# Minutes of the

# REGULAR MEETING OF THE COMMUNITY DEVELOPMENT COMMITTEE

Monday, August 17, 2015

Committee Members Present: Cunningham, Chávez, Commers, Dorfman, Elkins,

Kramer, Letofsky, Munt, Wulff

**Committee Members Absent:** 

**Committee Members Excused:** 

# **CALL TO ORDER**

A quorum being present, Committee Chair Cunningham called the regular meeting of the Council's Community Development Committee to order at 4:00 p.m. on Monday, August 17, 2015.

# APPROVAL OF AGENDA AND MINUTES

It was moved by Elkins, seconded by Munt to approve the agenda. Motion carried.

It was moved by Chávez, seconded by Elkins to approve the minutes of the July 20, 2015 regular meeting of the Community Development Committee. Motion carried.

# **BUSINESS**

**2015-188** Public Hearing 2016-2021 Regional Parks Capital Improvement Program (Mark VanderSchaaf 651 602-1441)

Chair Cunningham instructed the audience how this hearing would be conducted. The first person to signup was asked to come in front of the committee to speak.

Wayne Hoklas stated he is a long time user of the park and the CIP has a negative action for the Region, he suggested the plan be reviewed carefully and do not move forward with it.

Reco Howard from Project Superman in St Paul stated the reserves are used to expose inner city youths to the park, he suggested using CIP funds for job creation for youths.

Christine Soderling of Eagan stated she is not sure where the money is going from the CIP, should not be used for Lebanon Hills.

A document with public comments from the Wilderness in the City was given to the recording secretary at the meeting. See copy at end of minutes.

**2015-189** Public Hearing – 2016 Public Housing Agency Plan (PHA) (Jennifer Keogh 651 602-1584)

No one signed up to speak at this public hearing.

# A. Consent



**2015-190** Lake Elmo Park Reserve Boundary Amendment, Washington County (Michael Peterka 651 602-1361; Jan Youngquist 651 602-1029)

It was moved by Wulff, seconded by Letofsky, that the Metropolitan Council approve a boundary amendment to the Lake Elmo Park Reserve Master Plan, adding an 18.2 acre parcel, as shown in Appendix A.

# Motion carried.

The Community Development Committee recommended approval of the proposed action as part of its consent agenda with no discussion.

**2015-191** Blakeley Bluffs Park Reserve Boundary Amendment, Scott County, (Michael Peterka 651 602-1361; Jan Youngquist 651 602-1029)

It was moved by Wulff, seconded by Letofsky, that the Metropolitan Council approve a boundary amendment to the Blakeley Bluffs Park Reserve Acquisition Master Plan to add three parcels totaling 105 acres as shown in Appendix A.

### Motion carried.

The Community Development Committee recommended approval of the proposed action as part of its consent agenda with no discussion.

**2015-192** 2012 CIP Grant Request for Theodore Wirth Regional Park, Minneapolis Park and Recreation Board (Jan Youngquist 651 602-1029) It was moved by Wulff, seconded by Letofsky, that the Metropolitan Council:

Approve a grant in the amount of \$198,000 from the 2012 Regional Parks Capital Improvement Program, comprised of \$164,000 in State bonds and \$34,000 in Council bonds. This grant shall be used toward design and construction consistent with the North Wirth concept in the master plan, including trail development, bridges, buildings, landscaping, grading, parking areas, lighting, downhill infrastructure, utilities, surveys and site investigations, design, and project management.

Motion carried.

The Community Development Committee recommended approval of the proposed action as part of its consent agenda with no discussion.

**2015-193** Park Acquisition Opportunity Fund Grant for Blakeley Bluffs Park Reserve, 15801 Blakeley Trail (Schendlinger), Scott County (Tori Dupre 651 602-1621)

It was moved by Wulff, seconded by Letofsky, that the Metropolitan Council:

- 1. Authorize a grant of up to \$97,840 to Scott County to acquire a 29-acre property at 15801 Blakeley Trail for Blakeley Bluffs Park Reserve. The Metropolitan Council will finance the grant through the Park Acquisition Opportunity Fund using Metropolitan Council bonds for up to 75 percent of the total acquisition costs.
- Acknowledge Scott County's grant match to finance at least 25 percent of the total acquisition costs. If the total acquisition costs are higher than estimated, Scott County is responsible for the difference.

