

Testimony received for #38 RES 21-62 “Approving a Lease Agreement and parkland diversion for the City to lease a portion of City-owned property known as Pig’s Eye Regional Park to the Board of Water Commissioners to use for soils recycling and storage”.

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Subject: City Council Hearing Testimony

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A win-win alternative for our City

The City Council should not be forced into a zero-sum game

Increasing park lands in Highland does not have to be a situation in which one neighborhood can win only if the other neighborhood loses.

The City Council should:

1. Retain SE park lands in less affluent BIPOC Majority neighborhoods
2. Acquire additional SW park lands for White Majority neighborhoods
3. Work with Legislature to fund parks on both sides of the City
4. Help find appropriate non-parkland site for dumping construction debris

The Council should not be forced into a binary choice

The City Council can add parklands in the more affluent White Majority neighborhoods while retaining existing parklands in the less affluent BIPOC Majority neighborhoods. We can work with the legislature to provide funding for our parks on both sides of town.

Park lands are not the only place available to dump construction debris

Public Works Sewer, MN DOT, and contractors are not allowed to use our park lands.

Whose park lands are appropriate dumping sites?

If the City Council decides a good use of park lands is dumping construction debris, then whose park lands will be used? Are more affluent White Majority neighborhoods willing to share the burden? Does it all go to one part of town?

Equity

It is not right to hold a gun at the head of less affluent BIPOC Majority neighborhoods demanding we give up park lands if we want access to our park or a sign?

Our park has been part of the Park System for half a century. Eastside residents are more than overdue a sign and gravel path without giving up parklands.

Think of the future for your neighborhood

The decision the Council makes will set a precedence how parklands are diverted. Your neighborhood could be next.

The Critical Area is of State and National Significance

These lands and waters provide essential habitat for plants and wildlife. Park lands clean the air we breathe and the water we drink. Park lands provide vital opportunities to enhance the health and enrich the well-being of all. The natural resources and recreational opportunities at Pig's Eye Lake are designated a State Critical Area for their protection and enhancement. The natural resources are designated of Regional, State, and National Significance.

The City Council should reject efforts to take 8.5 acres of park lands from the BIPOC Majority and less affluent South East neighborhoods. Consider the value of the park for all of Saint Paul. Our City Charter is there to protect our park lands. The Charter prohibits diversion of park lands This is diversion. City policy calls for review of proposals through an equity lens. It is hard to see how this proposal is not economically and racially biased.

Valued about a million dollars, it is the only park lands natural area that provides public views of and direct access to the park from the park entrance road. The alternative is a half mile farther from the Sam Morgan Trail. The alternative is walking between an industrial use and the waste treatment plant.

The park lands that would be lost are flood plain forest Bald Eagle habitat with active nesting activity. The proposal would grade park property, construct a building, fence the site, install security cameras, and use it as a dumping site for construction debris. The proposal would include loss of trees, destruction of Bald Eagle habitat, and loss of public park access, increased truck traffic, and noise. This proposal and another diversion of parkland would create a 1/2-mile-long industrial barrier on our park lands. It destroys natural habitat, hides the park from public view and significantly limits public park access.

Our best alternative to inequity is working together

The Highland Park Golf Course neighborhood has a National 18-hole golf course, 9-hole golf course, disc golf course, aquatic center with 50-meter 8 lane swimming pool, 2 diving boards, climbing wall, 2 story water slide, cabana shelters, children's pool, picnic areas, picnic shelter, pavilion, and horseshoe court. For your boating needs, there is the nearby Crosby Park Watergate Marina with "docks that are among the highest quality in the Midwest", and public water access. To take care of your boat the park marina includes full service and parts department.

If you live in the White Majority neighborhood you can golf in the morning, spend the day in your cabana poolside while the City marina services your boat, and later take your boat for a sunset cruise. BIPOC Majority SE neighborhoods do not have these park resources. We do not even have a park bench, picnic table, or functioning public water access to our Glacial Lake.

