

**ADVISORY INFORMATION**

**Date:** November 5, 2009  
**Subject:** **Amend scope of grant SG-2006-067 to finance play area construction at Elm Creek Park Reserve, Three Rivers Park District**  
**District(s), Member(s):** 1, Roger Scherer  
**Policy/Legal Reference:** Minnesota Statute Section 473.315  
**Staff Prepared/Presented:** Arne Stefferud, Planning Analyst-Parks (651-602-1360)  
**Division/Department:** Community Development Division

**Proposed Action**

That the Metropolitan Council authorize a change in the scope of grant SG-2006-067 to finance the construction of the play area at Elm Creek Park Reserve and direct Council staff to execute an amendment to the grant agreement that reflects this change in scope and to extend the grant's duration to December 31, 2010.

**Background**

On July 12, 2006 the Metropolitan Council approved a \$2,336,000 grant to Three Rivers Park District as part of the 2006-07 Regional Parks CIP (Grant SG-2006-067). Due to favorable construction bids, grant SG-2006-067 has an unencumbered balance of \$480,000. Three Rivers Park District would like to amend the scope of the grant to allow this balance to be used to construct a play area at Elm Creek Park Reserve and to extend the grant's duration to December 31, 2010.

**Rationale**

The change in scope of the grant to permit its unobligated balance to be used to finance the Elm Creek Park Reserve play area does not change the Park District's share of the funded portion of the Metropolitan Council's 2006-07 Regional Parks CIP. Therefore the change in scope, is consistent with section 6.06 of the grant agreement to, "give full regard to legislative determinations" of the Metropolitan Council, "and to the general position that the total grant award ... should ultimately be made available to the Grantee [Three Rivers Park District]".

**Funding**

The unobligated balance of \$480,000 in the grant will finance the play area construction.

**Known Support / Opposition**

The Metropolitan Parks and Open Space Commission reviewed this request at its meeting on November 5. The Commission unanimously approved the recommendation. 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:** October 22, 2009

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

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

**SUBJECT:** (2009-422) Amend scope of grant SG-2006-067 to finance play area construction at Elm Creek Park Reserve, Three Rivers Park District

**INTRODUCTION**

On July 12, 2006 the Metropolitan Council approved a \$2,336,000 grant to Three Rivers Park District as part of the 2006-07 Regional Parks CIP (Grant SG-2006-067). Due to favorable construction bids, grant SG-2006-067 has an unencumbered balance of \$480,000. Three Rivers Park District would like to amend the scope of the grant to allow this balance to be used to construct a play area at Elm Creek Park Reserve and to extend the grant's duration to December 31, 2010. The design/engineering work for the play area has been completed and was financed with another grant from the Council (SG-2006-126). (See **Attachment 1**, letter from Boe Carlson, Three Rivers Park District).

This memorandum contains a review of this request under applicable terms of the grant agreement and recommends changing the scope of the grant and extending the grant's duration.

**AUTHORITY TO REVIEW**

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

**ANALYSIS**

Grant SG-2006-067 was part of the Metropolitan Council's 2006-07 Regional Parks Capital Improvement Program (CIP) that was funded with \$7 million of State bond appropriations and \$4,667,000 of matching Metropolitan Council bonds.

In order to consider this request for a change in scope of the grant, Section 6.06 of the grant agreement states:

**6.06 Changes in the Development Project.** If the Grantee [Three Rivers Park District], for any reason, determines that the Development Project or any portion of it should not be undertaken, or that there should be a change in the scope or costs of the Development Project or any portion of it, the Grantee shall submit to the Council's Regional Administrator a statement describing the situation and giving the reasons for the Grantee's determination. The Grantee may, simultaneously with the submission of the statement or within a reasonable time thereafter, recommend alternative projects, activities, uses, expenditures, or allocations of grant funds. ...

If the Regional Administrator determines that the Grantee's recommendations may not be immediately approved according to criteria established by the Council, the Grantee and the Council may execute a written amendment to this agreement only as provided in paragraph 6.07 of this article, following appropriate authorization by the Council and the Grantee.

... In determining whether to approve the Grantee's recommendations, the Council shall give full regard to legislative determinations concerning development funding and to the general position that the total grant award herein should ultimately be made available to the Grantee for development.

The proposed change in scope of grant SG-2006-067 to finance the construction of the play area at Elm Creek Park Reserve is consistent with the conditions of section 6.06 because:

1. The Park District has notified the Council why a change should be made in **Attachment 1**.
2. The change in scope of the grant to permit its unobligated balance to be used to finance the Elm Creek Park Reserve play area does not change the Park District's share of the funded portion of the Metropolitan Council's 2006-07 Regional Parks CIP. Therefore the change in scope, "gives full regard to legislative determinations" of the Metropolitan Council, "and to the general position that the total grant award ... should ultimately be made available to the Grantee [Three Rivers Park District]".

Grant SG-2006-067 is scheduled to expire on December 31, 2009. The grant needs to be extended to December 31, 2010 to provide sufficient time to construct the play area at Elm Creek Park Reserve.

## **CONCLUSIONS**

1. The proposed change in scope of grant SG-2006-067 to fund construction of the play area at Elm Creek Park Reserve is consistent with the conditions in section 6.06 of the grant agreement.
2. Grant SG-2006-067's expiration date should be extended to December 31, 2010 to provide time to construct the play area.

## **RECOMMENDATION**

That the Metropolitan Council authorize a change in the scope of grant SG-2006-067 to finance the construction of the play area at Elm Creek Park Reserve and direct Council staff to execute an amendment to the grant agreement that reflects this change in scope and to extend the grant's duration to December 31, 2010.

Attachment 1: Letter from Boe Carlson, Three Rivers Park District



October 16, 2009

Three Rivers  
Park District  
Board of  
Commissioners

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

Re: Grant Addition Request, Elm Creek Play Area

Sara Wyatt  
District 1

Dear Mr. Stefferud,

Marilynn Corcoran,  
Vice Chair  
District 2

Three Rivers Park District received a Metropolitan Council grant in 2006 (SG2006-067) in the amount of \$2,336,000 for a variety of Park District capital projects. The most significant of these was the construction of the Gale Woods Education Building.

A majority of the projects in the grant have been completed and there remains a balance of roughly \$480,000.

Mark Haggerty  
District 3

The Park District would like to request adding an additional project to the grant, redevelopment of the Elm Creek Play Area. Currently the Park District is completing the design work for this project which was also funded through a Metropolitan Council Grant (SG2006-126).

Dale Woodbeck  
District 4

The Park District is anticipating construction of the play area during the spring and summer of 2010. Because of this, if the additional project is approved, the Park District would also request an extension of the grant deadline to December 31, 2010.

Rosemary Franzese  
District 5

Please feel free to contact me with any questions you may have about this request. Thank you for consideration.

Sincerely,

Larry Blackstad, Chair  
Appointed

A handwritten signature in black ink that reads "Boe R. Carlson".

Boe Carlson  
Associate Superintendent  
Division of Administration

Barbara Kinsey  
Appointed

C: Cris Gears, Superintendent  
Don DeVeau, Director of Planning & Development  
Howard Koolick, Chief Financial Officer

Cris Gears  
Superintendent

BRC/jjs