3. Authorize the Community Development Director to sign the grant agreement including the restrictive covenant.

# Motion carried.

The Community Development Committee recommended approval of the proposed action as part of its consent agenda with no discussion.

**2015-194** City of Elko New Market Interstate 35 Comprehensive Plan Amendment, Review No. 20671-2 (Patrick Boylan 651 602-1438)

It was moved by Wulff, seconded by Letofsky, that the Metropolitan Council:

- 1. Adopt the attached review record and allow the City of Elko New Market to place the Interstate 35 Comprehensive Plan Amendment (CPA) into effect.
- 2. Find that the CPA changes the City's forecasts for employment by an increase of +1,000 jobs for 2020 and 2030, and 2040, as shown in Table 1 of the Review Record.
- 3. Advise the City:
  - a. That the Council will require that a gravity sewer line be connected to an existing man hole on the Councils interceptor.
  - To obtain a Sewer Connection Permit, prior to initiating this project, preliminary plans must be sent to Scott Dentz, Interceptor Engineering Manager (651-602-4503) at Metropolitan Council Environmental Services.
  - c. To implement the advisory comments for Forecasts in the Review Record.

# Motion carried.

The Community Development Committee recommended approval of the proposed action as part of its consent agenda with no discussion.

# **B. Non-Consent**

**2015-173** Authorization to Amend the 2015 Unified Budget: Third Quarter Amendment (Mark VanderSchaaf 651 602-1441)

It was moved by Munt, seconded by Elkins, that the Metropolitan Council authorize the amendment of the 2015 Unified Budget as indicated and in accordance with the attached table. **Motion carried.** 

The Community Development Committee reviewed and approved the proposed amendments for the Community Development Division at its meeting on August 17, 2015. There were no issues or concerns.

**2015-196** Lebanon Hills Regional Park Master Plan, Dakota County (Jan Youngquist 651 602-1029) It was moved by Chávez, seconded by Elkins, that the Metropolitan Council:

- 1. Approve the Lebanon Hills Regional Park Master Plan.
- 2. Require Dakota County to submit information regarding the location and estimated costs for the relocation and development of Camp Sacajawea and the maintenance facility to the Metropolitan Council for approval prior to seeking regional parks funding for these projects.

### Motion carried.

Chair Cunningham provided an opportunity for three individuals who were opposed to the master plan and three individuals who were in favor of the master plan to speak for three minutes each. A representative of Wilderness in the City opted to speak for nine minutes on behalf of those opposed to the master plan. The testimony indicated that there were inconsistencies between the master plan and the 2030 Regional Parks Policy Plan, primarily around Dakota County's citizen participation process and the belief that the plan does not protect the environment/ecology of the site and negatively impacts its natural resources. No individuals testified in favor of the master plan.

Elkins discussed his experience in at Hyland-Bush-Anderson Lakes Park Reserve in Bloomington. He indicated that the park reserve is very popular and accommodates all users. He stated that the paved trails at the park reserve have not degraded user's experience and meet Americans with Disabilities Act requirements, which is one of the purposes of the Lebanon Hills master plan. Dorfman asked how many of the regional parks have bike trails. Council staff indicated that most regional parks and park reserves have a mix of hard and soft surface trails. Dorfman then asked for the distinction between a regional park and park reserve. Staff indicated that park reserves are at least 1,000 acres in size, contain high quality natural resources, and have a requirement that up to 20 percent of a park reserve can be developed for recreation with at least 80 percent remaining in a natural state. Staff discussed that regional parks are typically 200-500 acres in size and do not have the development restriction, although there are a number of regional parks that are much larger than 500 acres. Dorfman asked about the process to change the designation of Lebanon Hills Regional Park to a park reserve. Staff indicated that this would entail amending the *Regional Parks Policy Plan* and would require the request to be supported by Dakota County as the agency that owns and operates the regional park.

