

Community Development Committee

Meeting date: February 19, 2013

For the Council Meeting of February 27, 2013

ADVISORY INFORMATION

Date:	February 6, 2013
Subject:	Change in scope of Carver County Park Grant SG-2011-106
District(s), Member(s):	Metropolitan Council District 4, Gary Van Eyll
Policy/Legal Reference:	MN Statute 473.315
Staff Prepared/Presented:	Tori Dupre, Senior Planner, Regional Parks and Natural Resources (651) 602-1621
Division/Department:	Community Development/Regional Parks and Natural Resources

Proposed Action

That the Metropolitan Council authorize an amendment to Grant SG-2011-106 to Carver County by extending the grant's expiration date to June 30, 2016 and change the scope of the grant by adding the following projects to Section 2 of the grant agreement:

1. Provide a partial match to a \$1,202,000 federal grant for engineering, construction and landscaping of 5.5 miles of the Dakota Rail Regional Trail and trailhead from the City of Mayer west to the Carver County boundary (Phase II).
2. Provide a partial match to a \$437,000 federal grant to acquire land, engineering and construction needed for approximately 0.8 miles of the Southwest Regional Trail.

Background

Carver County park staff submitted a request to amend an existing park grant agreement to change the project scope, and extend the end date. Grant SG-2011-106 is a \$257,000 grant to Carver County that is financed from the Fiscal Year 2012 Parks and Trails Legacy Fund appropriation. The grant's current scope is to provide a match to a \$1,090,000 federal grant to construct a 2.6 mile trail in Lake Minnewashta Regional Park and a grade separated crossing of Trunk Highway 41 into the park.

Rationale

Since there is funding remaining in the grant, Carver County park staff have requested an amendment to the existing grant scope to add two projects, and extend the grant's expiration date to June 30, 2016:

1. Provide a partial match to a \$1,202,000 federal grant for engineering, construction and landscaping of 5.5 miles of the Dakota Rail Regional Trail and trailhead from the City of Mayer west to the Carver County boundary (Phase II).

2. Provide a partial match to a \$437,000 federal grant to acquire land, engineering and construction needed for approximately 0.8 miles of the Southwest Regional Trail.

Funding

In 2011 the Metropolitan Council authorized Grant SG-2011-106 for \$257,000 to Carver County, financed from the Fiscal Year 2012 Parks and Trails Legacy Fund appropriation.

Known Support / Opposition

The Metropolitan Parks and Open Space Commission considered this item on February 5, 2013 and approved it unanimously.

METROPOLITAN COUNCIL

390 North Robert Street, St. Paul, MN 55101
Phone (651) 602-1000 TDD (651) 291-0904

DATE: January 29, 2013 Revised Feb. 4, 2013
TO: Metropolitan Parks and Open Space Commission
FROM: Tori Dupre, Senior Planner, Regional Parks and Natural Resources
(651) 602-1621
SUBJECT: (2013-xxx) Change in scope of Carver County Park Grant SG-2011-106
Metropolitan Parks & Open Space Commission District 4: Robert Moeller
(Revisions to memorandum are underlined).

INTRODUCTION

Grant SG-2011-106 is a \$257,000 grant to Carver County that is financed from the Fiscal Year 2012 Parks and Trails Legacy Fund appropriation. The grant's current scope is to provide a match to a \$1,090,000 federal grant to construct a 2.6 mile trail in Lake Minnewashta Regional Park and a grade separated crossing of Trunk Highway 41 into the park. Since there is funding remaining in the grant, Carver County park staff have submitted a request to amend the scope of the grant to add the following projects:

1. Provide a partial match to a \$1,202,000 federal grant for engineering, construction and landscaping of 5.5 miles of the Dakota Rail Regional Trail and trailhead from the City of Mayer west to the Carver County boundary (Phase II).
2. Provide a partial match to a \$437,000 federal grant to acquire land, engineering and construction needed for approximately 0.8 miles of the Southwest Regional Trail.

The County also requests that the grant expiration date be extended to June 30, 2016 so that it aligns with the expiration of the federal grants.

(See updated Attachment 1: Letter from Martin Walsh, Carver County Parks, dated February 1, 2013)

The Metropolitan Council must consider and approve the proposed change in scope of the grant and extension of the grant's expiration date. This staff report contains a review of this request under applicable terms of the grant agreement and recommends approving the change in scope of the grant and extending the grant's expiration date.

AUTHORITY TO REVIEW

Minnesota Statute Section 473.315 authorizes the "Metropolitan Council with the advice of the Metropolitan Parks and Open Space Commission to make grants from any funds available to it for recreation open space purposes to any municipality, park district or county located wholly or partially within the metropolitan area to cover the cost, or any portion of the cost, of acquiring or developing regional recreation open space in

accordance with the [*Regional Recreation Open Space*] Policy Plan”.

