



# Community Development Committee

**Business Item**

Item: 2008-119

**Meeting date: May 19, 2008**

| ADVISORY INFORMATION             |   |
|----------------------------------|---|
| <b>Date:</b>                     | May 7, 2008   |
| <b>Subject:</b>                  | Bruce Vento Nature Sanctuary master plan review and request for Park Acquisition Opportunity Grant to acquire 3 parcels, City of St. Paul |
| <b>District(s), Member(s):</b>   | District 13, Rick Aguilar   |
| <b>Policy/Legal Reference:</b>   | 2030 Regional Parks Policy Plan, Strategy 2(f)  |
| <b>Staff Prepared/Presented:</b> | Arne Stefferud, Planning Analyst—Parks (651-602-1360)   |
| <b>Division/Department:</b>      | Community Development/Regional Systems Planning and Growth Strategy, Parks  |

## Proposed Action

That the Metropolitan Council:

1. Approve the Master Plan Amendment to the Bruce Vento Regional Trail (Referral No. 20232-1) with the exception of the Phalen Boulevard Regional Trail Connector trail spur adjacent to Cayuga Street.
2. Request an additional master plan amendment from the City of St. Paul for the following items if the City intends to seek funds from these development projects through the Metropolitan Regional Parks capital improvement program:
  - a. Development costs including connection to utilities for constructing the nature interpretive facility at the Bruce Vento Nature Sanctuary
  - b. Development costs including connection to utilities for the Bruce Vento Regional Trail Connector that includes a bridge crossing over active railroad tracks and Warner Road as a link to the Sam Morgan Regional Trail.
  - c. Development costs to link the regional trail along Phalen Boulevard (not the spur along Cayuga Street) to the proposed Gateway State Trail near the intersection of Phalen Boulevard/ Pennsylvania Avenue and the realigned I-35 E.
3. Authorize a grant of \$572,469 from the Land Acquisition Account of the Park Acquisition Opportunity Fund to the City of St. Paul to partially finance the acquisition of parcels 32-29-22-42-0042, 32-29-22-42-0021, and 32-29-22-42-0023 for the Bruce Vento Nature Sanctuary if the Council approves the master plan amendment recommendation 1 and places the following conditions on the acquisition grant:
  - a. That the City of St. Paul grant to Metropolitan Council Environmental Services (MCES) perpetual controlled access to the 3<sup>rd</sup> and Commercial Street wastewater control structure for routine maintenance and back up disposal of wastewater during flood conditions at the MCES Metro Plant.
4. Request the City of St. Paul to work with the Metropolitan Council Environmental Services Division to site odor control improvements for the 3<sup>rd</sup> and Commercial Street wastewater control structure, and provide easements on land needed for the odor control improvements.

## Background

The City of St. Paul has submitted a master plan amendment to the Bruce Vento Regional Trail (Referral No. 20232-1) to include the following trail and park additions:

- Bruce Vento Nature Sanctuary (including properties proposed to be acquired)
- Bruce Vento Regional Trail Connector
- Payne /7th Trail Access
- Eastside Heritage Park (Formerly Phalen Arcade Park)
- Phalen Boulevard Regional Trail Connector

This additional land for the trail was included in the *2030 Regional Parks Policy Plan* under the “conversion” category. The conversion category proposed additional land to be added to existing regional parks and trails that complemented those existing park or trail units in the Regional Park System and were consistent with siting criteria for those units as found in applicable strategies in the *2030 Regional Parks Policy Plan*.

The City also requests \$572,469 from the Park Acquisition Opportunity Grant Fund to finance 75% of the costs to acquire three parcels which total 1.85 acres for the Bruce Vento Nature Sanctuary under “Option 2-Revised Rules”.

## Rationale

The Metropolitan Council is authorized to review, with the advice of the Metropolitan Parks and Open Space Commission, master plans for the regional park system. Plans are reviewed for their consistency with the *2030 Regional Parks Policy Plan*. If a master plan is not consistent with Council policy, the Council should return the plan to the implementing agency with its comments for revision and resubmittal. [MS 473.313, Subd. 2]

The Metropolitan Council is also authorized 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, county or Park District 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*”. [MS 473.315]

## Funding

Acquisition of up to 5.82 acres for the Bruce Vento Nature Sanctuary is proposed in the master plan amendment. Of that amount, 1.85 acres is proposed for purchase at this time at a cost of \$763,292. The City of St. Paul has requested \$572,469 from the Park Acquisition Opportunity Grant Fund to finance 75% of the costs. The remaining 3.97 acres have a 2008 property tax assessed value of \$1,091,000.

It is likely that a portion of the 3.97 acres proposed for future acquisition at the Bruce Vento Nature Sanctuary will need to accommodate an odor control facility for the MCES wastewater control structure at 3<sup>rd</sup> and Commercial Streets. It is in the interest of the City of St. Paul and MCES to cooperatively site the odor control facility since its construction will benefit the nature sanctuary visitors. In the meantime, the City needs to provide perpetual controlled access for the MCES to operate and maintain the wastewater control structure.

The master plan amendment did not contain development details and cost data for the following items:

- a. Constructing the nature interpretive facility at the Bruce Vento Nature Sanctuary
- b. Constructing the Bruce Vento Regional Trail Connector that includes a bridge crossing over active railroad tracks and Warner Road as a link to the Sam Morgan Regional Trail.
- c. Constructing the link of the regional trail along Phalen Boulevard (not the spur along Cayuga Street) to the proposed Gateway State Trail near the intersection of Phalen Boulevard/ Pennsylvania Avenue and the realigned I-35 E.

An additional master plan amendment from the City of St. Paul for the items above should be submitted to the Metropolitan Council if the City intends to seek funds from these development projects through the Metropolitan Regional Parks capital improvement program.

### **Known Support / Opposition**

The Metropolitan Parks and Open Space Commission reviewed this proposal at its May 6<sup>th</sup> meeting and unanimously approved the recommendations. There is no known opposition to this proposal.

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

**DATE:** May 1, 2008

**TO:** Metropolitan Parks and Open Space Commission

**FROM:** Arne Stefferud, Planning Analyst-Parks (651-602-1360)

**SUBJECT:** (2008-119) Bruce Vento Nature Sanctuary master plan review and request for Park Acquisition Opportunity Grant to acquire 3 parcels, City of St. Paul

**INTRODUCTION**

The City of St. Paul has submitted a master plan amendment to the Bruce Vento Regional Trail (Referral No. 20232-1) to include the following trail and park additions:

- Bruce Vento Nature Sanctuary (including properties proposed to be acquired)
- Bruce Vento Regional Trail Connector
- Payne /7th Trail Access
- Eastside Heritage Park (Formerly Phalen Arcade Park)
- Phalen Boulevard Regional Trail Connector

This additional land for the trail was included in the *2030 Regional Parks Policy Plan* under the “conversion” category. The conversion category proposed additional land to be added to existing regional parks and trails that complemented those existing park or trail units in the Regional Park System and were consistent with siting criteria for those units as found in applicable strategies in the *2030 Regional Parks Policy Plan*.

The City also requests \$572,469 from the Park Acquisition Opportunity Grant Fund to finance 75% of the costs to acquire three parcels which total 1.85 acres for the Bruce Vento Nature Sanctuary under “Option 2-Revised Rules”. (See **Attachment 1**, letter from Bob Bierscheid).

This memorandum analyzes these requests against the criteria for reviewing regional park master plans, and granting acquisition opportunity funds. It recommends approving the master plan except for the proposed Cayuga Street section of the Phalen Boulevard Trail Connection, and approving a grant of \$572,469 to help acquire the three parcels. It also recommends conditions on the acquisition grant that protect the continued access and use of a Metropolitan Council Environmental Services Division wastewater control structure adjacent to one of the three parcels.

If \$572,469 of Park Acquisition Opportunity Grant Funds (Fund) were granted for these parcels, there would be \$3,514,873 remaining in the Fund for future land acquisitions. An additional \$1.5 million of Environment and Natural Resources Trust Fund revenue is expected to be added to the Fund shortly after July 1 based on the recommendations of the Legislative Citizens Commission on Minnesota Resources as part of their bill currently being considered by the Legislature. This grant complies with the Option 2-Revised Rules limit of \$1.7 million per agency for Park Acquisition Opportunity funds granted from January 9 to June 30, 2008.

The agency limit of \$1.7 million and continued use of Option 2 rules for distributing grants from the Fund is proposed in agenda item 2008-127 for the period July 1, 2008 to June 30, 2009.

## **AUTHORITY TO REVIEW**

Minnesota Statute 473.313, Subdivision 1 requires Regional Park Implementing Agencies to, “prepare, after consultation with all affected municipalities, and submit to the Metropolitan Council, and from time to time revise and resubmit to the council, a master plan and annual budget for the acquisition and development of regional recreation open space located within the district or county, consistent with the council’s policy plan.” (i.e., the *2030 Regional Parks Policy Plan*)