Wulff stated that the proposed development at Lebanon Hills would be about 14 percent of the park, so the classification of whether it is a regional park or a park reserve does not make a difference. Wulff indicated that she toured the park to see the interaction between the proposed trail and the other uses and stated that she could not see most of the other trails because the alignment of the proposed trail goes along the edge of the park. Wulff expressed concerns about the comments submitted to the Council being based on inaccurate information and provided an example of people indicating that half of the horse trails will be paved, which is not the case. Wulff stated that the park operates like several small parks that are not connected. Wulff said that she does not see the proposed trail having the large negative impact that has been suggested by the opponents and that the proposed route would also allow park staff to access and manage invasive species.

Dorfman indicated that she was going to abstain from voting and wanted to have a chance to visit the park and go through all of the correspondence and information before the August 26 Council meeting. Elkins described the Minnesota Department of Transportation Administrative Rule for trail design standards and indicated he considered an 8 foot wide trail unsafe.

Chavez described his extensive use of Lebanon Hills Regional Park. Chavez indicated that typically master plans are not considered in a public hearing format and that it was gracious of the Chair to allow the conversation and requested that people respect the process. Chavez discussed the legal basis for the Council to determine whether it approves or rejects an application, including rational basis,

reasonableness, and whether the County Board acted within its authority. Chavez indicated that in spite of the various opinions, because the master plan satisfies the legal test and the Council follows what State law directs, there is no reason he would not support the master plan.

The Community Development Committee recommended approval of the proposed action, with Council Member Dorfman abstaining.

A handout of additional comments received between August 12 and August 16, 2015 was given to the Community Development Committee members and copies were placed on the meeting table for the public.

# **INFORMATION**

None

# **ADJOURNMENT**

Business completed, the meeting adjourned at 5:45 p.m.

Michele Wenner Recording Secretary **Wilderness in the City** – public comments to Metropolitan Council, Community Development Committee, 8-17-15

There are areas of inconsistencies between the submitted Master Plan and the 2030 Regional Park Policy Plan. Because of time constraint this evening, my comments will be focus on two areas.

The Park Policy states: "Citizen Participation: A process to involve affected municipalities and the general public in the master planning." Following is a timeline of citizen participation for the master planning process.

# **Public Process to Date**

In 2008, as part of the Dakota County Park System Plan, staff and consultants envisioned Lebanon Hills as the hub of the County's 200-mile greenway network, which conflicted with the 2001 Master Plan. Citizens were not involved in this decision, and to date there has been no meaningful citizen participation in planning for Lebanon Hills.

At their Physical Development Committee meeting in August 2012, the Dakota County Board of Commissioners determined that a master plan update was required in order to complete the vision established in the 2008 Park System Plan.

The concept was presented by Dakota County staff to the public at an Open House in January 2013. Since then, and even prior to that, citizens have opposed the concept of flat bicycle corridors being constructed through this park's natural, hilly terrain.

Prior to release of the draft Plan, the County received written comments from 180 individuals. Despite knowledge of public concerns, the draft development master plan was released in November 2013 for a 60-day public comment period, including two open houses. Input was overwhelmingly opposed to the plan, the paved bikeway in particular.

In response to strong public opposition, a Citizen Advisory Panel was established by the County Board in February 2014. Proceedings were tightly controlled, and effectively limited the Panel from making recommendations that did not go along with the County's vision. The panel was essentially used as a sales tool to give the image of public involvement in order to disregard the vast majority of input received from the general public. This is evidenced by the following four points:

- Steve Yaeger, Citizen Advisory Panel member: "Meeting agendas were set and dominated by staff and by the County's paid consultants, who have a financial interest in the continued development of Lebanon Hills. The process would have been better served by including more diverse points of view, including informed advocates of a no-build option for various Plan elements."
- Amy Gourley, panel facilitator hired by the County, in her report to the Board, July 22, 2014:
   "We are following in the narrow path that you laid out for this panel."
- A Citizen Advisory Panel Final Report was submitted to the Board at a public meeting in January 2015, which resulted in some changes to the draft development master plan.
- A Minority Report was also submitted at that same public meeting, noting that it by no means was an affront to the other panel members or their view of the park. Rather, it was being

submitted because the process eliminated the opportunity for the Panel to recommend significant changes which would earn broad public support, in particular with regard to controversial elements of the Plan. The request was made that the Minority Report be included for the public record in the same manner as the Panel Final Report; the Board voted against that request.

Upon conclusion of the Panel, Dakota County staff refined the draft plan, and released a revised draft master plan in January 2015 for a 30-day public comment period. Comments received were overwhelmingly opposed to the revised draft plan. Not only able-bodied, but disabled and elderly opposed this plan.

