

Salk stated they are looking for a discussion of how we can strengthen equitable usage of the regional parks and trails by all of our regional residents. She reviewed 5 ways in which we might develop policies including:

- Investments
- Community Engagement
- Planning
- Collaboration
- Other

Johnston asked where we are in terms of capacity in our park system – do we have an issue that should be considered at all. Youngquist stated that the 2030 Regional Parks Policy Plan, when developed in 2005, looked at current regional parks and trails and looked at expanding the system. There were regional park and trail search areas proposed as part of that plan. She noted that plan really looked at increase in population as well as preserving the ‘last best places’ as new regional parks. She stated that they may not be needed by 2030 but they have looked at expansion. The 2040 plan is looking at changing demographics.

Wasley stated that Como can only handle capacity with free shuttle buses. She discussed inner-city and capacity issues and ability to get to parks. She feels that accessibility is important and asked where this is being taken into consideration. She also noted this brings up the issue of language barriers and cultural barriers, etc.

Johnston discussed the heavy use of Lake Elmo Park Reserve and stated that there is clearly a network of ethnic groups that uses it. He asked if we can find out how they found out about it. Salk discussed her focus groups in a variety of areas. She stated that the issue is how to serve people who are not using our parks. Johnston stated his point was if we find out how folks heard about Lake Elmo, we could use that approach.

Theisen discussed the issue of the changing demographics and feels that greater access is needed to the park system. He also discussed age and recognized that this is an issue and asked how do we

appeal to that group and also address meshing their use with younger users. He also raised the question, how do you meld cultural, ethnic, religious differences.

Taylor stated that equity relates to our planning. He feels if we are using public funds for the creation of space (that ultimately impacts living well) that we are clear that our outreach, development and design is not an obstacle. This is a way that we want to think about it. He feels that part of equity is an acknowledgement that there has been a historical lack of engagement of those communities. That may be related to the way housing is developed and the way highways are developed. He stated that many of the barriers are psychological barriers or self imposed barriers. He stated race is made up but racism is real. He noted that our last segregated places in this country were public spaces and they were parks and beaches. He feels there are still unofficial points of segregation, for example he hears "biking is for white people." As we talk about investments we make, there may be an increase in a corridor because it connects to a community. As we look at collaboration, are we going to make sure we engage in communities that we have not engaged in before because they don't believe that we have a relationship. These are the types of things we need to look at as we look forward. He stated that we may need to measure usage by the way that we invest. If we look at just usage of trails it works because we've created a successful program. We may have to have a different measure of success as we make these investments because we're not going to be able to look at a traditional investment strategy or traditional short term usage strategy. We will need some kind of different matrix for success. He noted that equity is being discussed everywhere across the country and stated that if we can't do it here, it can't be done. Taylor stated that when he looks at diversity it is not just color of skin, but people with physical challenges and age differences, etc. We need to define equity, because it is not diversity.

Weber stated this may also require a change in our conception of what is a regional park. We need to look at usage of smaller parks that are more specialized.

Wasley stated that language plays a huge part and feels that signage that is negative. She discussed park signage that lists all the 'do not's and felt that our signage could be more positive. She also discussed signage that should be in different languages.

Theisen discussed the amount of parkland set aside by cities. He feels there is a significant difference from city to city in the number of local parks and their commitment to providing park amenities. This would certainly have an impact on what we come up with as a plan because a city that has a well developed park system with many choices and options would not need to travel far to meet their needs with the regional park system and have to find a way of getting there.

Hietpas agreed and noted that can be seen on a map. There are areas that are devoid of parks and trails and it seems quite evident however you need to take into consideration the population they are serving. She talked about expansions to areas not serviced by features offered by more populated areas.

Youngquist talked about partnerships with 10 implementing agencies that the Council works with. The Council needs to work closely with the agencies for any sort of expansion or search areas because ultimately their boards need to be on board. She noted the Council does not fund everything, we merely help fund the regional system. She noted that in 2010 the Regional Parks Policy Plan was updated and a lot of the additions to the system that came as part of that update were from ideas that the agencies proposed in their comprehensive plans that were due in 2008. When we do this 2040 Parks Policy Plan, local communities will then need to update their comprehensive plans so they will do planning based on what the Met Council has put together as well as looking at their own local issues.

Wasley disagreed somewhat and stated what is wanted in Minnetonka is not going to be wanted in an inner-city so you're never going to get a collaborative 'we all want x'. She stated that when the Commission has gone out on park tours, she is blown away by how much space there is in the outlying communities. The highly populated areas don't have that kind of space. This creates a need for a little 'top down' direction.

Weber asked if there is an outline. Youngquist stated we have identified areas for discussion. Weber clarified that we will begin with the 2030 plan and make changes from there. Youngquist confirmed.

Taylor stated one thing he doesn't see is funding for programs or outreach and engagement. He agreed we need to really be looking at awareness as a top barrier. Salk discussed funding (Parks and Trails Legacy Fund) that can be used for outreach, programming, staff, and engagement. The way in which those funds are distributed now is based on allocation but the agencies get to dictate what they spend those dollars on. Over the past five years 3% of our dollars has gone towards connecting people to the outdoors which gets at programming and engagement. Much is solely on capital and development expenditures.

Weber stated he would like to see regional dollars go directly towards groups like the Wilton Foundation which is a big collaboration between the community and the park.

Taylor asked if we have done anything with regional parks that have revenue generating capacity where some reallocation of those dollars goes towards establishing equity. Salk stated that would be beyond the Council's statutory authority.

Wasley noted that there are some parks that you have to pay to go into and feels this is a barrier for accessibility for certain people.

Johnston noted the late hour and encouraged staff to wrap up the discussion.

Wasley asked if the subject can be revisited.

Stefferd stated that the next step will be a joint meeting with the CDC on April 7, 2014 to discuss this topic. He noted that this Commission will meet prior to the joint meeting beginning at 3:30pm for a business meeting.

## REPORTS

**Chair:** Johnston thanked Commission members for staying so late.

**Commissioners:** None.

**Staff:** Stefferud passed out a flyer regarding 5 years of Legacy Parks and Trails Success.

## ADJOURNMENT

**7:05 p.m.**

Sandi Dingle  
Recording Secretary