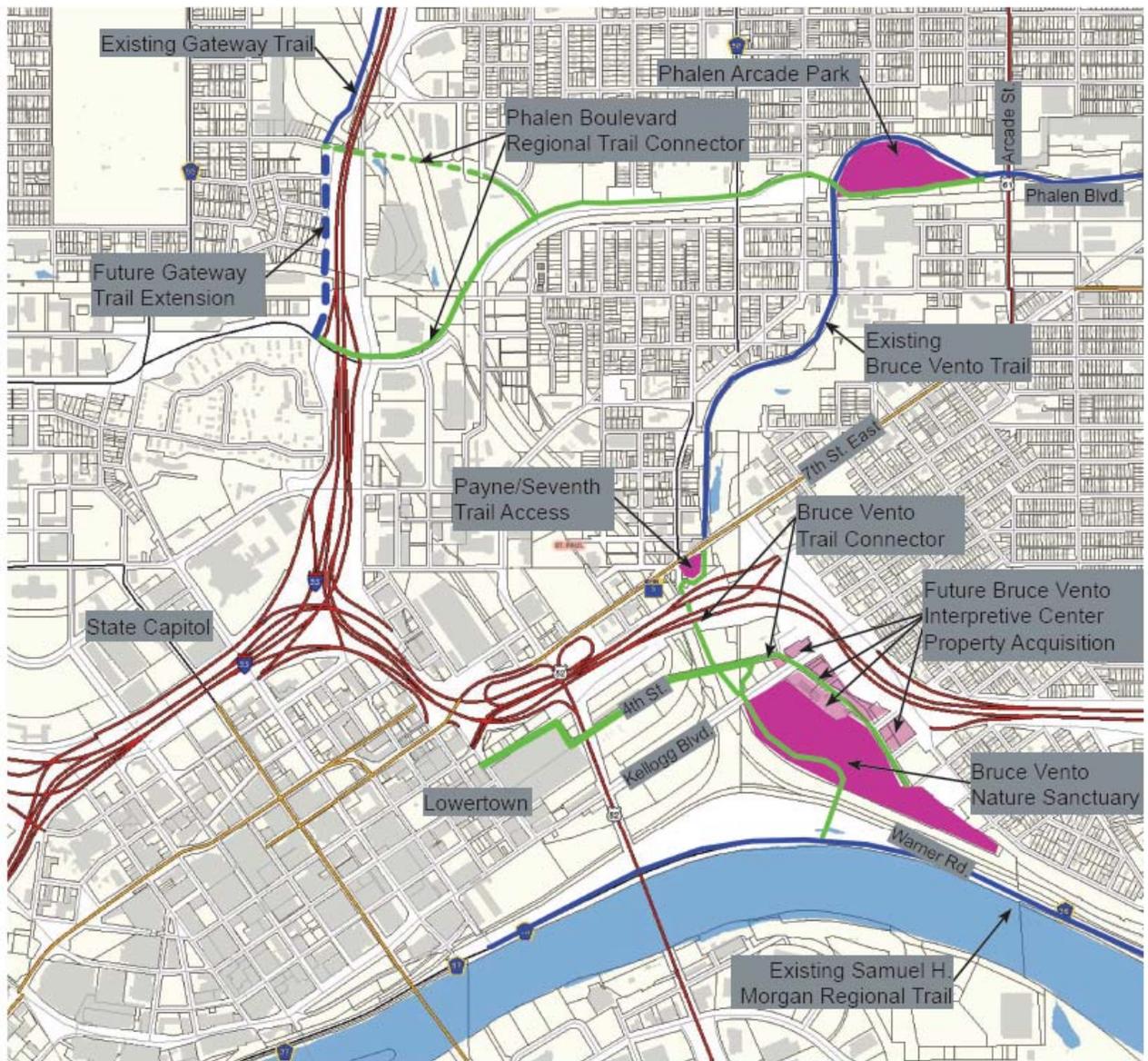
Minnesota Statute 473.313, Subdivision 2 authorizes the Metropolitan Council to review, with the advice of the Metropolitan Parks and Open Space Commission, master plans for the regional park system. Plans are reviewed for their consistency with the *2030 Regional Parks Policy Plan*. If a master plan is not consistent with Council policy, the Council should return the plan to the implementing agency with its comments for revision and resubmittal.

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, county or Park District 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*”.

## **BACKGROUND**

This additional land for the Bruce Vento Regional Trail was included in the *2030 Regional Parks Policy Plan* under the “conversion” category. The conversion category proposed additional land to be added to existing regional parks and trails. (See Figure 1: Location map of land and trail additions to Bruce Vento Regional Trail). All of the additions are currently owned by the City of St. Paul, and in some cases trails and other outdoor recreation facilities have been constructed.

**Figure 1: Location map of land and trail additions to Bruce Vento Regional Trail**



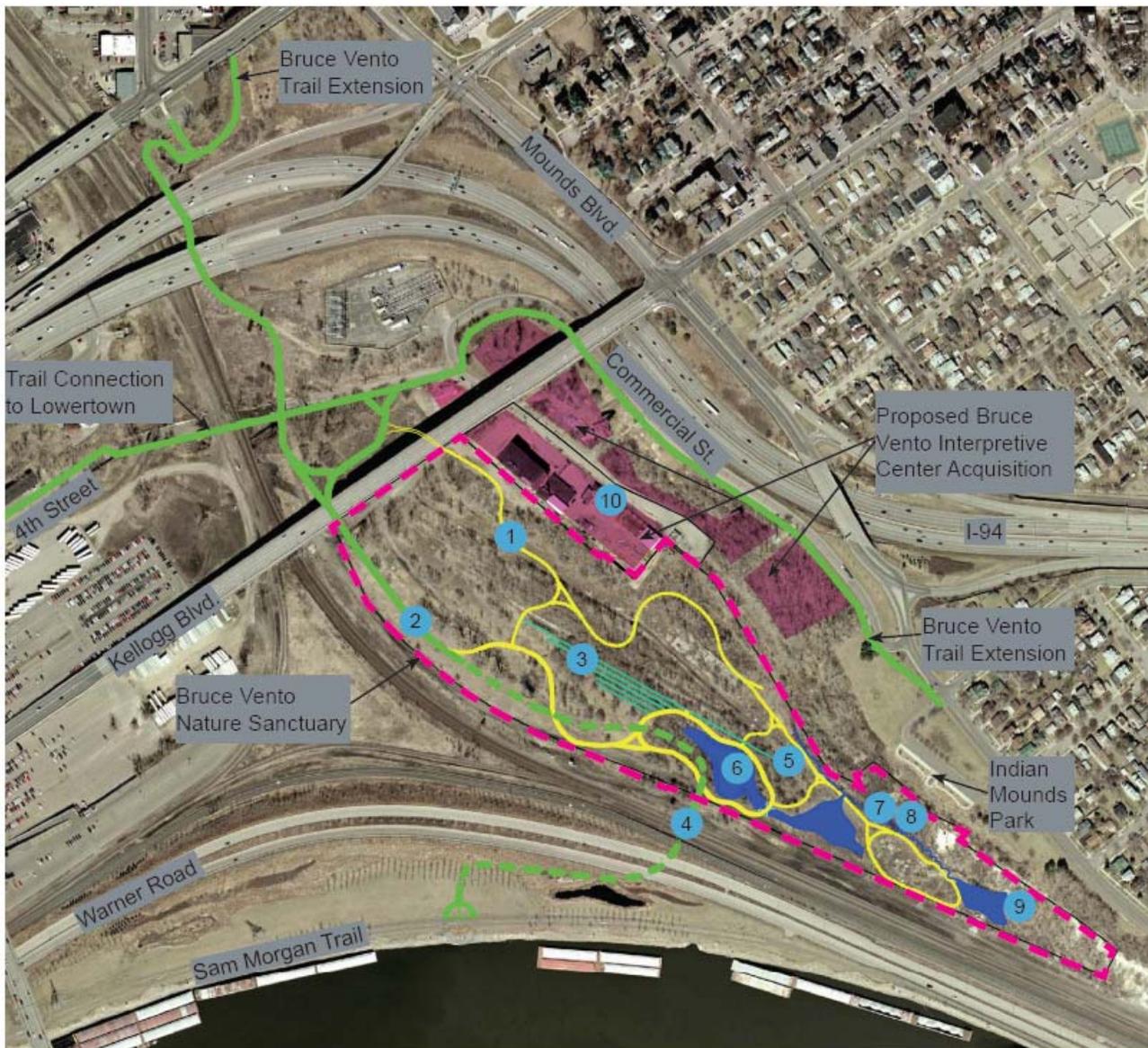
## ANALYSIS

### Master Plan Amendment review

#### 1. Boundaries and Acquisition Costs

Bruce Vento Nature Sanctuary: This is a 27 acre area bordered by Kellogg Street on the north, the BNSF railroad and Warner Road on the west and Commercial Street and Indian Mounds Regional Park to the east. The land was acquired by the City of St. Paul in 2002 at a cost of \$2,170,000. This amendment also includes three parcels, which total 1.85 acres proposed to be acquired as part of the sanctuary. The sanctuary currently has a parking lot and a nature interpretive trail with signage. One of the three parcels proposed for acquisition includes a 3-story warehouse building constructed in 1914 that may be converted into a nature interpretive facility. See Figure 2: Bruce Vento Nature Sanctuary and trail connections to Bruce Vento Regional Trail below.

**Figure 2: Bruce Vento Nature Sanctuary and trail connections to Bruce Vento Regional Trail**



Key:

- |                             |                                 |
|-----------------------------|---------------------------------|
| 1 Nature Sanctuary Trails   | 6 Wetland Ponds                 |
| 2 Regional Trail            | 7 Restored Creek                |
| 3 Historic Railroad Feature | 8 Dayton's Bluff Cave           |
| 4 Pedestrian Bridge         | 9 Wakan Tipi / Carvers Cave     |
| 5 Old Brewery Site          | 10 Future Interpretive Facility |

The three parcels proposed to be acquired are likely to be contaminated. Strategy 5(d) in the *2030 Regional Parks Policy Plan* outlines questions which must be answered to assess whether or not such lands should be added to the Regional Park System. Following is the strategy (in *italic font*) and the response to questions in the strategy.

*Strategy 5(d): Assessment of potentially contaminated lands*

*Regional park implementing agencies must conduct phase 1 environmental audits on land that is suspected to be contaminated or land suspected to have abandoned wells as part of the master planning process. The phase 1 environmental audit will determine the likelihood of soil contamination or abandoned wells, including the likelihood of contaminated groundwater aquifers. The findings of the audit should be submitted to the Metropolitan Council in the master plan.*

*The cost of the phase 1 environmental audit may be borne by the party selling the land and/or the regional park implementing agency, as agreed to by both entities. It is in the interest of the party selling the land to finance the cost of the environmental audit to justify the market sale value of the land. Likewise, the regional park implementing agency's interests are also served in financing the cost of the environmental audit since the audit will help determine the value of the land, determine whether the land should or should not be proposed to be part of a regional park or trail, and determine how recreation facility development could or could not be accommodated on the land. The cost of the phase 1 environmental audit is part of the master planning process and is therefore not grant eligible.*

*The Council shall make a determination as to whether the contaminated land, including lands with abandoned wells, should be part of the proposed park or trail. The Council's decision will include consideration of the costs and benefits of cleanup or well capping and will be based on the following factors:*

- 1. What is the likelihood of contamination and how severe is it? What is the likelihood that abandoned well(s) are part of the property and, if so, they are likely to have contaminated their groundwater aquifer?*

It is very likely there is contamination due to the historic introduction of foreign "fill" used to level the terrain site. Some of this fill has already been removed; other fill may be managed as part of the site development, using engineering design elements. City and TPL investigations have concluded that there are no wells on the property.

- 2. Is the land essential to make the regional park or trail function as intended according to a Council-approved master plan and is there no reasonable alternative to relocate the park or trail facilities elsewhere?*

The land is essential because it is intended for a nature interpretive center facility and the City is concerned that the current owner may sell it for an incompatible industrial use which would negatively impact the existing Bruce Vento Nature Sanctuary. In addition, about 17 acres of the adjacent 27 acre sanctuary is within a Minnesota Dept. of Natural Resources (DNR) conservation easement which restricts any structures from ever being built, and the other remaining acreage is either a regional trail or wetlands that are not suitable for a structure. There is no currently held land suitable for the interpretive center to be built on.