ANALYSIS

As noted in the introduction, Grant SG-2011-106 is financed with a Parks and Trails Legacy Fund appropriation. The appropriation legislation requires the Metropolitan Council to disburse the Parks and Trails Legacy Fund appropriation among the 10 regional park agencies under a formula found in MN Statute 85.53. As long as the change in scope of the grant supports a regional park or trail, the use of the appropriation is consistent with the legislation.

In this case, the scope of the grant is proposed to be expanded by adding the following projects:

1. Provide a partial match to a \$1,202,000 federal grant for engineering, construction and landscaping of 5.5 miles of the Dakota Rail Regional Trail and trailhead from the City of Mayer west to the Carver County boundary (Phase II).
2. Provide a partial match to a \$437,000 federal grant to acquire land, engineering and construction needed for approximately 0.8 miles of the Southwest Regional Trail.

These projects are consistent with applicable master plans for those parks and trails.

The grant expiration date also needs to be amended so that it aligns with the expiration date of the federal grants. This is permitted under the rider language of the Parks and Trails Legacy Fund appropriation that financed the grant. Laws of MN 2011, First Special Session, Chapter 6, Article 3, Section 2, Subd. 2 states, “If a project receives federal funds, the time period of the appropriation is extended to equal the availability of the federal funding.”

In order to consider this request for a change in scope and expiration date of Grant SG-2011-106, Section 9.2 of the grant agreement states:

9.2 Amendments. *Any amendment to this grant agreement must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original grant contract, or their successors in office.*

The proposed change in scope and extension of the expiration date of Grant SG-2011-106 is consistent with the conditions of section 9.2 of the grant agreement because:

- Carver County has submitted a written statement to the Council describing the situation and giving reasons for the change in scope and expiration date, as shown in **Attachment 1**.
- The change in scope of the grant and expiration date is consistent with the Metropolitan Council approved master plans for applicable trails being constructed with the grant and the rider language of the Parks and Trails Legacy Fund appropriation that financed the grant.

CONCLUSIONS

1. The proposed change to the scope of Grant SG-2011-106 as described in this memorandum is consistent with the conditions of section 9.2 of the grant agreement.
2. Extending the grant's expiration date to June 30, 2016 so that it equals the availability of the federal funding the grant is matching is consistent with rider language of the Parks and Trails Legacy Fund appropriation that financed the grant.
3. An amendment to Grant SG-2011-106 must be authorized to implement the change in scope and to extend the grant's expiration date.

RECOMMENDATION

That the Metropolitan Council authorize an amendment to Grant SG-2011-106 to Carver County by extending the grant's expiration date to June 30, 2016 and change the scope of the grant by adding the following projects to Section 2 of the grant agreement:

1. Provide a partial match to a \$1,202,000 federal grant for engineering, construction and landscaping of 5.5 miles of the Dakota Rail Regional Trail and trailhead from the City of Mayer west to the Carver County boundary (Phase II).
2. Provide a partial match to a \$437,000 federal grant to acquire land, engineering and construction needed for approximately 0.8 miles of the Southwest Regional Trail.

Updated Attachment 1: Letter from Martin Walsh, Carver County Parks



Carver County Parks

Department of Public Works

11360 Highway 212
Suite 2
Cologne, MN 55322
Phone (952) 466-5250 Fax (952) 466-5223
www.co.carver.mn.us/parks

11360 Hwy. 212, Suite 1
Cologne, Minnesota 55322
Phone (952) 466-5200
Fax (952) 466-5223

February 1, 2013

Arne Stefferud
Metropolitan Council
390 North Robert Street
St. Paul, MN 55101

Dear Mr. Stefferud:

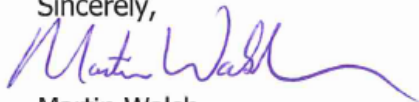
Carver County requests an amendment to grant agreement SG-2011-106. In addition to the existing deliverable of matching federal funds to construct a trail and underpass at Lake Minnewashta Regional Park, the amendment to the grant would match \$1,202,000 of federal funds to engineer, construct, landscape 5.5 miles of trail and trailhead of Phase II of the Dakota Rail Regional Trail.

Additionally, it is requested that any remaining balance of funds from SG-2011-106 be allowed to be used to match a 3rd federally funded trail project of the Southwest Regional Trail. The amended grant would be used to match \$437,000 of federal funds to acquire land needed for approximately .8 mile of the trail, engineering and construction. It is further requested that the grant period be extended to June 30, 2016 to coincide with the federal funding for the project.

I have enclosed maps showing the location of the two trails which the County is requesting be added to the deliverables for SG-2011-106. Legal descriptions have been provided on the parcels to be acquired. Also enclosed are segment maps for the Southwest Regional Trail along with right-of-way exhibits for your review.

Please let me know if you need any additional information.

Sincerely,



Martin Walsh
Parks Director

Attachment 3: Location Map of Southwest Regional Trail Connection and 2 Sections of Trail to be developed (Chaska--Segment 1 and Victoria—Segment 2)