Highland Park's Golf Club neighborhood deserves the best park system possible. So do South East neighborhoods. There is nothing wrong with the Parks resources Highland has. The problem is the institutional bias and power structure that denies similar park resources for SE neighborhoods and dumps pollutant/waste in our park. We need to support a healthy and sustainable environment with natural area remediation to support a healthier and more equitable places for all. We all do better when we all do better.

Antithesis of adopted plans and protections

We need your help to once and for all put an end to the use of our park as a dump. We must ensure less affluent BIPOC Majority neighborhoods have the park resources that more affluent White Majority neighborhoods already have.

A Metropolitan Regional Parks BIPOC visitation study found the number one barrier to BIPOC Park Visitation is lack of awareness. Pig's Eye Lake is the poster child for lack of awareness. The park dates to the early days of Regional Parks. The record shows we have been starved for resources with public access and use not being supported. Not even a simple park sign identifies this park or welcomes residents.

Industrial uses on park lands and discharge of industrial pollutant/waste into the lake is the antithesis of what is needed to eliminate barriers to park visitors and ensure protection and enhancement of wildlife habitat.

The proposal to divert park lands is prohibited by our City Charter

Lands which may have been heretofore acquired by any means or which may hereafter be acquired by any means for park purposes shall not be diverted to other uses or disposed of by the city except in the following manner:

1. The Charter No Net Loss Parkland provision states that park lands shall not be diverted. The City Council should retain these valuable park lands in our less affluent BIPOC majority neighborhoods.

2. If the City Council diverts parklands the Council is required to allocate funds from the capital budget to be placed in a fund for acquisition of replacement park lands if parklands of equal value are not acquired. The proposal does not fund or acquire replacement park lands to replace those diverted. The Charter does not provide for temporary leases. **The two proposed temporary leases are not tied together.** One lease could be changed or eliminated. The Memorandum places authority over what is allowed under the leases to be changed by the Parks Director and Water Service Director. This can affect the value of leases. The City Council has sole authority to ensure equal value replacement and corresponding proposed changes that affect the use of those lands in such agreements.

3. The Council is required to obtain from a qualified independent appraiser an appraisal of market value of the park lands to be diverted. In the event the City receives less than the appraised value the Council shall allocate funds from the capital budget. There is no record of qualified independent appraisers being hired or an independent appraisal. The proposal would require valuation of leases because no property is being acquired by the City. The valuation would be based on the valuation of a lease to the City to use 5.5 acre compared to the valuation of use of 8.5 acre the City would be giving up use of. Without the appraisals the City would not know if and how much funding must be set aside. Without appraisals and leases tied together the City Council cannot vote.

4. Consideration shall be given to replacing park land within the same district planning council area and replacing lands with similar lands to maintain the balance within the park system. The lands diverted are flood plain forest Bald Eagle habitat. Parking lot or athletic fields are not similar to flood plain forest Bald Eagle habitat. The habitat that would be lost is part of the designated State Critical Area that is of Regional and State Significance. The proposal is not a State protected area. The proposal is on the opposite side of City instead of in the same area. The proposal has a racial and economic bias for White Majority and more affluent neighborhoods. According to the City website neighborhoods from Highwood to Dayton's Bluff have White populations of 40.8%, 55.6%, 40.5%, and 37.0%. Highland

neighborhoods list 89.6%, 75.6%, 83.8%, 53.0%, and 92.6%. The proposal would take park lands from BIPOC majority neighborhoods to expand park lands in White Majority neighborhoods. The proposal does not support a balance in the Park System.

5. The Parks Commission shall be asked to review the proposed diversion or disposal of park property and submit its recommendation to the City Council. The Parks Commission Resolution 21-02 is listed as - Approval of Lease Agreements. The resolution states: The City leasing a portion of Pig's Eye Regional Park to the Board of Water Commissioners constitutes a temporary parkland diversion, as the City is leasing the property, not selling it.