- Star Tribune, March 11, 2015: "Of the 690 people who commented on the plan, only 3 percent supported it. Most of the negative comments centered on the 10-foot-wide paved trail through the park." (Star Tribune, 3/11/15)
- Commissioner Schouweiler, Dakota County Board Meeting, March 17, 2015: "I can't believe that
  out of the 650-plus comments, there were only 22 that were for the plan...What happened to
  representative government."
- Commissioner Egan, Dakota County Board Meeting, March 17, 2014: "There is no passion for the paved trail at all."

Despite this outpouring from citizens throughout the metro region, the Plan still includes a 6-mile, paved trail, end to end through the park, to be kept free of snow and ice.

The Planning Process did not meet the criteria for citizen participation in a meaningful way.

A second area of inconsistency, page 2-36 of the Park Policy Plan states that activities in the regional park system should: "Be protective of the environment/ecology of the site and not negatively impact its natural resources.

Lebanon Hills is dominated by a glacial moraine landscape -- hills, ridges and "kettle hole" lakes and ponds. The proposed bike trail goes through the area of the park defined as the Preserve Zone, or the largest area of the park which offers the most extensive overall ecological diversity. The area is characterized by a cross-section of all the major plant communities, ecotonal areas (which refers to the transition zone between two plant communities), and pond/lake system that are found within the park.

Page 3 of the Dakota County Comprehensive Natural Resource Management Plan includes the following goals:

- Restore, protect and enhance vegetation that was on the landscape during the pre-settlement era.
- Restore, protect, and enhance native wildlife populations.
- Maintain a natural look to parkland not included in active use areas, emphasizing a presettlement visual quality.

Trail construction includes bulldozing through this glacial moraine landscape, wide clearance of significant trees and restored prairies, and fragmenting wildlife habitat. This is inconsistent not only with the regional parks policy plan, but also with the County's own Natural Resource Management Plan.

Further, there are no defined guidelines in the Plan for project implementation or accountability to natural resources. Protecting Natural Resources, consistently ranked as the top priority by Dakota County residents, will be at the discretion of the County Board.

Adoption of this plan will allow the current downward trend of the park's natural resources to continue. This is evidenced by previous implementation of the 2001 Plan, which included guidelines for equal priority regarding implementation and funding packages. Even with firm guidelines for equal priority, between 2001 to June 2013, data from Dakota County shows ecological stewardship at 11% of total spending while spending for development accounted for 42% of total. Consider what will happen with ecological stewardship with no defined guidelines.

The Lebanon Hills Plan does not meet Met Council's criteria to be protective of the environment/ecology of the site and not negatively impact its natural resources

# Metropolitan Parks and Open Space Commission

At the August 4 Metropolitan Parks and Open Space Commission meeting, the commissioners were reminded that if the Lebanon Hills plan meets Met Council's criteria, then their role is to adopt the plan. They were then told the plan meets met council criteria, including the two areas described here. We respectfully disagree with this conclusion.

In addition, staff presentation included criteria which states that "regional parks facilities and programs should encourage use by special populations." Special populations are defined as "people with physical and mental disabilities, those with low incomes, racial-ethnic minorities, single parents and elderly people."

To meet this criteria, Dakota County decided a 6-mile paved multi-use bike trail, constructed end to end through Lebanon Hills, is necessary to allow persons with disabilities, families with strollers, people with limited mobility and the elderly to access portions of the park.

Wilderness in the City agrees with this criteria, however we believe these groups should also be included in deciding how best to encourage use of unique opportunities Lebanon Hills offers to all residents, including special populations.

### Additional Points to Consider

### Conflicting Visions

Dakota County would like you to believe there is a conflict between improving accessibility and ablebodied park visitors. That is convenient for their purposes, however that is not the conflict is between the public's vision for Lebanon Hills versus the County Board's vision.

The regional parks system is large enough to allow Lebanon Hills to remain the unique destination, as envisioned by the public. Dakota County Board simply doesn't agree with the public.

# Opposition

Opposition is not because of an organized group of local residents. Rather, it is the result of a Plan which prioritizes hard development in this unique park, beloved for its hills, valleys, lakes and ponds; and for its natural character, which is its greatest asset.