- 3. Have responsible parties been identified who contaminated the site and will they or can they clean it up? If not, what is the likelihood the site can be cleaned up with federal or state cleanup funds? In the case of abandoned wells, have responsible parties been identified to cap the well(s)? If not, what is the likelihood that the well(s) can be capped with federal or state well-capping funds if they have contaminated their groundwater aquifer?*

Since it is estimated that fill was brought to the property in the late 1800's/early 1900's. There are no responsible parties. No wells need to be capped. It is very likely that the site can be cleaned up with federal funds as federal funds from the Environmental Protection Agency (EPA) were used to remediate the adjacent sanctuary lands. As mentioned previously, there is also opportunity to manage contamination as part of the site development, using engineering design elements.

4. *What is the estimated cost to clean up the contamination or cap the abandoned well(s) versus the recreational, economic and social benefits the park or trail would provide, especially if it contributes to strengthening neighborhood vitality consistent with the Regional Development Framework?*

The estimated cost of cleanup as part of an on-site engineering and design approach is in the \$100,000 to \$155,000 range. This cost is minimal when compared with the recreational, economic, and social benefits that the Bruce Vento Nature Sanctuary will provide to the region. This project has an extremely involved neighborhood that has been supportive and provided vision for the area.

*Answers to these questions will help the Council determine if the land should be added to the regional park or trail system, and whether the problem can be resolved by establishing alternative boundaries or alternative recreation-facility development plans that would avoid disturbing contaminated soils.*

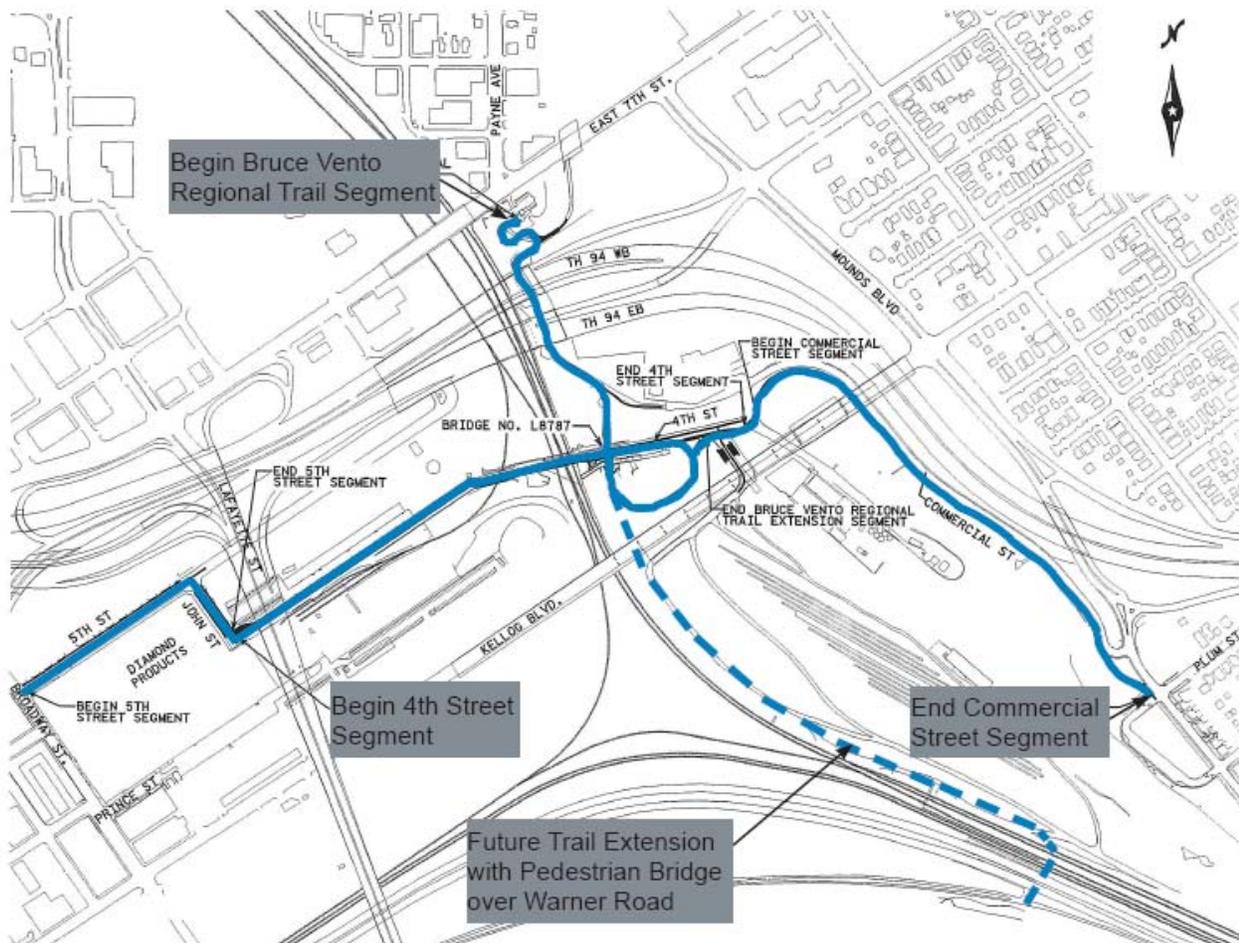
*If the Council concludes that the land should be added to the regional parks system, this does not imply that the Council will use park funds to clean up the site or cap abandoned wells. Park funds will only be used for contaminated soil cleanup or capping abandoned wells if conditions have been met.*

Based on the responses to the questions in this strategy, Council staff concluded that the land should be added to the Regional Park System. As noted in the response, no wells need to be capped and clean up of the contamination will not require the use of regional park grants. Instead, EPA funds that have been used elsewhere in the sanctuary for cleaning up contaminated soils will be used here too.

### Bruce Vento Regional Trail Connector

This is a 2 mile bicycle/pedestrian trail. It connects the Bruce Vento Regional Trail to Indian Mounds Regional Park via an off road trail adjacent to Commercial Street. The trail is developed and open for use. It also connects the Lowertown portion of St. Paul to the Bruce Vento Regional Trail on a striped on-road trail along Fourth Street and a portion that is off-road as well. That trail is also developed and open for public use. It connects the Bruce Vento Regional Trail to the Bruce Vento Nature Sanctuary and to the Sam Morgan Regional Trail along the Mississippi River on an off-road trail. The connection to the sanctuary is developed but the connection to the Sam Morgan Regional Trail is not. See Figure 2 on the previous page and Figure 3 below.

**Figure 3: Map of Bruce Vento Regional Trail Connectors**

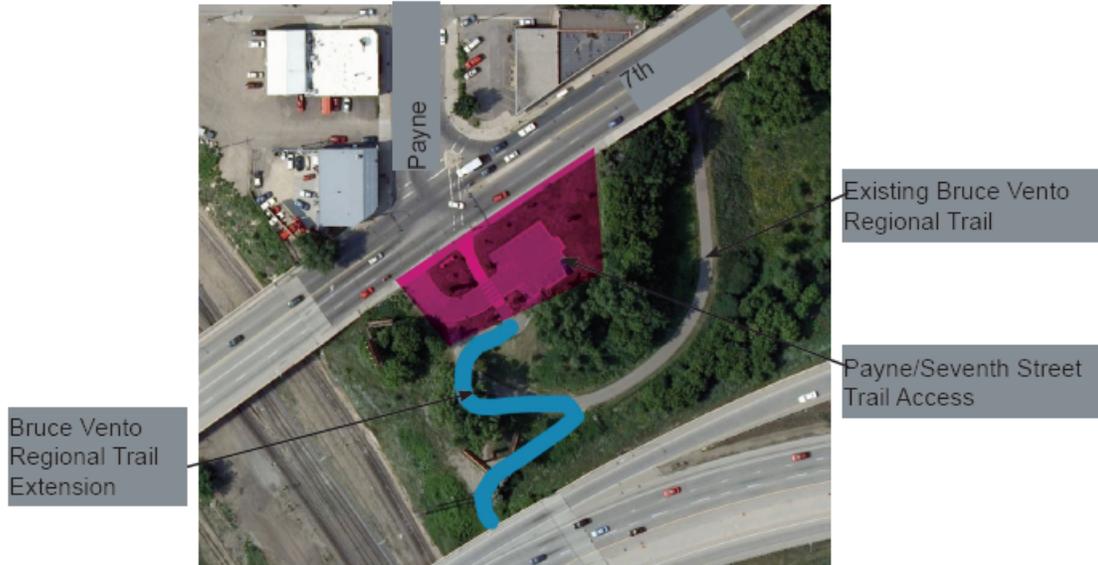


Payne/Seventh Street Trail Access

A trail access at the intersection of Payne and Seventh Street is on the site of a former auto sales lot. It was acquired by the City of St. Paul in the mid 1990's. It provides parking and bike/pedestrian access to the trail and is developed and open for use. See Figure 4: Payne/7<sup>th</sup> Street Access to Bruce Vento Regional Trail.

**Figure 4: Payne / Seventh Street Access to Bruce Vento Regional Trail**

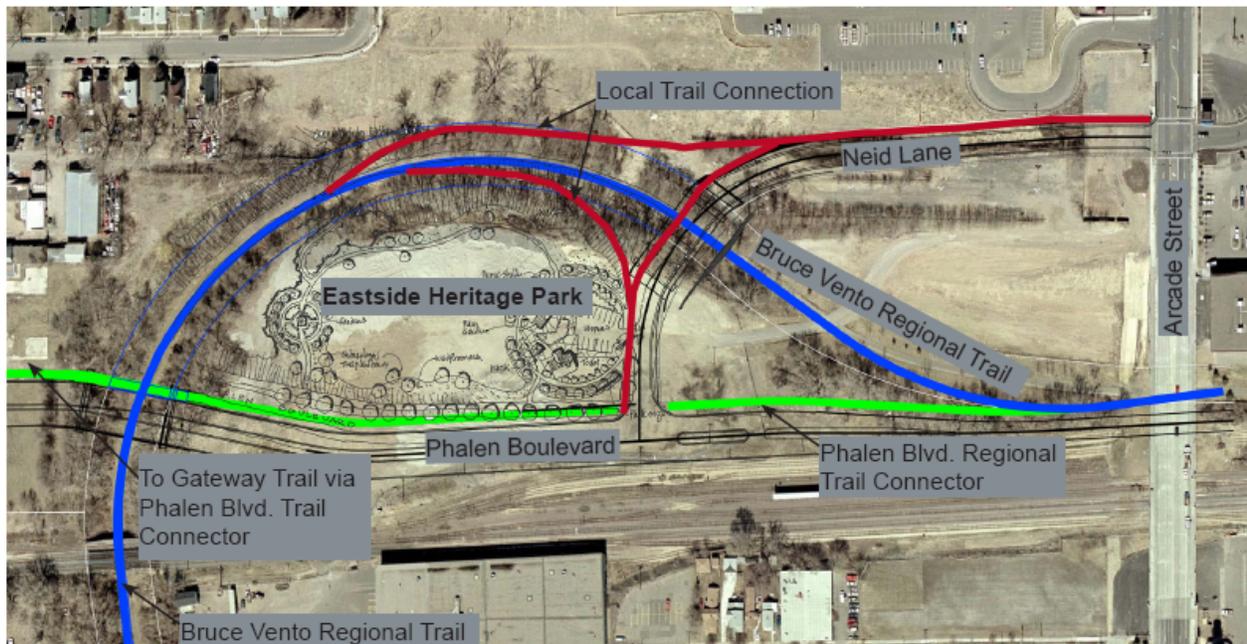
**Payne/Seventh Trail Access**



## Eastside Heritage Park

This five acre parcel was acquired by the City of St. Paul when the Phalen Corridor Project—a new boulevard on former railroad land to stimulate new commercial, health care and residential uses—was developed. This park provides a link between the Bruce Vento Regional Trail and trails along the new boulevard called the Phalen Boulevard Regional Trail Connector that link to the Gateway State Trail. The trails are developed, but no other visitor amenities have been developed yet. A development concept for the site along with the existing trails is shown in Figure 5 below.

