

Community Development Committee

For the Metropolitan Council meeting of April 13, 2016

Subject: Amend Project Scope of Parks Grant SG2011-119, Lebanon Hills Regional Park, Dakota County

Proposed Action

That the Metropolitan Council:

1. Approve an amendment to grant agreement SG2011-119 to change the project scope to add the following: “design, engineering, construction and construction administration for the following improvements at Lebanon Hills Regional Park:
 - Americans with Disabilities Act (ADA) compliant paved loop trail and site improvements around McDonough Lake,
 - ADA compliant paved trail and site improvements from the Holland Trailhead facility to an existing ADA fishing pier on Holland Lake,
 - Parking and site improvements at the West Trailhead facility,
 - Associated natural resource improvements for the above projects.”

Summary of Committee Discussion/Questions

The Community Development Committee unanimously approved the proposed action at its meeting on March 21, 2016.

Following the Parks staff presentation of the business item, Chair Cunningham invited two interested citizens to address the Committee. Both citizens spoke against the proposed action at Lebanon Hills Regional Park, expressing concerns that there would not be adequate public engagement prior to the projects’ design, engineering, and construction.

Council Member Wulff, liaison to the Metropolitan Parks and Open Space Commission (MPOSC), summarized the business item discussion at the March 1, 2016 MPOSC meeting. She noted that after the meeting, she had additional conversations with Dakota County Commissioners and staff regarding the County’s public engagement efforts, as well as their natural resource stewardship and restoration work. She added that she supports Dakota County’s current and past efforts to engage the public and invest in natural resources conservation work.

Council Member Chávez stated that the County’s public engagement process was done in a reasonable manner. He asked Dakota County Parks Director Steve Sullivan whether there would be more opportunities for citizens to engage with the County regarding the design, engineering and construction of the proposed work. Sullivan stated that there would be opportunities for public engagement on the proposed projects prior to the construction phase.

Community Development Committee

Meeting date: March 21, 2016

For the Metropolitan Council meeting of April 13, 2016

Subject: Amend Project Scope of Parks Grant SG2011-119, Lebanon Hills Regional Park, Dakota County

District(s), Member(s): District 15, Steven Chávez

Policy/Legal Reference: MN Statute 473.315

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

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

Proposed Action

That the Metropolitan Council:

1. Approve an amendment to grant agreement SG2011-119 to change the project scope to add the following: “design, engineering, construction and construction administration for the following improvements at Lebanon Hills Regional Park:
 - Americans with Disabilities Act (ADA) compliant paved loop trail and site improvements around McDonough Lake,
 - ADA compliant paved trail and site improvements from the Holland Trailhead facility to an existing ADA fishing pier on Holland Lake,
 - Parking and site improvements at the West Trailhead facility,
 - Associated natural resource improvements for the above projects.”

Background

Dakota County requested that the Metropolitan Council approve an amendment to grant agreement SG2011-119 to use the remaining grant funds to implement projects identified in the 2015 Council-approved updated master plan for Lebanon Hills Regional Park.

The grant agreement provides \$661,000 to Dakota County for final engineering and construction of at least 3.6 miles of a trail from Dodd Road/Visitor Center to the Jensen Lake picnic area known as the Connector Trail. The grant agreement, executed in January 2012, had a term ending December 31, 2015 but was amended to extend the term to June 30, 2018. To date the grant has an unspent balance of \$641,820.

The initial grant project to construct the trail was identified in the 2001 Lebanon Hills master plan. In 2012, Dakota County began the process to update the master plan and chose not to implement the trail project until adoption of the updated plan. They sought to inform the project based on both a more contemporary vision and updated project priorities. The Dakota County Board adopted the updated master plan in March 2015 and the Metropolitan Council approved the plan in August 2015.

The proposed grant amendment includes projects that are identified as Tier 1 priorities in the newly approved 2015 master plan, and are included in the 2016-2020 Dakota County capital improvement program budget. The proposed amendment does not change or increase the approved grant amount.