The element most opposed by the public, a paved bikeway end to end through the park linking to trails designed for bike speeds up to 20mph, will downgrade most every current recreation use and will irreversibly impact the park's natural resource base and wildlife habitat.

Financial concerns are real, and the County has not provided a source of funding to maintain the new infrastructure and also invest in restoration and additional park services.

It is worth repeating, opposition is not because an organized group of local residents. It is the result of a Plan which the County created without meaningful citizen involvement because funding is available and ribbon cutting ceremonies are glitzy.

# **Going Forward**

In addition to hundreds of miles of existing city bikeways, there are 200-miles of accessible greenway trails planned in Dakota County. A shortage of opportunities for recreation on pavement does not exist. The concern is for the many opportunities that will be lost if paved trail corridors are developed through Lebanon Hills.

Decisions about the future of Lebanon Hills should be made with citizens, not for citizens. At the Metropolitan Parks commission meeting on December 2, 2014, member Robert Moeller stated "...funding for this [Regional Park] system may be under pressure if we're not supporting all those who contribute to taxes." We urge you to send this plan back to Dakota County for meaningful citizen participation to strengthen language regarding development in Lebanon Hills Park and to insure that Ecological Stewardship projects do not continue to be ignored for the sake of brick and mortar projects.

Planning should be part of an open and transparent process. Since 2001, this has not happened in Dakota County and should not be condoned here at the Metropolitan Council.

### Resources for more info:

- Wilderness in the City <a href="http://wildlebanonhills.org/">http://wildlebanonhills.org/</a> ( wildlebanonhills.org/">http://wildlebanonhills.org/</a> ( wildlebanonhills.org/">http://wildlebanonhi
- Dakota County <u>public comments</u> received before the draft plan was released.
   <a href="https://www.co.dakota.mn.us/parks/Planning/ParkPlans/Documents/LebanonHillsMasterPlan/LebanonHillsMasterPlanComments.pdf">https://www.co.dakota.mn.us/parks/Planning/ParkPlans/Documents/LebanonHillsMasterPlan/LebanonHillsMasterPlanComments.pdf</a>
- Dakota county <u>public comments</u> received during 60-day comment period.
   <a href="https://www.co.dakota.mn.us/parks/Planning/ParkPlans/Documents/LebanonHillsMasterPlan/L">https://www.co.dakota.mn.us/parks/Planning/ParkPlans/Documents/LebanonHillsMasterPlan/L</a>
   ebanonHillsRegionalParkMasterPlanPublicComments2.pdf

# PUBLIC COMMENTS RECEIVED ON LEBANON HILLS REGIONAL PARK MASTER PLAN (Between August 12 and August 16, 2015)

No.	Name	Date	Comments with concerns regarding the Master Plan
<u></u>	Laura Hedlund (5 <sup>th</sup> comment letter)	8/14/15	
7	Laura Hedlund (6 <sup>th</sup> comment	8/15/15	What would Paul Wellstone do? Support people in wheelchairs or support the environment? Paul would reject this finite way of looking at life and seek to rise above the division. To do so, we need to table the plan.
m	Meghann Fedde	8/14/15	Please do not approve, send back to Dakota county to get REAL public input.  This plan is short sighted and will destroy a beautiful area through a major metro park.  The Plan was created by staff and consultants. Since its release in 2013, the general public has consistently and overwhelmingly opposed the Plan, the connector trail in particular.  The Board disregarded 97% of recent public input received and two of their own Commissioners. The criteria for Citizen Participation has not been met in a meaningful way.
4	Scott Johnson (3 <sup>rd</sup> comment letter)	8/14/15	Commissioners Chavez & Wulff:  I wanted to follow up with you on this issue. Please review and advise your position.  I attended the Parks subcommittee meeting last week where they voted to send it up to you on the full council. It was astounding to hear those people speak on the park commission. It appeared for the most part they agreed with the 97% general public, but felt they did not have the authority to vote NO. Then why have a subcommittee or even take a vote if the outcome is predetermined?  Thank you for your time.