**Figure 5: Eastside Heritage Park (also called Phalen Arcade Park) development concept**  
**Eastside Heritage Park**



### Phalen Boulevard Regional Trail Connector

This is a 1.5 mile bicycle and pedestrian trail that will connect the Gateway State Trail on the west side of I-35 E with the Bruce Vento Regional Trail at the Eastside Heritage Park. Part of the trail is developed and open for use. The remainder is proposed when I-35 E reconstruction occurs in 2014 in Figure 6 .

**Figure 6: Phalen Boulevard trail connection to Bruce Vento Regional Trail**

### Phalen Boulevard Regional Trail Connector



The only acquisition costs for this plan amendment is for the three parcels that total 1.85 acres at the Bruce Vento Nature Sanctuary. Following is a breakdown of the \$763,292 cost for these parcels:

|  |                   |
|--|-------------------|
| Purchase Price   | \$ 730,000        |
| Appraisal  | \$ 6,000          |
| Deed Tax   | \$ 2,409          |
| Property Tax Equivalency Payment                                       | \$ 1,483          |
| 2008 Pro-rated share of property taxes based on August 1, 2008 closing | \$ 5,900          |
| Survey costs   | \$ 14,000         |
| Closing costs  | \$ 3,500          |
| <b>TOTAL:</b>  | <b>\$ 763,292</b> |

## 2. Stewardship Plan

Since all but the three parcels proposed for acquisition are currently owned and managed by the City of St. Paul, the City’s parks and recreation department conduct stewardship activities on the land. These activities include, but are not limited to general clean up of a site, location and identification of property lines/park boundary, ground maintenance, noxious weed control, building maintenance, and limited invasive species control.

## 3. Needs Analysis

The *2030 Regional Parks Policy Plan* proposed the additions of these lands as part of the Bruce Vento Regional Trail and Indian Mounds-Battle Creek Regional Park.

To quote the *2030 Regional Parks Policy Plan*, the Bruce Vento Nature Sanctuary,  
 “was a desirable addition of public land to [Indian Mounds-Battle Creek Regional] Park. The DNR [Minnesota Dept. of Natural Resources] holds a conservation easement on 17 of the 27 acres and would need to be a party in the decision to add this land to the regional park.”  
 (Table 4: Summary of Category A: Master Plan Boundary Adjustments).

The DNR approves the addition of the Bruce Vento Nature Sanctuary to the Metropolitan Regional Park System as long as the conditions of the conservation easement on the 17 acres are met. Those conditions will be met because the proposed location of the nature interpretive facility building is not part of the 17 acre conservation easement land.

With regard to the trail connections proposed in this master plan amendment, the *2030 Regional Parks Policy Plan* stated that they, “add trail access facilities and tie [the] trailhead to other regional trails.” (Table 4: Summary of Category A: Master Plan Boundary Adjustments).

The 2006 visitation estimate for the Bruce Vento Regional Trail in the City of St. Paul was 119,700. The Sam Morgan Regional Trail was 189,900 visits. Assuming the connection between the trails is completed, the Metro Council’s 1998 study on regional trail visitors estimated that annual trail visitation could increase by 25%.

## 4. Development

### Bruce Vento Nature Sanctuary and Bruce Vento Regional Trail Connector

Prior to European settlement, this area was a major riverfront wetland fed by natural springs from the adjacent sandstone bluffs. The property contains two historic sites including Carver’s Cave/Wakan Tipi—a

sacred Dakota tribal site and the Northstar Brewery—the first brewery in St. Paul. It also was part of one of the largest rail road maintenance yards in the upper Midwest.

After the 27 acres was acquired in 2002, excavation and removal of contaminated soils, excavation of historic cave openings for the brewery and Carver's Cave, day lighting of natural springs, creation of wetlands and ponds, soil remediation, and extensive planting of native vegetation was done. Trails were also built which weave through the site.

The plan amendment proposed a nature interpretive facility in this area on land proposed to be acquired. That land currently includes a 3 story warehouse that was built in 1914. Whether this building can economically be used for the nature interpretive facility versus removing it and building on that location is not stated in the plan amendment. The plan amendment also proposed construction of a trail that links the Bruce Vento Regional Trail to the Sam Morgan Regional Trail. This would require a bridge over active railroad tracks and Warner Road. An additional master plan amendment should be submitted that details the costs for the nature interpretive facility and the trail extension with bridge crossing if the City intends to seek funds for its development through the Metropolitan Regional Parks capital improvement program. See Figure 2 on page 5 of this memorandum to see existing and proposed site features

#### Payne/Seventh Street Trail Access

This trail access was developed in the mid 1990's. A rain garden was added in 2007 to treat runoff from the adjacent parking lot. No other development is proposed in the master plan amendment. See Figure 4 on page 9 of this memorandum to see the existing site features.

#### Eastside Heritage Park

The master plan amendment states that a parking lot for trail users, orientation signage/kiosk, restroom facilities and picnic shelter will be constructed. Site grading has occurred on the site and construction of the park facilities will begin this year. There were no development costs included in the master plan amendment. But, it appears that those costs have been financed already since construction will occur this year. See Figure 5 on page 10 of this memorandum to see existing and planned site features.

#### Phalen Boulevard Regional Trail Connector

This 10 foot wide paved off-road trail, which is adjacent to Phalen Boulevard currently extends from its intersection with the Bruce Vento Regional Trail at the Eastside Heritage Park and proceeds west along Phalen Boulevard where it ends at the intersection of Phalen Boulevard and the on-ramp to I-35E north bound.

A trail spur along Cayuga Street is partially completed and is proposed to be extended westerly to link to a proposed extension to the Gateway State Trail when I-35 E is reconstructed in 2014. See Figure 6 on page 11 to see the existing and planned trails. The trail spur adjacent to Cayuga Street is not consistent with the *Strategy 1(c): Siting criteria and land acquisition funding for regional trails* of the *2030 Regional Parks Policy Plan* because this trail spur is a duplicative connection to the Gateway State Trail. Therefore only the existing trail along Phalen Boulevard should be designated as a regional trail. An additional master plan amendment should be submitted that includes the development costs to link the regional trail along Phalen Boulevard (not the spur along Cayuga Street) to the proposed Gateway State Trail near the intersection of Phalen Boulevard/ Pennsylvania Avenue and the realigned I-35 E if the City intends to seek funds for its development through the Metropolitan Regional Parks capital improvement program.

## 5. Conflicts

The only conflict cited in the master plan amendment was that the industrial land that is proposed for acquisition to house the nature interpretive facility for the Bruce Vento Nature Sanctuary may have contaminated soils. As noted in the section regarding boundaries and acquisition costs, this land was reviewed under the requirements of *Strategy 5(d): Assessment of potentially contaminated lands* from the *2030 Regional Parks Policy Plan*. Based on the responses to the questions in this strategy, Council staff concluded that the land should be added to the Regional Park System. As noted in the response, no wells need to be capped and clean up of the contamination will not require the use of regional park grants. Instead, EPA funds that have been used elsewhere in the sanctuary for cleaning up contaminated soils will be used here too.

## 6. Public Services

### Bruce Vento Nature Sanctuary

When the nature interpretive facility is constructed, sewer, water and electrical service will need to be provided too. These utilities are located nearby along access roads to this area. An additional master plan amendment should be submitted that includes the costs to link to sewer, water and electrical service as part of the interpretive facility's construction cost if the City intends to seek funds for its development through the Metropolitan Regional Parks capital improvement program.

### Bruce Vento Regional Trail Connector

Electrical service will be needed for the pedestrian/bicycle bridge portion of the trail's extension over active railroad tracks and Warner Road to link with the Sam Morgan Regional Trail. An additional master plan amendment should be submitted that includes the costs of linking electrical service as part of the trail extension/bridge construction cost if the City intends to seek funds for its development through the Metropolitan Regional Parks capital improvement program.

### Payne/Seventh Street Trail Access

The facility is complete. No additional public services are required.

### Eastside Heritage Park

Electrical, water, and sewer service links will be made for the restroom facilities to be constructed at this park this year.

### Phalen Boulevard Regional Trail Connector

The facility is mostly complete. No additional public services are required.

## 7. Operations and Maintenance

The City of St. Paul's parks and recreation division currently operates and maintains these areas. The City's police department patrols these areas. Existing city regulations and ordinances apply. The estimated costs to annually operate and maintain these areas are as follows:

| <b>Area</b>                               | <b>Estimated annual operations/maintenance costs</b> |
|---|--|
| Bruce Vento Nature Sanctuary              | \$18,400   |
| Bruce Vento Trail Extension               | \$12,600   |
| Phalen Boulevard Regional Trail Connector | \$ 9,900   |
| Eastside Heritage Park                    | \$18,500   |
| <b>Total</b>                              | <b>\$59,400</b>                                      |

## **8. Citizen Participation**

### Bruce Vento Nature Sanctuary

A public/private group of St. Paul citizens and City staff organized as the Lower Phalen Creek Project have been involved in the acquisition and development of the Bruce Vento Nature Sanctuary over the past seven years and continues to be involved.

### Bruce Vento Regional Trail Connector

A community meeting and design workshop was held in 2003 to solicit input on alternative trail alignments. Additional meetings involving local government agencies were also held to receive input on historical, environmental and transportation issues associated with this project. Currently, the National Park Service in conjunction with City parks division staff meet monthly with a citizen design advisory group to develop the design for the final portion of the trail connector –the link to the Sam Morgan Regional Trail, which includes the pedestrian/bicycle bridge over active railroad tracks and Warner Road.