Rationale

This proposed grant amendment represents a substantial revision to the existing grant agreement and the funded project, and as such, the amendment request must be approved by the Metropolitan Council. Council staff determined that the proposed projects in this grant amendment are consistent with the Council-approved Lebanon Hills Regional Park master plan, as well as the requirements in the 2040 Regional Parks Policy Plan.

Dakota County's proposed grant amendment request is consistent with the grant agreement terms. The projects being funded are consistent with the Council-approved master plan for Lebanon Hills Regional Park. Finally, the change in the grant scope does not change the County's share of the Metropolitan Council's 2010-2011 Regional Parks CIP used to finance this grant.

Funding

The grant SG2011-119 is financed by 2011 State Bonds and Metropolitan Council Bonds.

Known Support / Opposition

Prior to the March 1, 2016 Metropolitan Parks and Open Space Commission (MPOSC) meeting, but after the MPOSC meeting agenda was posted, Council staff received emails from nine County residents expressing concerns about the lack of public engagement opportunities available for the projects proposed in Dakota County's grant amendment, specifically the engineering, construction and construction administration of the proposed paved trails.

At the MPOSC meeting, two Dakota County residents shared their perception that there was insufficient opportunity for public involvement in Dakota County's plans to complete the projects included in proposed grant amendment. After a lengthy discussion involving one of the Dakota County residents, Steve Sullivan from Dakota County Parks, Council staff and MPOSC members, MPOSC Vice Chair restated the Commission's and Council's role to review the proposed grant amendment according to policies in the 2040 Regional Parks Policy Plan, and the Council approved master plan.

An MPOSC motion to approve the staff recommendation failed on a tie vote. An amended motion to table the business item also failed. The meeting was adjourned promptly at 6:00 p.m. because State Statute prohibits local and State government from conducting meetings after 6:00 p.m. on the same day as the Minnesota precinct caucuses. No formal action was taken on the item and therefore, the staff is forwarding the business item to the Community Development Committee without an MPOSC recommendation.

As of Tuesday, March 15, Council staff has received additional emails from 11 Dakota County residents, expressing concerns about a lack of public involvement in the final design and engineering phase prior to construction.

Metropolitan Parks and Open Space Commission

Meeting date: March 1, 2016

For the Community Development Committee meeting of March 21, 2016

For the Metropolitan Council meeting of April 13, 2016

Subject: Amend Project Scope of Parks Grant SG2011-119, Lebanon Hills Regional Park, Dakota County

District(s), Member(s): MPOSC District H, Todd Kemery

Policy/Legal Reference: MN Statute 473.315

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

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

Proposed Action

That the Metropolitan Council:

1. Approve an amendment to grant agreement SG2011-119 to change the project scope to add the following: “design, engineering, construction and construction administration for the following improvements at Lebanon Hills Regional Park:
 - ADA compliant paved loop trail and site improvements around McDonough Lake,
 - ADA compliant paved trail and site improvements from the Holland Trailhead facility to an existing ADA fishing pier on Holland Lake,
 - Parking and site improvements at the West Trailhead facility,
 - Associated natural resource improvements for the above projects.

Background

Dakota County has requested the Metropolitan Council’s approval of an amendment to parks grant agreement SG2011-119 to implement projects identified in an updated (2015) master plan for Lebanon Hills Regional Park, as described in Attachment 1.

Parks grant agreement SG2011-119 is a \$661,000 grant to Dakota County for final engineering and construction of at least 3.6 miles of regional trail from Dodd Road/Visitor Center to the Jensen Lake picnic area known as the Connector Trail. The grant was funded by 2011 State bonds (\$595,000) and Metropolitan Council Bonds (\$66,000), and the grant agreement, executed on January 12, 2012, had a term ending December 31, 2015. The grant agreement was amended on August 20, 2015 to extend the agreement term to June 30, 2018.

