

## Community Development Committee

Meeting date: October 7, 2013

For the Metropolitan Council meeting of October 23, 2013

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**Subject:** Amend Scope and Duration of Four Regional Park and Trail Grants to Dakota County

**District(s), Member(s):** Metropolitan Council District 15, Steven Chávez, and District 16, Wendy Wulff

**Policy/Legal Reference:** MN Statute 473.313

**Staff Prepared/Presented:** Tori Dupre, Senior Planner (651-602-1621)

**Division/Department:** Community Development, Regional Parks and Natural Resources

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### Proposed Action

That the Metropolitan Council amend the following four grant agreements and authorize the Community Development Director to sign the grant agreement amendments:

1. Amend SG2009-042, Grant Project (Section 2) to include "engineering, construction and construction administration for the Spring Lake Park Reserve segment of the Mississippi River Regional Trail," and to delete "construction of the ~~Pine Bend~~ Rosemount segment of the Mississippi River Regional Trail". Also, extend the agreement term to December 31, 2017 to accommodate the time needed to construct the Spring Lake Park Reserve segment and align with the expiration date of two Federal Transportation grants for the project.
2. Amend SG2010-032, Development Project to include "engineering, construction and construction administration for the Spring Lake Park Reserve segment of the Mississippi River Regional Trail," and to delete "design, construction and construction administration of the Rosemount segment of the Mississippi River Regional Trail." Also, extend the agreement term to December 31, 2017 to accommodate the time needed to construct the Spring Lake Park Reserve segment and align with the expiration date of two Federal Transportation grants for the project.
3. Amend SG2011-027, Development Project to include "engineering, construction and construction administration for the Spring Lake Park Reserve segment of the Mississippi River Regional Trail," and to delete "construction and construction administration of the Rosemount segment of the Mississippi River Regional Trail." Also, extend the agreement term to December 31, 2017 to accommodate the time needed to construct the Spring Lake Park Reserve segment and align with the expiration date of two Federal Transportation grants for the project.
4. Amend SG2011-108, Grant Project (Section 2) to include "engineering, construction and construction administration for the Spring Lake Park Reserve segment of the Mississippi River Regional Trail," and to delete "construction and construction administration of the Rosemount segment of the Mississippi River Regional Trail." Also, extend the agreement term to December 31, 2017 to accommodate the time needed to construct the Spring Lake Park Reserve segment and align with the expiration date of two Federal Transportation grants for the project.

## Background

On September 5, 2013 Dakota County requested amendments to four grant agreements between the County and the Metropolitan Council (Attachment 1). The request changes the scope and term of the grant agreements to redirect funds toward engineering and construction of the Spring Lake Park Reserve segment of the Mississippi River Regional Trail. This trail segment extends approximately four miles from the park's western boundary to the existing regional trail at the Schaars Bluff picnic area.

The four grant agreements currently fund the design, construction, and construction administration of other Mississippi River Regional trail segments: Pine Bend, Rosemount, Inver Grove Heights, and Nininger Township (Grants SG2009-042, SG2010-032, SG2011-027 and SG2011-108). While the Rosemount segment was completed through the design development phase, land control and a mutually acceptable trail alignment on the Union Pacific Railroad property was not achieved, stopping the construction project. The County and Union Pacific Railroad are preparing a feasibility study to reconcile land control and alignment issues. This affected all four grants.

Therefore, the County's request is to change the project scope of all four grant agreements to include engineering, construction and construction administration for the Spring Lake Park Reserve segment of the Mississippi River Regional Trail. The County also requests extending the agreement term to December 31, 2017 accommodate the time needed to construct the Spring Lake Park Reserve segment and to align with the expiration date of two Federal Transportation grants for this trail segment.