### Eastside Heritage Park

Neighborhood meetings have been occurring since 2002 to gather community input on the design of this park.

### Phalen Boulevard Regional Trail Connector

The Phalen Boulevard Regional Trail Connector concept was created as part of a two-year study by a public/private organization of citizens, business groups, neighborhood organizations, school officials and City staff called the Phalen Corridor initiative. Community meetings and workshops were held over a two-year period to design the new Phalen Boulevard. The trail connections evolved as part of that study.

## **9. Public Awareness**

The Lower Phalen Creek Project in association with City parks and recreation division staff has promoted an extensive outreach and public awareness program for the Bruce Vento Nature Sanctuary. Numerous articles have been published regarding the development of the nature sanctuary. The nature sanctuary has also been the site of periodic interpretive tours by the National Park Service as part of the Mississippi National River and Recreation Area.

The trail extensions/connections listed in the master plan amendment have been publicized in City maps, brochures and the City's webpage.

## **10. Special Needs**

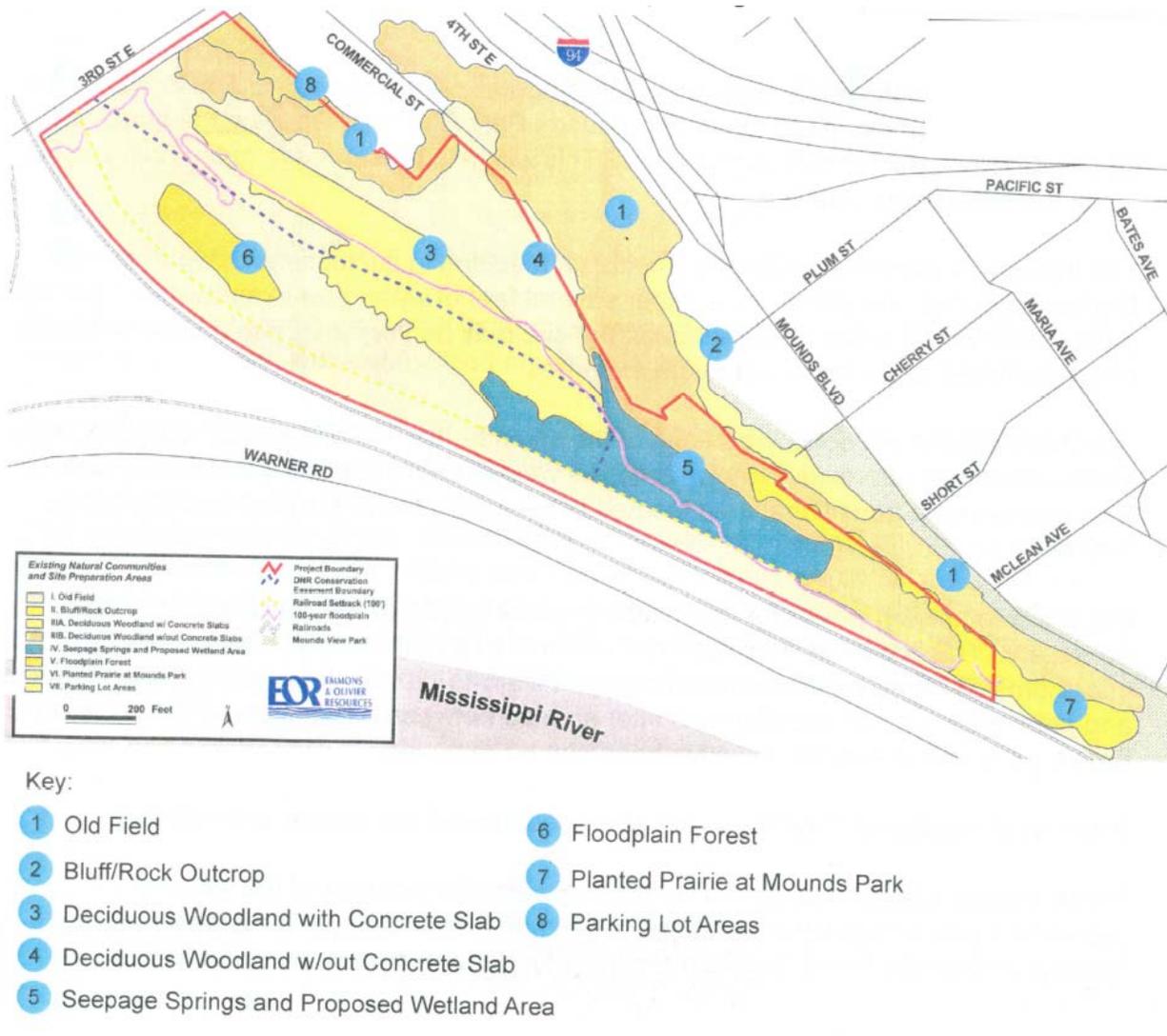
Access to and within each trail and park area described in the master plan amendment is designed in accordance with the federal Americans with Disabilities Act. There are no user fee charges to access these sites.

## **11. Natural Resources**

### Bruce Vento Nature Sanctuary

The nature sanctuary land was once a combination of floodplain forest and open wetland. However, filling and industrial pollution have made it impossible to restore all of the land to its condition prior to pre-European settlement. The existing vegetation is shown on Figure 7 below.

**Figure 7: Existing vegetation at Bruce Vento Nature Sanctuary**



The vegetation management plan for the nature sanctuary includes a mix of woodland, savanna, prairie and wetlands which were selected to mimic the natural communities that could be expected to occur here. Figure 8 illustrates the natural communities planned for the sanctuary.

**Figure 8: Planned natural communities for Bruce Vento Nature Sanctuary**



Bruce Vento Regional Trail Connector

In the early 1860’s the natural valley formed by Trout Brook and Phalen Creek was converted into railroad and warehouse/shipping corridor. Material was brought into the site filling the flats and the former delta associated with these waterways. Existing creeks were channelized through canals, culverts and underground sewers.

Wetlands delineated on site were the result of roadway construction and were not naturally occurring. Rebuilding Fourth Street has redirected water that had pooled on this street away from the street.

### Payne/Seventh Trail Access

When this site was developed in the mid 1990's for the trail access contaminated soils were removed and the site was planted with native materials. Recently, a rain garden was planted on-site to treat water runoff from the parking lot.

### Eastside Heritage Park

Plans for this new park call for planting native vegetation and creating rain gardens to filter runoff from the parking lot. Also, interpretive signage to explain the rain garden concept is proposed.

## **REVIEW BY OTHER COUNCIL DIVISIONS:**

### **Environmental Services –(Jim Larsen and Kyle Colvin)**

This is a St. Paul parks and recreation division trail located within the City of St. Paul. The master plan amendment incorporates the Bruce Vento Nature Sanctuary, Bruce Vento Regional Trail Connector, Payne/Seventh Trail Access, Eastside Heritage Park, and the Phalen Boulevard Regional Trail Connector. The Bruce Vento Nature Sanctuary proposes the creation of a nature interpretive facility. The Metropolitan Disposal System, which provides service to this project location has adequate capacity.

Figure 2 on page 5 of this memorandum identifies an area shaded in pink as the 'Proposed Bruce Vento Interpretive Center Acquisition' site. A narrow ribbon of land through the center of that area that is *not* shaded pink constitutes the access roadway and circle drive around a dedicated surface connection to an Metro Council Environmental Services (MCES) Interceptor line flowing to the Metro Wastewater Treatment Plant, often identified as the 'Third and Commercial Dump Station.' Several Council and/or private commercial tanker trucks will access this site to empty their transport contents into an approved surface connection of the MCES sanitary sewer interceptor when those trucks cannot directly access another site at the Metro Plant during flooding periods. There are occasionally odors associated with this activity.

The master plan amendment does not sufficiently identify either the existence of this dump station or acknowledge the Council's long-term plan for its continued operation. The Council does not own the land that constitutes the dump station, but has historically expended funds to maintain long-term access to and use for the site for sewer interceptor access purposes.

Because Council park acquisition grant funds are being requested to enable the purchase of land surrounding the dump station site for regional trail and park uses, Council staff recommends that the Park Acquisition Opportunity Fund grant to the City of St. Paul to partially fund the acquisition of the three parcels for the Bruce Vento Nature Sanctuary have the following conditions:

- a. That the City of St. Paul grant to Metropolitan Council Environmental Services (MCES) perpetual controlled access to the 3<sup>rd</sup> and Commercial Street wastewater control structure for routine maintenance and back up disposal of wastewater during flood conditions at the MCES Metro Plant.
- b. That the City of St. Paul grant Metropolitan Council Environmental Services a permanent easement of about one acre of land—exact amount to be determined by the City and MCES—for constructing and operating odor control improvements on the 3<sup>rd</sup> and Commercial Street wastewater control structure.

**Metropolitan Council Transportation (Ann Braden) – No impacts.**

### **Park Acquisition Opportunity Grant request**

The three parcels proposed for acquisition as part of the Bruce Vento Nature Sanctuary total 1.85 acres and are shown on Figure 2 on page 5 of this memorandum. The City is working with the Trust for Public Land (TPL) on purchasing the land. TPL has to exercise an option on the land by June 15 to acquire it for \$730,000. The closing is tentatively scheduled for August 1.

In addition to the \$730,000 purchase price for the land, the City also anticipates additional grant eligible expenses related to the purchase of the property of up to \$33,292. Therefore, the total estimated cost to purchase the property is \$763,292 as shown below.

|  |           |                |
|--|-----------|----------------|
| Purchase Price   | \$        | 730,000        |
| Appraisal  | \$        | 6,000          |
| Deed Tax   | \$        | 2,409          |
| Property Tax Equivalency Payment                                       | \$        | 1,483          |
| 2008 Pro-rated share of property taxes based on August 1, 2008 closing | \$        | 5,900          |
| Survey costs   | \$        | 14,000         |
| Closing costs  | \$        | 3,500          |
| <b>TOTAL:</b>  | <b>\$</b> | <b>763,292</b> |

The City proposes to finance the acquisition with the following revenue sources:

|   |                  |
|---|------------------|
| Metropolitan Council Acquisition Opportunity Fund (75%) | \$572,469        |
| <u>City or TPL funds (25%)</u>                          | <u>\$190,823</u> |
| <b>Total</b>  | <b>\$763,292</b> |

#### **Background on acquisition opportunity funds:**

In May 2007 the Legislature appropriated \$2.5 million of Environment and Natural Resources Trust Fund revenue (ENTRF) that must be used to acquire land for the Regional Park System. The appropriation has rider language prohibiting its use for buying structures associated with a park land acquisition, and it required the Metropolitan Council to provide a \$1.66 million match with bonds issued by the Metropolitan Council. The Council requested this appropriation in 2006 with the intent to use it to partially finance the Acquisition Opportunity Fund.

