

Environment Committee

For the Metropolitan Council meeting of April 28, 2021

Subject: Authorization to Acquire Real Property Along Third Street and Commercial Street

Proposed Action

That the Metropolitan Council authorize the acquisition of all easements and fee interests necessary for the ongoing maintenance of the 1-MS-100 interceptor sewer, liquid waste receiving operations and future construction to rehabilitate the interceptor and associated facilities in the vicinity of Third Street and Commercial Street in the City of Saint Paul, and adjacent to the Bruce Vento Regional Trail and Nature Sanctuary (Subject Area).

Summary of Committee Discussion/Questions

Committee Member Vento stated she will be abstaining from voting on this item. She does not have financial conflicts but does not want to have questions raised in the future. She further stated Council staff and Council members have been engaged in conversations with the City and Lower Phalen Creek project. Chair Zelle and Council Members Lee, Lilligren, and Vento have been part of conversations. Staff have worked hard to be good neighbors related to this project. Feels good about engagement thus far.

Chair Lindstrom thanked the staff for design work that has been done as well as the collaboration that is helping to continue move the project forward.

Environment Committee

Meeting date: April 13, 2021

For the Metropolitan Council meeting of April 28, 2021

Subject: Authorization to Acquire Real Property Along Third Street and Commercial Street

District(s), Member(s): District 13, Chai Lee

Policy/Legal Reference: Policy 3-3, Expenditures; Minnesota Statutes § 473.504

Staff Prepared/Presented: Adam Gordon (651) 602-4508, Greg Ewig (651) 602-1556

Division/Department: MCES c/o Leisa Thompson (651) 602-8101

Proposed Action

That the Metropolitan Council authorize the acquisition of all easements and fee interests necessary for the ongoing maintenance of the 1-MS-100 interceptor sewer, liquid waste receiving operations and future construction to rehabilitate the interceptor and associated facilities in the vicinity of Third Street and Commercial Street in the City of Saint Paul, and adjacent to the Bruce Vento Regional Trail and Nature Sanctuary (Subject Area).

Background

The Subject Area and proposed acquisition parcels are displayed on Attachment A. The Subject Area and surrounding environs are home to a diverse mix of former industrial buildings, railyards, the Bruce Vento Regional Trail and Nature Sanctuary, a planned cultural and environmental interpretive center (Wakan Tipi Center), and a major bridge (Kellogg Street) reconstruction project.

Along with the 1-MS-100 interceptor, which handles approximately half of the Twin Cities' wastewater flow, the Third and Commercial liquid waste receiving site (Site) is used as a back-up when the primary liquid waste receiving site at the Metropolitan Wastewater Treatment Plant is unavailable due to river flooding of Warner and Childs Road, when maintenance activities impact Metro Plant receiving facilities, or when necessary for efficiency reasons. In addition, the Site contains an emergency relief structure that is critical to the safe operation of the Metropolitan Wastewater Treatment Plant.

Due to the critical importance of the wastewater conveyance and treatment infrastructure, the Council seeks to protect it from conflicting land uses and development in the Subject Area and secure additional permanent real estate interests to allow for planned rehabilitation of its infrastructure. This represents the culmination of an effort cultivated by Environmental Services during the past 20 years, whereby the Council entered into a variety of long-term agreements and covenants with the City of St. Paul regarding the expansion of easements for the interceptor and wastewater infrastructure in the Subject Area, including the Commercial Street right of way.

With the siting of the Wakan Tipi Center nearby and recent state bond funding for the Kellogg Bridge replacement, the City and Council have reengaged in discussions about long-term needs in the Subject Area, including the Council securing additional permanent rights to rehabilitate and maintain the wastewater infrastructure in the Subject Area.

In addition to the agreements and covenants with the City of Saint Paul concerning the Subject Area and Commercial Street right of way described above, the Council has also identified privately owned real property that would be needed for the 1-MS-100 Interceptor Rehabilitation Project (Project) and part of Environmental Services' long-term planning efforts, for which the Council secured a right of first

refusal from a private property owner who owns two parcels along Commercial Street. Pending Council approval, staff will enter negotiations with the property owner for purchase of fee interest in those two parcels.

Lastly, staff have identified the need for a small permanent easement impacting an additional privately-owned parcel in the Subject Area, which contains a billboard and cell tower. Staff believes neither the billboard nor cell tower will be materially impacted by a Council easement.

Rationale

Fee interest and permanent easement acquisitions are necessary to protect public safety, maintain space for rehabilitation of crucial wastewater infrastructure in the Subject Area, and protect the operation of the infrastructure from incompatible uses.

Thrive Lens Analysis

This action advances the Thrive Outcome of Stewardship. Public financial resources will be invested efficiently and effectively to maintain and restore existing wastewater infrastructure, which protects the region's natural resources.

Funding

Funding for land acquisition at 3rd and Commercial will be allocated from the Authorized Capital Program for Project 8088 – Saint Paul Interceptor System Rehabilitation.

Known Support / Opposition

The Council's critical wastewater infrastructure is located in an important environmental, recreational and cultural area. With the pending development of the Wakan Tipi Center, Council staff continue to engage in dialogue with the City of Saint Paul and Lower Phalen Creek Project regarding the siting of the Wakan Tipi Center in the Bruce Vento Nature Sanctuary. Environmental Services staff continue to participate as a liaison in design team meetings for the Wakan Tipi Center project.