## Rationale

The Metropolitan Council must consider and approve the four proposed grant amendments since each represents a substantial revision to the existing grant agreements. The existing grant agreements, Section 9.2, state that, *"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."*

Dakota County's requested amendments to grant agreements SG2009-042, SG2010-032, SG2011-027 and SG2011-108 are consistent with the grant agreements (section 9.2) because the County submitted a written request to the Council describing the need and rationale for the proposed project scope changes and term extensions. The regional trail projects described in the proposed amendment request are consistent with the Metropolitan Council approved master plan for the Mississippi River Regional Trail.

## Funding

The grants are financed as follows: SG2009-042 is funded by 2009 parks and trails funds, SG2010-032 and SG2011-027 are funded by 2010 state general obligation bonds and Metropolitan Council bonds, and SG2011-108 is funded by 2011 parks and trail funds.

## **Known Support / Opposition**

Steve Sullivan, Dakota County Parks Staff, requested that the Proposed Action 1, amending SG2009-042, be changed to remove the Pine Bend segment and substitute the Rosemount segment. Sullivan explained that the Pine Bend construction is complete and that the Rosemount segment is delayed. With this proposed action change, the Metropolitan Parks and Open Space Commission recommended approval of the proposed action at its meeting on October 1, 2013.

There is no known opposition to Dakota County's grant amendment request.

## Metropolitan Parks and Open Space Commission

Meeting date: October 1, 2013

For the Community Development Committee meeting of October 7, 2013

For the Metropolitan Council meeting of October 23, 2013

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**Subject: 2013-xxx** Amend Scope and Duration of Four Regional Park and Trail Grants to Dakota County

**District(s), Member(s):** Metropolitan Parks & Open Space Commission District H, Barbara Schmidt

**Policy/Legal Reference:** Minnesota Statute Section 473.315

**Staff Prepared/Presented:** Tori Dupre, Senior Planner-Regional Parks and Natural Resources (651-602-1621)

**Division/Department:** Community Development Division

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### Proposed Action

That the Metropolitan Council amend the following four grant agreements and authorize the Community Development Director to sign the grant agreement amendments:

1. Amend SG2009-042, Grant Project (Section 2) to include "engineering, construction and construction administration for the Spring Lake Park Reserve segment of the Mississippi River Regional Trail," and to delete "construction of the Pine Bend segment of the Mississippi River Regional Trail". Also, extend the agreement term to December 31, 2017 to accommodate the time needed to construct the Spring Lake Park Reserve segment and align with the expiration date of two Federal Transportation grants for the project.
2. Amend SG2010-032, Development Project to include "engineering, construction and construction administration for the Spring Lake Park Reserve segment of the Mississippi River Regional Trail," and to delete "design, construction and construction administration of the Rosemount segment of the Mississippi River Regional Trail." Also, extend the agreement term to December 31, 2017 to accommodate the time needed to construct the Spring Lake Park Reserve segment and align with the expiration date of two Federal Transportation grants for the project.
3. Amend SG2011-027, Development Project to include "engineering, construction and construction administration for the Spring Lake Park Reserve segment of the Mississippi River Regional Trail," and to delete "construction and construction administration of the Rosemount segment of the Mississippi River Regional Trail." Also, extend the agreement term to December 31, 2017 to accommodate the time needed to construct the Spring Lake Park Reserve segment and align with the expiration date of two Federal Transportation grants for the project.
4. Amend SG2011-108, Grant Project (Section 2) to include "engineering, construction and construction administration for the Spring Lake Park Reserve segment of the Mississippi River Regional Trail," and to delete "construction and construction administration of the Rosemount segment of the Mississippi River Regional Trail." Also, extend the agreement term to December 31, 2017 to accommodate the time

needed to construct the Spring Lake Park Reserve segment and align with the expiration date of two Federal Transportation grants for the project.

## **Background**

On September 5, 2013 Dakota County requested amendments to four grant agreements between the County and the Metropolitan Council (Attachment 1). The request changes the scope and term of the grant agreements to redirect funds toward engineering and construction of the Spring Lake Park Reserve segment of the Mississippi River Regional Trail. This trail segment extends approximately four miles from the park's western boundary to the existing regional trail at the Schaars Bluff picnic area.