On September 12, 2007 the Metropolitan Council created two accounts for the Acquisition Opportunity Fund and recognized grants financed from those accounts. Following are tables illustrating the current balances in these accounts as of April 23, 2008 when the most recent grant (\$1.7 million) was approved.

## Account Balances in Park Acquisition Opportunity Fund (4/23/2008)

### State Acquisition Grant Account financed with State and Metro Council revenues approved (4/23/2008)

| State Env. Trust Fund appropriation from 2007 | Metro Council bond match to State Env. Trust Fund | Grants financed with State Env. Trust Fund | Grants financed with Metro Council bond match | Balance State Env. Trust Fund | Balance Metro Council bond match | Balance of combined State and Metro Council funds |
|---|---|--|---|-------------------------------|----------------------------------|---|
| \$2,500,000                                   | \$1,666,000                                       | \$2,329,256                                | \$1,552,838                                   | \$170,744                     | \$113,162                        | \$283,906   |

### Land Acquisition Opportunity Account financed only with Metro Council bonds (4/23/08)

| Metro Council bonds | Grants financed with this account | Balance in this account |
|---------------------|-----------------------------------|-------------------------|
| \$4,783,001         | \$979,565                         | \$3,803,436             |

The combined balance for both accounts in the Fund as of April 23 is \$4,087,342.

The Metropolitan Council has granted \$10,525,354 to date from the Park Acquisition Opportunity Fund to partially finance the acquisition of 1,655 acres as shown in Table 1.

**Table 1: Park Acquisition Opportunity Fund Grants approved as of April 23, 2008**

| Amount Granted | Park Agency                | Project Description  |
|----------------|----------------------------|--|
| \$99,966       | Dakota County              | Acquire Wasserman and Klink parcels at Spring Lake Park Reserve. Dakota City eligible for reimbursement consideration up to \$180,882 in a future regional parks CIP. Approved November 15, 2001.  |
| \$521,000      | Mpls. Park & Rec. Board    | Acquire 3.3 acres (Parcel B of Riverview Supper Club site) as part of "Above the Falls—Master Plan for the Upper River in Minneapolis". Other matching funds were from federal grant and watershed district. Approved April 24, 2002.  |
| \$731,200      | Three Rivers Park District | Fund a portion of the costs to acquire Silver Lake SRF, which was acquired in September 2001 after 2002-03 CIP was adopted. Remaining costs eligible for reimbursement consideration in future regional parks CIP. Approved April 24, 2002.  |
| \$140,000      | Ramsey County              | Acquire permanent trail easement on Burlington Northern/Santa Fe railroad right of way for the Bruce Vento Regional Trail. Ramsey City eligible for reimbursement consideration up to \$35,000 in a future regional parks CIP. That reimbursement was part of the funded 2004-05 CIP. Approved August 14, 2002.                                |
| \$500,000      | Washington County          | Acquire three parcels totaling 27.4 acres at an estimated cost of \$1.87 million in Big Marine PR. Grant is 40% of the projected \$1.25 million gap after other Council acquisition grants were spent. Washington City eligible for reimbursement consideration of up to \$750,000 in a future regional parks CIP. Approved December 12, 2002. |
| \$126,638      | Dakota County              | Acquire 1.1-acre Medin parcel in Lebanon Hills RP. Dakota City eligible for reimbursement consideration of up to \$189,957 in a future regional parks CIP. Approved January 29, 2003.  |

| <b>Amount Granted</b> | <b>Park Agency</b>         | <b>Project Description</b>   |
|-----------------------|----------------------------|--|
| \$135,200             | Anoka County               | Acquire 579 acres from St. Paul Water Utility for addition to Rice Creek Chain of Lakes Park Reserve. Grant financed 40% of market value (not sale price) of land. Water Utility discounted the sale price, which was counted as part of the 60% match to this grant. Approved April 23, 2003.   |
| \$153,703             | Three Rivers Park District | Acquire 5 acre Rask parcel in Lake Rebecca Park Reserve. Park District eligible for reimbursement consideration of up to \$235,200 in a future regional park CIP. Approved Dec. 17, 2003.  |
| \$26,479              | Anoka County               | Acquire 80-acre Birkeland parcel in Rice Creek Chain of Lakes Park Reserve. Balance of costs financed with watershed district grant and partial donation. Approved February 2004.  |
| \$370,000             | Three Rivers Park District | Acquire 17-acre Brakemeier parcel in Lake Minnetonka Regional Park. Balance of funds (\$810,000) provided by MN Dept. of Transportation. Approved May 12, 2004.  |
| \$83,060              | Carver County              | Acquire 39.04 acres related to Harriet Island-Lilydale Regional Park. Grant finances 40% of the \$207,649 funding gap remaining to buy the land. Rest of the costs financed with a previously authorized Metro Council grant (\$456,130) and City funds (\$124,589). City amount eligible for reimbursement consideration in a future regional park CIP. Approved August 11, 2004. |
| \$184,109             | City of Bloomington        | Acquire .5 acre residential lot 9625 E. Bush Lake Road for Hyland-Bush-Anderson Lakes Park Reserve. Bloomington and Three Rivers Park District eligible for reimbursement consideration of up to \$138,081 each in a future regional park CIP. Approved September 22, 2004   |
| \$49,435              | Washington County          | Acquire 0.81 acre parcel within the boundary of Big Marine Park Reserve. Washington City would be eligible for reimbursement consideration of up to \$74,152 in a future regional park CIP. Approved September 22, 2004.   |
| \$433,333             | Scott County               | Acquire 80 acres within the Doyle-Kennefick Regional Park as a match to a DNR Metro Greenways grant of \$650,000. Approved Nov. 10, 2004.  |
| \$950,000             | Anoka County               | Acquire 115 acres within Rice Creek Chain of Lakes Park Reserve from St. Paul Water Utility. Land cost discounted 79% from market value and thus grant finances remaining 21%. Approved April 13, 2005.  |
| \$41,080              | Ramsey County              | Acquire 3.5 acre Duell parcel in Battle Creek Regional Park. Ramsey City would be eligible for reimbursement consideration of up to \$61,620 in a future regional park CIP. Approved May 25, 2005  |
| \$279,431             | Dakota County              | Acquire 2.5 acre Pryor parcel in Lebanon Hills Regional Park. Dakota City would be eligible for reimbursement consideration of up to \$419,146 in a future regional park CIP. Approved June 29, 2005.  |
| \$154,124             | Washington County          | Acquire 5 acre Goossen parcel in Big Marine Park Reserve. Washington City would be eligible for reimbursement consideration of up to \$231,185 in a future regional park CIP. Approved July 27, 2005   |
| \$151,093             | Dakota County              | Acquire 0.68 acre Skoglund parcel in Lebanon Hills Regional Park. Dakota City would be eligible for reimbursement consideration of up to \$226,639 in a future regional park CIP. Approved September 28, 2005  |
| \$149,069             | Washington County          | Acquire 5-acre Melbostad parcel in Big Marine Park Reserve. Washington City would be eligible for reimbursement consideration of up to \$223,603 in a future regional park CIP. Approved October 26, 2005.   |
| \$20,953              | Washington County          | Acquire .45-acre Taylor parcel in Big Marine Park Reserve. Washington City would be eligible for reimbursement consideration of up to \$31,430 in a future regional park CIP. Approved August 23, 2006.  |

| <b>Amount Granted</b> | <b>Park Agency</b>                              | <b>Project Description</b>  |
|-----------------------|---|---|
| \$354,799             | Three Rivers Park District                      | Acquire 20-acre Weinkauf parcel in Lake Rebecca Park Reserve. Three Rivers Park District would be eligible for reimbursement consideration of up to \$532,199 in a future regional park CIP. Approved May 23, 2007.   |
| \$9,023               | Washington County                               | Acquire 1.5 acre Hohlt parcel in Big Marine Park Reserve. Washington City would be eligible for reimbursement consideration of up to \$13,534 in a future regional park CIP. Approved April 25, 2007.   |
| \$1,000,000           | Scott County                                    | Acquire 61-acre Cedar Lake Farm Resort parcel in Cedar Lake Farm Regional Park. Scott City would be eligible for reimbursement consideration of up to \$3,526,192 in a future regional park CIP. Approved May 23, 2007.   |
| \$400,841             | City of St. Paul                                | Partially finance acquisition of 43.94 acres for Harriet Island-Lilydale Regional Park. City of St. Paul would be eligible for reimbursement consideration of up to \$601,263 in a future regional park CIP. Approved August 8, 2007  |
| \$182,094             | Washington County                               | Partially finance acquisition of 8.19 acre Katarik parcel for Grey Cloud Island Regional Park. Washington City would be eligible for reimbursement consideration of up to \$273,141 in a future regional park CIP. Approved October 24, 2007  |
| \$116,609             | Ramsey County                                   | Partially finance acquisition of 3 acre Parcel #6 for Battle Creek Regional Park. Ramsey City would be eligible for reimbursement consideration of up to \$174,913 in a future regional park CIP. Approved December 12, 2007.   |
| \$1,000,000           | Carver County                                   | Partially finance acquisition of 2.94 acres of lakeshore land associated with Lakeside Ballroom in Lake Waconia Regional Park. Carver County would be eligible for reimbursement consideration of up to \$1,530,000 minus lease revenue from parcel in a future regional park CIP. Approved February 27, 2008.  |
| \$122,726             | City of St. Paul                                | Partially finance acquisition of 0.74 acre at 350 Water Street for Harriet Island-Lilydale Regional Park. Grant financed 75% of acquisition cost. The remaining 25% financed by City of St. Paul (\$40,909) is not eligible for reimbursement consideration in a future regional parks CIP. Approved February 27, 2008  |
| \$339,389             | City of Bloomington                             | Partially finance acquisition of 0.568 acre at 9633 East Bush Lake Road for Hyland-Bush-Anderson Lakes Park Reserve. Grant financed 75% of acquisition cost. The remaining 25% (\$113,130) financed by City of Bloomington and Three Rivers Park District is not eligible for reimbursement consideration in a future regional parks CIP. Approved on April 9, 2008   |
| \$1,700,000           | Dakota County                                   | Partially finance acquisition of 456-acre Empire Wetlands Regional Park. Grant financed 14.2% of the \$11.94 million acquisition cost. Rest of costs financed with \$800,000 Metro Council grant SG-2006-123, \$6 million from 2006 State bond pass through grant, and \$3,440,000 of Dakota County funds of which \$1,436,667 is eligible for reimbursement in a future regional parks CIP. Grant approved on April 23, 2008. Reimbursement amount pending approval on May 28, 2008. |
| <b>\$10,525,354</b>   | <b>Total funds granted as of April 23, 2008</b> |   |

Based on the grants approved to-date the updated balance of the Fund is \$4,087,342 as shown in Table 2 below.