There is no such construct in the Charter. A temporary diversion is a diversion. A permanent diversion would be disposal. The Charter requires that parklands shall not be diverted to other uses or disposed of. The requirement is the same for diversion or disposal of parklands. The Charter states, the City Council shall require that additional park lands be acquired to replace those lands diverted or disposed.

6. Existing park uses cannot be counted for replacement. The Parks Commission resolution #21-02 states that land which is currently part of the Highland Golf Course would be counted as part of the net loss compensation to reach the value amount needed. There is no construct that allows existing park uses to be counted as replacement parkland. The Council shall require that additional park lands be acquired to replace those lands diverted.

7. A public hearing shall be conducted by the City Council for the purposes of considering the proposal and the recommendation. Notice of the public hearing shall be published at least ten (10) working days prior to the hearing, and all interested parties shall be given an opportunity to present their views. The City Council should provide a postponement to provide the public hearing. Vaccinations should make this possible soon.

8. At least two thirds of the total City Council is required to divert parklands. The council shall require that additional park lands be acquired to replace those lands diverted. Consideration shall be given to replacing park land within the same district planning council area and to replacing lands with similar lands to maintain the balance within the park system. The council shall obtain from a qualified independent appraiser an appraisal of the market value of the park lands to be diverted or disposed and in the event the city receives less than the appraised market value the council shall allocate funds from the capital budget to equal that deficiency. The proposal does not meet the Charter requirements but even if it would, it take valuable park resources from less affluent BIPOC Majority neighborhoods and gives those park resources to more affluent White Majority neighborhoods. We can do better. We should join together to improve opportunities more all.

9. The two separate leases give the Water Board ownership of any improvements made to both properties. The leases give improvements the City makes to the Board and the Board keeps improvements they make.

10. The maps show an expansion of a separate lease. This expansion shown on the maps should be corrected if in error or the public and City Council should see the proposed agreement.

11. The two independent leases are not tied together

They are two separate leases that must be tied together. The memorandum of understanding can not be changed without City Council approval because it can affect the appraised values of the leases. The Charter does not provide for leases. If the City Council goes down that road it is vital that the leases are

tied together, and the City Council has sole responsibility over leases that serve as No Net Loss Replacement.

Saint Paul Charter Sec. 13.01.1. - Disposal or diversion of park property.

Lands which may have been heretofore acquired by any means or which may hereafter be acquired by any means for park purposes shall not be diverted to other uses or disposed of by the city except in the following manner. "Park purposes" shall include, but not be limited to mean, playground, trail, parkways, open space and any other recreational purpose.(A)

The Saint Paul Parks Commission, or if no parks commission exists, then another committee established pursuant to [section 3.01.8](#) of this Charter, shall be asked to review the proposed diversion or disposal and submit its recommendation to the city council.(B)

After receiving the recommendation of the commission or committee, a public hearing shall be conducted by the city council for the purpose of considering the proposal and the recommendation. Notice of the hearing shall be published at least ten (10) working days prior to the hearing, and all interested persons shall be given an opportunity to present their views.(C)

The council may, by resolution adopted by at least two-thirds of the total council, authorize the diversion or disposal in the event it is determined to be in the best interests of the public to do so. The council shall require that additional park lands be acquired to replace those lands diverted or disposed. Consideration shall be given to replacing park land within the same district planning council area and to replacing lands with similar lands to maintain the balance within the park system.(D)

The council shall obtain from a qualified independent appraiser an appraisal of the market value of the park lands to be diverted or disposed and in the event the city receives less than the appraised market value the council shall allocate funds from the capital budget to equal that deficiency.(E)

The net proceeds or funds received or allocated, and interest earned thereon, from the diversion or disposal of park lands shall be maintained in a separate fund and shall be used only for the purpose of acquiring additional park lands.(F)

All land acquired by the city by deed, dedication or otherwise, containing a restriction on the title which limits the city's use of the property for park purposes only, may not be disposed of by the city in the manner provided in this section. (Ord. No. 17825, § 1, 5-2-91; C.F. No. 94-1339, § 1, 10-12-94)