The Council’s grant agreement reimburses the County for grant eligible activities. To date the County has requested reimbursement for \$19,179.58 leaving an unspent balance of \$641,820.42. Because grant funds have been reimbursed, the project scope must be expanded to include the proposed new project.

The County’s request letter explains that the initial 2011 grant project was to construct 3.6 miles of regional trail as identified in the 2001 Lebanon Hill Regional Park master plan. However, the County began updating the regional park master plan in 2012 and chose not to implement the project until the updated master plan was adopted.

The 2015 Lebanon Hills Regional Park master plan identifies the projects proposed in the grant amendment as tier one priorities. Therefore, the County requests that grant agreement SG2011-119 be amended to change the project scope as described in the proposed action.

Rationale

The Metropolitan Council must consider and approve the proposed grant amendment because it represents a substantial revision to the existing grant agreement and the funded project. The grant agreement specifies that the agreement terms may be changed by mutual agreement of the parties. Changes shall be effective only upon execution of written amendments signed by authorized representatives of the Council and the Grantee.

Dakota County's grant amendment request is consistent with the grant agreement conditions because the County submitted a written request to amend the grant project and provided the necessary background and rationale for the amendment. The proposed grant projects are consistent with the updated Lebanon Hills Regional Park master plan which the Council approved on August 26, 2015 (business item 2015-196).

The proposed amendment is also consistent with the *2040 Regional Parks Policy Plan* policies regarding minor amendments to grant agreements. The amendment does not change or increase the approved grant amount.

Funding

The grant SG2011-119 is financed by the 2011 State Bonds and Metropolitan Council Bonds. Minnesota laws 2011, chapter 12, section 14, subdivision 3 appropriated \$5 million to the Council for the costs of improvements and betterments of a capital nature.

Known Support / Opposition

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



Physical Development Division

COUNTY

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Western Service Center
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Apple Valley, Mn 55124-8579

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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

December 9, 2015

Victoria Dupre
Planning Analyst - Parks and Natural Resource Unit
Metropolitan Council
390 North Robert Street
St. Paul, MN 55101

Re: Request for scope amendment of grant SG-2011-119

Dear Victoria:

Dakota County respectfully requests Metropolitan Council consideration authorizing a scope amendment to grant SG-2011-119 for design, engineering, construction and construction administration for the following improvements at Lebanon Hills Regional Park:

- ADA compliant paved loop trail and site improvements around McDonough Lake
- ADA compliant paved trail and site improvements from the Holland Trailhead facility to an existing ADA fishing pier on Holland Lake
- Parking and site improvements at the West Trailhead facility
- Associated natural resource improvements for the above projects

The 2011 grant was to construct a portion of the connector trail within Lebanon Hills Regional Park. The connector trail was included in the 2001 Lebanon Hills Regional Park master plan as an 8- 10' wide aggregate trail with the primary function of increasing access, mobility and recreation opportunity by connecting park use areas. In 2012, the County began the updating of the Lebanon Hills Regional Park master plan and chose not to implement the project until adoption of the new plan. The updated master plan would inform the project based on both a contemporary vision and project priorities. The master plan update process took three years and was adopted by the County Board on March 17, 2015. The requested scope amendment includes projects that are tier one priorities in the approved 2015 Lebanon Hills Regional Park master plan.

Page 2

The requested projects are included in the 2016 - 2020 Dakota County Capital Improvement Program budget. Design and engineering is scheduled for 2016 and construction in 2017 and 2018.

Thank you for consideration to this request. Please let me know if you need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Sullivan", with a long horizontal flourish extending to the right.

Steve Sullivan, Dakota County Parks Director
952.212.9623

cc: Taud Hoopingarner, Operations Management Director
Josh Kinney, Senior Project Manager
Tara Zgoda, Financial Management Analyst
Brenda Mesaros, Contract Specialist