**Table 2: Updated Balance to Park Acquisition Opportunity Fund prior to grant for Bruce Vento Nature Sanctuary parcels**

|                     |  |
|---------------------|--|
| \$2,400,000         | Original amount in Park acquisition Opportunity Fund   |
| \$3,357,000         | Additional Council bonds added to Fund in June 2003  |
| \$340,334           | Additional Council bonds added that were not needed to match State funds for natural resource restoration grants. Added in December 2003 |
| \$15,362            | Additional funds added from closed grants as part of amendment to 2005 Unified Capital Budget on May 11, 2005                            |
| \$3,000,000         | Additional Council bonds authorized to be added to Fund in July 2006   |
| \$2,500,000         | ENRTF appropriation added in July 2007   |
| \$3,000,000         | Additional Council bonds authorized to be added to Fund on December 12, 2007   |
| <b>\$14,612,696</b> | <b>Total funds available</b>   |
| -\$10,525,354       | Granted as of April 23, 2008 (For details see Table 1 above)   |
| <b>\$4,087,342</b>  | <b>Balance of Acquisition Opportunity Fund (Before granting any funds for Bruce Vento Nature Sanctuary)</b>                              |

**Rules for distributing grants from Park Acquisition Opportunity Fund**

On January 9, 2008 the Metropolitan Council adopted rules that govern the distribution of grants from the Park Acquisition Opportunity Fund. Those rules are indicated below in italic font. The following findings indicate that these rules have been met for the City of St. Paul’s request to acquire three parcels for the Bruce Vento Nature Sanctuary.

*A. Grants from the Park Acquisition Opportunity Fund may only be awarded to finance a portion of the cost to acquire land within Metropolitan Council-approved master plan boundaries, and only after the requesting regional park implementing agency has used available acquisition grant funds previously provided by the Metropolitan Council.*

The City’s request is consistent with this rule if the Council approves the master plan amendment for the Bruce Vento Regional Trail. The land in question would then be within the Metropolitan Council-approved master plan boundary for the Bruce Vento Regional Trail. Plus, the City does not have acquisition grant funds previously provided by the Metropolitan Council to finance this acquisition.

*B. Any interest cost on a contract for deed or other timed payment plan is not eligible for grant funding. The value of a discounted sale (i.e. the difference between the appraised value and a reduced sale price) is not counted as part of the cost to acquire land and is not included as part of a local match to the grant.*

There is one transaction proposed to purchase the land. The purchase price is the negotiated price between buyer and seller based on a certified appraisal for the land.

*C. Grants from the Park Acquisition Opportunity Fund may finance a portion of the actual cost to acquire land after deducting any Metropolitan Council grants used to finance a portion of the cost in one of two options as chosen by the requesting regional park implementing agency:*

Option 1, Existing Rule:

*The Park Acquisition Opportunity Fund Grant finances up to 40% of the net cost of acquiring the land which is defined as the purchase price—not the appraised value; legal fees, appraisal costs and other closing costs incurred by the park agency; the property tax equivalency payment due to the city or township; and stewardship costs.*

*That portion of the remaining 60% or more of the net cost to acquire the land as defined above that is financed by regional park implementing agency funds—not grants from other sources--may be eligible for reimbursement consideration in future Metropolitan Council regional park capital improvement programs.*

*The maximum grant(s) available to a park agency under Option 1 is \$1 million.*

The Option 1, Existing Rule is not applicable in this case.

Option 2, Revised Rule:

*The Park Acquisition Opportunity Fund Grant finances up to 75% of the net cost of acquiring the land which is defined as the purchase price—not the appraised value; legal fees, appraisal costs and other closing costs incurred by the park agency; the property tax equivalency payment due to the city or township; and stewardship costs.*

*A maximum contribution of 25% of the net cost of acquiring the land up to \$567,000 that is financed by regional park implementing agency funds—not grants from other sources--is not eligible for reimbursement consideration by the Metropolitan Council. Half (50%) of a contribution above \$567,000 that is financed with regional park implementing agency funds is eligible for reimbursement consideration by the Metropolitan Council.*

*The maximum grant(s) available to a park agency under Option 2 is \$1.7 million.*

The City's request is for a grant under Option 2, Revised Rule. The City is requesting \$572,469, which is 75% of the \$763,292 cost to acquire the 1.85 acres. The City or TPL is providing \$190,823 as a 25% non-reimbursable match to the Council's grant. The match to the Council's grant is consistent with this rule.

*D. Once a park agency chooses an option for an Acquisition Opportunity Grant, it is limited to using that option and associated agency limit for any future grants until these rules expire on June 30, 2008.*

With the approval of this \$572,469 grant plus the \$122,726 grant for acquiring 350 Water Street (Harriet Island Regional Park) approved on February 27, 2008, the City could request other Park Acquisition Opportunity Fund grant(s) of up to \$1,004,805 prior to June 30, 2008 to be within the \$1.7 million limit. A proposal to continue that agency limit of \$1.7 million for the period from July 1, 2008 to June 30, 2009 is proposed in agenda item 2008-127. If that is adopted, the clock starts anew on July 1, 2008 for the \$1.7 million agency limit.

**Status of remaining acquisition opportunity funds**

If \$572,469 was granted, there would be \$3,514,873 remaining for future acquisition opportunities as shown in Table 3.

**Table 3: Updated Balance to Park Acquisition Opportunity Fund if a grant is awarded for Bruce Vento Nature Sanctuary parcels**

|                    |  |
|--------------------|--|
| <b>\$4,087,342</b> | Projected balance of the Park Acquisition Opportunity Fund before granting any funds for Bruce Vento Nature Sanctuary parcels (For details see Table 2 above.) |
| -\$572,469         | Proposed funding for Bruce Vento Nature Sanctuary parcels  |
| <b>\$3,514,873</b> | <b>Updated balance of Park Acquisition Opportunity Fund</b>  |

As noted earlier, this acquisition grant includes acquiring a former 3 story warehouse with the land. Therefore the State Acquisition Grant Account cannot be used. Instead, the grant would be financed with \$572,469 of Metropolitan Council bonds in the Land Acquisition Opportunity Account. This account would have a new balance of \$3,230,967 as shown in Table 4.

**Table 4: Balance of Land Acquisition Opportunity Account financed with Metro Council bonds if \$572,469 of Metro Council bonds are granted to acquire Bruce Vento Nature Sanctuary parcels (4/29/2008)**

| Metro Council bonds | Grants financed with this account if grant is awarded to Bruce Vento Nature Sanctuary parcels | Balance in this account if grant is awarded |
|---------------------|---|---|
| \$4,783,001         | \$1,552,034   | \$3,230,967                                 |

Please note that the Legislative Citizens Commission on Minnesota Resources (LCCMR) has recommended that \$1.5 million of Environment and Natural Resources Trust Fund revenue be appropriated to the Metropolitan Council, which along with \$1 million of Metropolitan Council bonds transferred from the Land Acquisition Account would be placed in the “State Acquisition Grant Account” on July 1, 2008. The combined amount in both accounts would be \$5,014,873 if no other grants were awarded from either account from now until July 1.

**CONCLUSIONS:**

1. The *2030 Regional Parks Policy Plan* requires that master plans include information on eleven items reviewed in the “analysis section” above. It also requires that sufficient information be included on the estimated cost of the acquisition and development proposed in the master plan. This review concludes that the master plan amendment to the Bruce Vento Regional Trail (Referral No. 20232-1) contains sufficient information only for acquiring the parcels proposed for the Bruce Vento Nature Sanctuary.

The regional designation of the Bruce Vento Nature Sanctuary, Bruce Vento Regional Trail Connector, Payne/Seventh Trail Access, Eastside Heritage Park and that portion of the Phalen Boulevard Regional Trail Connector adjacent to Phalen Boulevard –not the trail spur adjacent to Cayuga Street—is consistent with the *2030 Regional Parks Policy Plan*'s “conversion” category. The trail spur adjacent to Cayuga Street is not consistent with the *Strategy 1(c): Siting criteria and land acquisition funding for regional trails* of the *2030 Regional Parks Policy Plan* because this trail spur is a duplicative connection to Gateway State Trail.

2. The land that is proposed for acquisition to house the nature interpretive facility for the Bruce Vento Nature Sanctuary may have contaminated soils. This land was reviewed under the requirements of *Strategy 5(d): Assessment of potentially contaminated lands* from the *2030 Regional Parks Policy Plan*. Based on the responses to the questions in this strategy, Council staff concluded that the land should be added to the Regional Park System. As noted in the response, no wells need to be capped and clean up of the contamination will not require the use of regional park grants. Instead, EPA funds that have been used elsewhere in the sanctuary for cleaning up contaminated soils will be used here too.
3. An additional master plan amendment is needed for the following items if the City of St. Paul intends to seek funds from these development projects through the Metropolitan Regional Parks capital improvement program:
  - a. Development costs including connection to utilities for constructing the nature interpretive facility at the Bruce Vento Nature Sanctuary
  - b. Development costs including connection to utilities for the Bruce Vento Regional Trail Connector that includes a bridge crossing over active railroad tracks and Warner Road as a link to the Sam Morgan Regional Trail.
  - c. Development costs to link the regional trail along Phalen Boulevard (not the spur along Cayuga Street) to the proposed Gateway State Trail near the intersection of Phalen Boulevard/ Pennsylvania Avenue and the realigned I-35 E.
4. The total estimated acquisition costs to implement this master plan amendment is \$763,292 for three parcels totaling 1.85 acres for the Bruce Vento Nature Sanctuary. All other land has been acquired.
5. The master plan amendment does not sufficiently identify either the existence of an MCES wastewater control structure at Third and Commercial Streets or acknowledge the Council's long-term plan for its continued operation. The Council does not own the land that constitutes the wastewater control structure, but has historically expended funds to maintain long-term access to and use for the site for sewer interceptor access purposes. Therefore, the Park Acquisition Opportunity Fund grant to the City of St. Paul to partially finance the acquisition of parcels for the Bruce Vento Nature Sanctuary should have the following conditions:
  - a. That the City of St. Paul grant to Metropolitan Council Environmental Services (MCES) perpetual controlled access to the 3<sup>rd</sup> and Commercial Street wastewater control structure for routine maintenance and back up disposal of wastewater during flood conditions at the MCES Metro Plant.
  - b. That the City of St. Paul grant Metropolitan Council Environmental Services a permanent easement of about one acre of land—exact amount to be determined by the City and MCES—for constructing and operating odor control improvements on the 3<sup>rd</sup> and Commercial Street wastewater control structure.
6. The City of St. Paul's request of \$572,469 in Park Acquisition Opportunity Funds to acquire three parcels totaling 1.85 acres for the Bruce Vento Nature Sanctuary is consistent with the conditions for

receiving a grant from the Park Acquisition Opportunity Fund if the Council approves the master plan amendment.