The four grant agreements currently fund the design, construction, and construction administration of other Mississippi River Regional trail segments: Pine Bend, Rosemount, Inver Grove Heights, and Nininger Township (Grants SG2009-042, SG2010-032, SG2011-027 and SG2011-108). While the Rosemount segment was completed through the design development phase, land control and a mutually acceptable trail alignment on the Union Pacific Railroad property was not achieved, stopping the construction project. The County and Union Pacific Railroad are preparing a feasibility study to reconcile land control and alignment issues. This affected all four grants.

Therefore, the County's request is to change the project scope of all four grant agreements to include engineering, construction and construction administration for the Spring Lake Park Reserve segment of the Mississippi River Regional Trail. The County also requests extending the agreement term to December 31, 2017 accommodate the time needed to construct the Spring Lake Park Reserve segment and to align with the expiration date of two Federal Transportation grants for this trail segment.

## **Rationale**

The Metropolitan Council must consider and approve the four proposed grant amendments since each represents a substantial revision to the existing grant agreements. The existing grant agreements, Section 9.2, state that, *"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."*

Dakota County's requested amendments to grant agreements SG2009-042, SG2010-032, SG2011-027 and SG2011-108 are consistent with the grant agreements (section 9.2) because the County submitted a written request to the Council describing the need and rationale for the proposed project scope changes and term extensions. The regional trail projects described in the proposed amendment request are consistent with the Metropolitan Council approved master plan for the Mississippi River Regional Trail.

## **Funding**

The grants are financed as follows: SG2009-042 is funded by 2009 parks and trails funds, SG2010-032 and SG2011-027 are funded by 2010 state general obligation bonds and Metropolitan Council bonds, and SG2011-108 is funded by 2011 parks and trail funds.

## Known Support / Opposition

There is no known opposition to Dakota County's grant amendment request.

### Attachment 1: Letter from Steve Sullivan, Dakota County



Physical Development Division

Dakota County  
Western Service Center  
14955 Galaxie Avenue  
Apple Valley, Mn 55124-8579

952.891.7000  
Fax 952.891.7031  
[www.dakotacounty.us](http://www.dakotacounty.us)

Environmental Resources  
*Land Conservation*  
*Groundwater Protection*  
*Surface Water*  
*Waste Regulation*  
*Environmental Initiatives*

Office of Planning

Operations Management  
*Facilities Management*  
*Fleet Management*  
*Parks*

Transportation  
*Highways*  
*Surveyor's Office*  
*Transit Office*

September 5, 2013

Arne Stefferud  
Manager of Parks and Natural Resource Unit  
Metropolitan Council  
390 North Robert Street  
St. Paul, MN 55101

Re: Request for Change in Scope and Extension of Term

- SG 2009-042
- SG 2010-032
- SG 2011-027
- SG 2011-108

Dear Arne:

Dakota County respectfully requests Metropolitan Council consideration authorizing the change in scope and term extensions for grants SG-2009-042, SG 2010-032, SG 2011-027 and SG 2011-108.

#### Grant SG-2009-042

- Scope: The grant is to construct the Pine Bend and Rosemount segments of the Mississippi River Regional totaling 5.2 miles. The grant leverages Federal Transportation grants.
- Status: The Pine Bend segment in Inver Grove Heights is currently under construction. The Rosemount segment was completed through design development but land control and a mutually acceptable trail alignment on Union Pacific Railroad property was not achieved stopping the construction project. The County and Union Pacific Railroad are preparing a feasibility study to reconcile land control and alignment issues.
- Amount: \$625,000
- Term: December 31, 2014 (2<sup>nd</sup> Amendment- 6-13-2013)
- Request:
  - 1) Amend grant scope to also include engineering, construction and construction administration for the Spring Lake Park Reserve segment of the Mississippi River Regional Trail. The trail segment extends approximately four miles from the park's western boundary to the existing regional trail at the Schaars Bluff picnic area.
  - 2) Extend the term to December 31, 2017 to accommodate the Spring Lake Park Reserve segment and the two other Federal Transportation grants for this project.