# PUBLIC COMMENTS RECEIVED ON LEBANON HILLS REGIONAL PARK MASTER PLAN (Between August 12 and August 16, 2015)

2	Kit Healy	8/16/15	Please vote against the submitted Lebanon Hills Master Plan. Lebanon Hills is special because it has NOT been filled with built amenities like so many of our other regional parks. I live in Minneapolis and bicycle often for transportation and recreation. There are paved trails and streets all over the metro area for me to use with my bike. What is hard to find are parks like Lebanon Hills where I can get away from all the urban development Please act to preserve and protect the wilderness aspect of Lebanon Hills by rejecting the plan
ω	Mike Little	8/16/15	Please vote against the submitted Lebanon Hills Master Plan. Lebanon Hills is special because it has NOT been filled with built amenities like so many of our other regional parks. I live in Minneapolis and bicycle often for transportation and recreation. There are paved trails and streets all over the metro area for me to use with my bike. What is hard to find are parks like Lebanon Hills where I can get away from all the urban development Please act to preserve and protect the wilderness aspect of Lebanon Hills by rejecting the plan
~	Sharon Moline	8/16/15	Thank you for reading my comments. I sincerely hope you reconsider the action proposed that would destroy this beautiful habitat. The park is perfect as it is and does not need this change. This park is one of the few places left where citizens can ride horses close to the twin cities. It would be a shame and shameful to destroy this lovely area to provide additional bike trails. The lovely trails that wind through this property and provide peace and beauty to hikers, cross country skiers, birders and equestrians needs no improvement. Bulldozing a path through the park would result in less people and wildlife being able to enjoy it-not more. There are many, many bike trails in the cities but only a precious few equestrian trails.  It is my sincere hope that you listen to the public's wishes on this without taking in to account political agendas.
			Halik you ior your unite,
ω	Pernard Friel	8/15/15	Ladies and Gentlemen,  On Monday August 17, 2015, you will have for consideration under the Metropolitan Council 2030 Regional Parks Policy Plan (the Policy Plan), a decision on whether or not to recommend adoption of the Lebanon Hills Master Plan (the Master Plan) approved by a majority of the Dakota County Commissioners. It should be kept in mind that the Master Plan was consistently and overwhelmingly opposed by citizens of Dakota County and the metropolitan area. I believe you are all aware that the Dakota County Commissioners adopted this Master Plan for Lebanon Hills Regional Park in the face of 690 written comments from citizens, ninety-seven percent (97%) of whom opposed the Master Plan.  Many of us who oppose the Master Plan do so in the belief that the Citizen Participation criteria of the Council's Policy Plan was not met in any meaningful way by Dakota County in the process of adopting the Master Plan.  While the principal sticking point in the Master Plan is the "multi-use" asphalt trail that runs through the

# PUBLIC COMMENTS RECEIVED ON LEBANON HILLS REGIONAL PARK MASTER PLAN (Between August 12 and August 16, 2015)

	park characterized as "wilderness in the city", the real objections we all have is to the process by which the
	"Citizens Panel" (Panel) established by the County reached its recommendations to the County Board.
	I have had that faulty process described to me by by both a Panel member who withdrew (two panel
	members withdrew) and two of those who attended every meeting. It was the observation of these Panel
	members from the beginning of the Panel's meetings that it seemed unlikely any meaningful input from the
	Panel Members would be permitted, or if permitted, would get serious consideration, because the County Staff
	and the facilitator were gerrymandering the process so such input was nearly impossible. Instead of permitting
	open comment, meetings were often structured to limit Panel Members' response to selection of options
	supplied to the Panel by the County staff, to which options Panel Members had no input.
	Interestingly the County staff in presenting the Panel's report to the County Commissioners never mentioned
	those withdrawals from the Panel, and included their names on the Panel report as if they were party to its
	conclusions. They were not.
	Furthermore, County staff never questioned them regarding their reasons for withdrawal. It is also noteworthy
	that the County Commissioners failed to include in what they sent forward to the Metropolitan Council the,
	Panel minority report, leaving the impression that all members of the Panel supported its recommendations.
	They did not.
	any, ma
	discussion of alternatives to the Master Plan never saw the light of day during the gerrymandered Panel
	presentations, we are asking that the Master Plan be referred back to the Citizens Panel or a new panel so
	meaningful options may be considered in open un-programmed discussion, instead of having a panel respond to
	multiple choice alternatives with respect to which they have had no input.
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