## **RECOMMENDATIONS:**

That the Metropolitan Council:

1. Approve the Master Plan Amendment to the Bruce Vento Regional Trail (Referral No. 20232-1) with the exception of the Phalen Boulevard Regional Trail Connector trail spur adjacent to Cayuga Street.
2. Request an additional master plan amendment from the City of St. Paul for the following items if the City intends to seek funds from these development projects through the Metropolitan Regional Parks capital improvement program:
  - a. Development costs including connection to utilities for constructing the nature interpretive facility at the Bruce Vento Nature Sanctuary
  - b. Development costs including connection to utilities for the Bruce Vento Regional Trail Connector that includes a bridge crossing over active railroad tracks and Warner Road as a link to the Sam Morgan Regional Trail.
  - c. Development costs to link the regional trail along Phalen Boulevard (not the spur along Cayuga Street) to the proposed Gateway State Trail near the intersection of Phalen Boulevard/ Pennsylvania Avenue and the realigned I-35 E.
3. Authorize a grant of \$572,469 from the Land Acquisition Account of the Park Acquisition Opportunity Fund to the City of St. Paul to partially finance the acquisition of parcels 32-29-22-42-0042, 32-29-22-42-0021, and 32-29-22-42-0023 for the Bruce Vento Nature Sanctuary if the Council approves the master plan amendment recommendation 1 and places the following conditions on the acquisition grant:
  - a. That the City of St. Paul grant to Metropolitan Council Environmental Services (MCES) perpetual controlled access to the 3<sup>rd</sup> and Commercial Street wastewater control structure for routine maintenance and back up disposal of wastewater during flood conditions at the MCES Metro Plant.
  - b. That the City of St. Paul grant Metropolitan Council Environmental Services a permanent easement of about one acre of land—exact amount to be determined by the City and MCES—for constructing and operating odor control improvements on the 3<sup>rd</sup> and Commercial Street wastewater control structure.

**Attachment 1: Letter from Bob Bierscheid, City of St. Paul Parks and Recreation Director**

DIVISION OF PARKS AND RECREATION



**CITY OF SAINT PAUL**  
Mayor Christopher B. Coleman

300 City Hall Annex  
25 West Fourth Street  
Saint Paul, Minnesota 55102  
www.stpaul.gov/parks

Telephone: 651-266-6400  
Facsimile: 651-292-7405

April 23, 2008

Mr. Arne Stefferud  
Metropolitan Council  
390 North Robert Street  
Saint Paul, Minnesota 55101

**Re: Master Plan Amendment to the Bruce Vento Regional Trail and  
Land Acquisition Opportunity Grant**

Dear Mr. Stefferud:

This afternoon the Saint Paul City Council approved Council File No. 08-423 authorizing the City of Saint Paul to amend the Bruce Vento Regional Trail Master Plan and to purchase the property at 293 Commercial Street in Saint Paul, for addition to the Bruce Vento Nature Sanctuary for park purposes. The parcel identification numbers for this property are: 32-29-22-42-0042, 32-29-22-42-0021, and 32-29-22-42-0023.

We are submitting, (attached) a masterplan amendment to you for consideration which will amend the Bruce Vento Regional Trail to include the following trail and park additions:

- Bruce Vento Nature Sanctuary (including properties to be acquired)
- Bruce Vento Regional Trail Connector
- Payne /7th Trail Access
- Eastside Heritage Park (Formerly Phalen Arcade Park)
- Phalen Boulevard Trail Connector

Once this amendment request is approved by the Metropolitan Council, it is our understanding that the City may submit a request for reimbursement of a portion of this purchase through the Metro Parks Land Acquisition Opportunity Grant program. Detailed below are the eligible acquisition costs that make up the City's request:

*\$ 730,000.00 Purchase price*  
*\$ 6,000.00 Appraisal fee*  
*\$ 2,409.00 Deed Tax*  
*\$ 1,483.05 180% of city share of pay-2008 property taxes (property tax equivalency)*  
*\$ 5,900.46 City's share of pro-rated pay-2008 property taxes and assessments*  
*(based on 8/1/08 closing)*  
*\$ 14,000.00 Survey costs*  
*\$ 3,500.00 Closing costs*

**\$763,292.50 TOTAL**

Mr. Arne Stefferud  
April 23, 2008  
Page 2

The acquisition of these properties is critical to realizing the full potential of the Bruce Vento Nature Sanctuary master plan. An important component of this master plan is the acquisition of these properties which will further the dream of providing land for the future home of the Bruce Vento Interpretive Center. Thank you for the opportunity submit this master plan amendment and to apply for this grant. Please let me know if you have any questions or concerns.

Sincerely,



Bob Bierscheid, CPRP  
Director

c: Jody Martinez  
Tom Russell  
Becca Nash, TPL

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

**DATE:** May 6, 2008

**TO:** Metropolitan Parks and Open Space Commission

**FROM:** Arne Stefferud, Planning Analyst-Parks (651-602-1360)

**SUBJECT:** (2008-119) Bruce Vento Nature Sanctuary master plan review and request for Park Acquisition Opportunity Grant to acquire 3 parcels, City of St. Paul

**Introduction/Background**

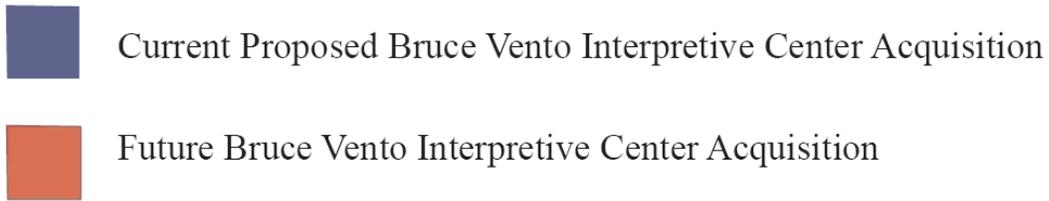
At a meeting between Metropolitan Council staff and City of St. Paul staff on May 5, the following new information was shared regarding the acquisition of land for the Bruce Vento Nature Sanctuary and its relation with a Metropolitan Council Environmental Services (MCES) wastewater control structure at 3<sup>rd</sup> and Commercial Streets (Agenda item 2008-119):

1. Figure 2 of the May 1 MPOSC memorandum illustrated 5.82 acres of land that is proposed for acquisition at the Bruce Vento Nature Sanctuary. Only 1.85 acres of that land is proposed for acquisition from a willing seller at this time. The remaining 3.97 acres may be acquired in the future. The following table illustrates the parcels comprising the 3.97 acres and its estimated acquisition cost from 2008 property tax statements totaling \$1,091,100 follows:

| <b>Property Identification #</b> | <b>Owner</b>                    | <b>Acres</b> | <b>2008 Assessed Value</b> |
|----------------------------------|---------------------------------|--------------|----------------------------|
| 32-29-22-44-0001                 | Dayton Holding Inc.             | 0.39         | \$ 135,900                 |
| 32-29-22-44-00-02                | Roger Vik                       | 0.28         | \$ 9,800                   |
| 32-29-22-44-00-03                | Roger Vik                       | 0.28         | \$ 9,800                   |
| 32-29-22-43-00-08                | Crotty                          | 1.54         | \$ 538,500                 |
| 32-29-22-42-00-45                | Park Bluff LLC                  | 0.52         | \$ 181,000                 |
| 32-29-22-42-00-37                | Park Bluff LLC                  | 0.14         | \$ 48,800                  |
| 32-29-22-42-00-38                | Park Bluff LLC                  | 0.3          | \$ 104,200                 |
| 32-29-22-42-00-40                | Mps./St. Paul Sanitary District | 0.52         | \$ 63,100                  |
| <b>TOTAL</b>                     |                                 | <b>3.97</b>  | <b>\$1,091,100</b>         |

A map illustrating what is being acquired now and what is proposed for future acquisition has been prepared. (See Figure 2A).

Fig. 2A



- It is likely that a portion of the 3.97 acres proposed for future acquisition at the Bruce Vento Nature Sanctuary will need to accommodate an odor control facility for the MCES wastewater control structure at 3<sup>rd</sup> and Commercial Streets. It is in the interest of the City of St. Paul and MCES to cooperatively site the odor control facility since its construction will benefit the nature sanctuary visitors. In the meantime, the City needs to provide perpetual controlled access for the MCES to operate and maintain the wastewater control structure.

Based on this new information, the following revised recommendations are proposed for agenda item 2008-119

### **Revised Recommendations for agenda item 2008-119**

That the Metropolitan Council:

1. Approve the Master Plan Amendment to the Bruce Vento Regional Trail (Referral No. 20232-1) with the exception of the Phalen Boulevard Regional Trail Connector trail spur adjacent to Cayuga Street.
2. Request an additional master plan amendment from the City of St. Paul for the following items if the City intends to seek funds from these development and acquisition projects through the Metropolitan Regional Parks capital improvement program:
  - a. Development costs including connection to utilities for constructing the nature interpretive facility at the Bruce Vento Nature Sanctuary
  - b. Development costs including connection to utilities for the Bruce Vento Regional Trail Connector that includes a bridge crossing over active railroad tracks and Warner Road as a link to the Sam Morgan Regional Trail.
  - c. Development costs to link the regional trail along Phalen Boulevard (not the spur along Cayuga Street) to the proposed Gateway State Trail near the intersection of Phalen Boulevard/ Pennsylvania Avenue and the realigned I-35 E.
3. Authorize a grant of \$572,469 from the Land Acquisition Account of the Park Acquisition Opportunity Fund to the City of St. Paul to partially finance the acquisition of parcels 32-29-22-42-0042, 32-29-22-42-0021, and 32-29-22-42-0023 for the Bruce Vento Nature Sanctuary if the Council approves the master plan amendment recommendation 1 and places the following conditions on the acquisition grant:
  - a. That the City of St. Paul grant to Metropolitan Council Environmental Services (MCES) perpetual controlled access to the 3<sup>rd</sup> and Commercial Street wastewater control structure for routine maintenance and back up disposal of wastewater during flood conditions at the MCES Metro Plant.
  - ~~b. That the City of St. Paul grant Metropolitan Council Environmental Services a permanent easement of about one acre of land—exact amount to be determined by the City and MCES—for constructing and operating odor control improvements on the 3<sup>rd</sup> and Commercial Street wastewater control structure.~~
4. Request the City of St. Paul to work with the Metropolitan Council Environmental Services Division to site odor control improvements for the 3<sup>rd</sup> and Commercial Street wastewater control structure, and provide easements on land needed for the odor control improvements.