- 3) Amend grant scope to delete construction of Pine Bend segment of the Mississippi River Regional Trail.

Grant SG-2010-032

- Scope: The grant is to design, construct and provide construction administration for the Rosemount segment of the Mississippi River Regional Trail. The grant leverages a Federal Transportation grant.
- Status: The Rosemount segment was completed through design development but land control and a mutually acceptable trail alignment on Union Pacific Railroad property was not achieved stopping the construction project. The County and Union Pacific Railroad are preparing a feasibility study to reconcile land control and alignment issues.
- Amount: \$250,000
- Term: December 31, 2013
- Request:
  - 1) Amend grant scope to also include engineering, construction and construction administration for the Spring Lake Park Reserve segment of the Mississippi River Regional Trail. The trail segment extends approximately four miles from the park's western boundary to the existing regional trail at the Schaars Bluff picnic area.
  - 2) Extend the term to December 31, 2017 to accommodate the Spring Lake Park Reserve segment and the two other Federal Transportation grants for this project.
  - 3) Amend grant scope to delete design, construction and construction administration of the Rosemount segment of the Mississippi River Regional Trail.

Grant SG-2011-027

- Scope: The grant is to design, construct and provide construction administration for the Rosemount segment of the Mississippi River Regional Trail. The grant leverages a Federal Transportation grant.
- Status: The Rosemount segment was completed through design development but land control and a mutually acceptable trail alignment on Union Pacific Railroad property was not achieved stopping the construction project. The County and Union Pacific Railroad are preparing a feasibility study to reconcile land control and alignment issues.
- Amount: \$550,000
- Term: December 31, 2013
- Request:
  - 1) Amend grant scope to also include engineering, construction and construction administration for the Spring Lake Park Reserve segment of the Mississippi River Regional Trail. The trail segment extends approximately four miles from the park's western boundary to the existing regional trail at the Schaars Bluff picnic area.
  - 2) Extend the term to December 31, 2017 to accommodate the Spring Lake Park Reserve segment and the two other Federal Transportation grants for this project.

- 3) Amend grant scope to delete construction and construction administration of the Rosemount segment of the Mississippi River Regional Trail. The design and engineering portion will be maintained within the grant to fund the pending feasibility study.

Grant SG-2011-108

- Scope: The grant is to engineer and construct the Inver Grove Heights, Rosemount and, or Nininger Township segments of the Mississippi River Regional Trail. The grant leverages Federal Transportation grants.
- Status: The Pine Bend segment in Inver Grove Heights is currently under construction. The Rosemount segment was completed through design development but land control and a mutually acceptable trail alignment on Union Pacific Railroad property was not achieved stopping the construction project. The County and Union Pacific Railroad are preparing a feasibility study to reconcile land control and alignment issues.
- Amount: \$1,012,000
- Term: June 30, 2014
- Request:
  - 1) Amend grant scope to also include engineering, construction and construction administration for the Spring Lake Park Reserve segment of the Mississippi River Regional Trail. The trail segment extends approximately four miles from the park's western boundary to the existing regional trail at the Schaars Bluff picnic area.
  - 2) Extend the term to December 31, 2017 to accommodate the Spring Lake Park Reserve segment and the two other Federal Transportation grants for this project.
  - 3) Amend grant scope to delete construction and construction administration of the Rosemount segment of the Mississippi River Regional Trail.

Thank you for considering this request.

Sincerely,



Steve Sullivan, Dakota County Parks Director

cc: Taud Hoopingarner, Operations Management Director  
Stacy Reilly, Senior Financial Analyst  
Dan Tienter, Financial Management Analyst  
Chris Hartzell, Senior Project Manager