

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

**DATE:** December 17, 2009

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

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

**SUBJECT:** (2010-xxx) Amend scope of FY 2010 Parks and Trails Fund grant SG-2009-043, Carver County

**INTRODUCTION**

On July 8, 2009 the Metropolitan Council approved a \$205,000 grant financed from the Fiscal Year 2010 Parks and Trails Fund appropriation to Carver County. The grant's scope was that it would be used to match \$1,729,000 of Federal Transportation Enhancement grant funds, Transportation Enhancement ARRA funds and Carver County Regional Rail Authority funds to construct a 6.9 mile segment and a trailhead facility for the Dakota Rail Regional Trail (Grant SG-2009-043).

Carver County has requested that the scope of the grant be amended to allow up to \$120,000 to be used to partially finance the match to a \$1 million Federal Transportation Enhancement grant to design and construct a trail in Lake Minnewashta Regional Park and a trail underpass of Trunk Highway 41 that would link to a City of Chanhassen trail. (The City of Chanhassen is also providing funds since the trail would be constructed with a portion of the federal grant too.) Any unneeded funds from the Lake Minnewashta RP trail and underpass project would be used as a match to \$1,729,000 of Federal Transportation Enhancement grant funds, Transportation Enhancement ARRA funds and Carver County Regional Rail Authority funds to construct the 6.9 mile segment and trailhead facility for the Dakota Rail Regional Trail. The County also requests that the grant expiration date be amended to March 31, 2012 to align with the expiration date of the federal Transportation Enhancement grant for the Lake Minnewashta RP trail and Trunk Highway 41 underpass. (See **Attachment 1**, letter from Marty Walsh, Carver County).

This memorandum contains a review of this request under applicable terms of the appropriation legislation and 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-2009-043 was funded with a portion of the FY 2010 Parks and Trails Fund appropriation under Laws of MN 2009, Chapter 172. The appropriation legislation requires the Metropolitan Council to disburse its appropriation among the 10 regional park agencies under a formula. The grant amount is

based on that formula. Consequently, as long as the change in scope of the project is supporting a regional park or trail, the use of the appropriation is consistent with the legislation.

In this case, the changed scope of the grant would help finance two regional park/trail projects – a trail and underpass at Lake Minnewashta Regional Park, and a portion of the 6.9 mile Dakota Rail Regional Trail--instead of solely using it for the Dakota Rail Regional Trail project. (See **Attachments 2 and 3** for maps of these projects)

The reason for extending the grant’s duration from June 30, 2011 to March 31, 2012 is to align this grant with the expiration date of the Federal Transportation Enhancement Grant for the trail and underpass at Lake Minnewashta Regional Park project. Laws of MN 2009, Chap. 172, Article 3, Sec. 7 states, “...If a project receives federal funds, the time period of the appropriation is extended to equal the availability of federal funding.” Consequently the request to extend the grant’s duration to March 31, 2012 is consistent with this legislation.

Section 9.2 of this grant agreement states:

**9.2 Amendments.** Any amendments to this grant contract must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original grant contract, or their successors in office.

## **CONCLUSIONS**

1. The proposed change in scope of grant SG-2009-043 to allow up to \$120,000 to be used to partially finance the match to a \$1 million Federal Transportation Enhancement grant to design and construct a trail in Lake Minnewashta Regional Park and a trail underpass of Trunk Highway 41 that links to a City of Chanhassen trail, and allow the remaining funds in the grant to match \$1,729,000 of Federal Transportation Enhancement, Transportation Enhancement ARRA funds and Carver County Regional Rail Authority funds to construct a 6.9 mile segment and a trailhead facility for the Dakota Rail Regional Trail is consistent with applicable sections of the appropriation law that financed the grant (Laws of MN 2009, Chap. 172)
2. Extending the grant’s duration to March 31, 2012 to align with the availability of the Federal grant for the trail in Lake Minnewashta Regional Park and the trail underpass of Trunk Highway 41 is also consistent with the applicable section of Laws of MN 2009, Chap. 172.

## **RECOMMENDATION**

That the Metropolitan Council authorize an amendment to grant SG-2009-043 to: (1) allow up to \$120,000 to be used to partially finance the match to a \$1 million Federal Transportation Enhancement grant to design and construct a trail in Lake Minnewashta Regional Park and a trail underpass of Trunk Highway 41 that links to a City of Chanhassen trail, (2) allow the remaining funds in the grant to match \$1,729,000 of a Federal Transportation Enhancement grant, Transportation Enhancement ARRA funds and Carver County Regional Rail Authority funds to construct a 6.9 mile segment and a trailhead facility for the Dakota Rail Regional Trail, and (3) extend the grant’s duration to March 31, 2012.

**Attachment 1: Letter from Marty Walsh, Carver County**



**CARVER COUNTY PARKS**

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Department of Public Works

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December 8, 2009

Arne Stefferud  
Planning Analyst-Parks  
Metropolitan Council  
390 North Robert Street  
St. Paul, MN 55101

Dear Arne:

Carver County would like to begin design and engineering work on a trail and underpass at Lake Minnewashta Regional Park and TH 41. This project will receive Federal Transportation Enhancement Funds to construct the trail in 2011. In order to prepare plans in a timely manner for environmental and other agencies review, the County requests amending the scope of grant SG 2009-043. This grant allows Carver County to spend up to \$205,000.

It is proposed that \$120,000 of the grant be used to partially finance work for a trail and underpass at Lake Minnewashta Regional Park and TH 41. The preliminary cost estimate for this project is \$1,520,000. This project will provide a trail within the park boundary and link the regional park to the City of Chanhassen's trail system along TH 41.

The remaining grant balance of \$85,000 will be utilized to partially finance trail construction project of the Dakota Rail Regional Trail as currently programmed. This project is also funded with Transportation Enhancement Funds in 2010. The engineering cost estimate for this project is \$1,906,000.

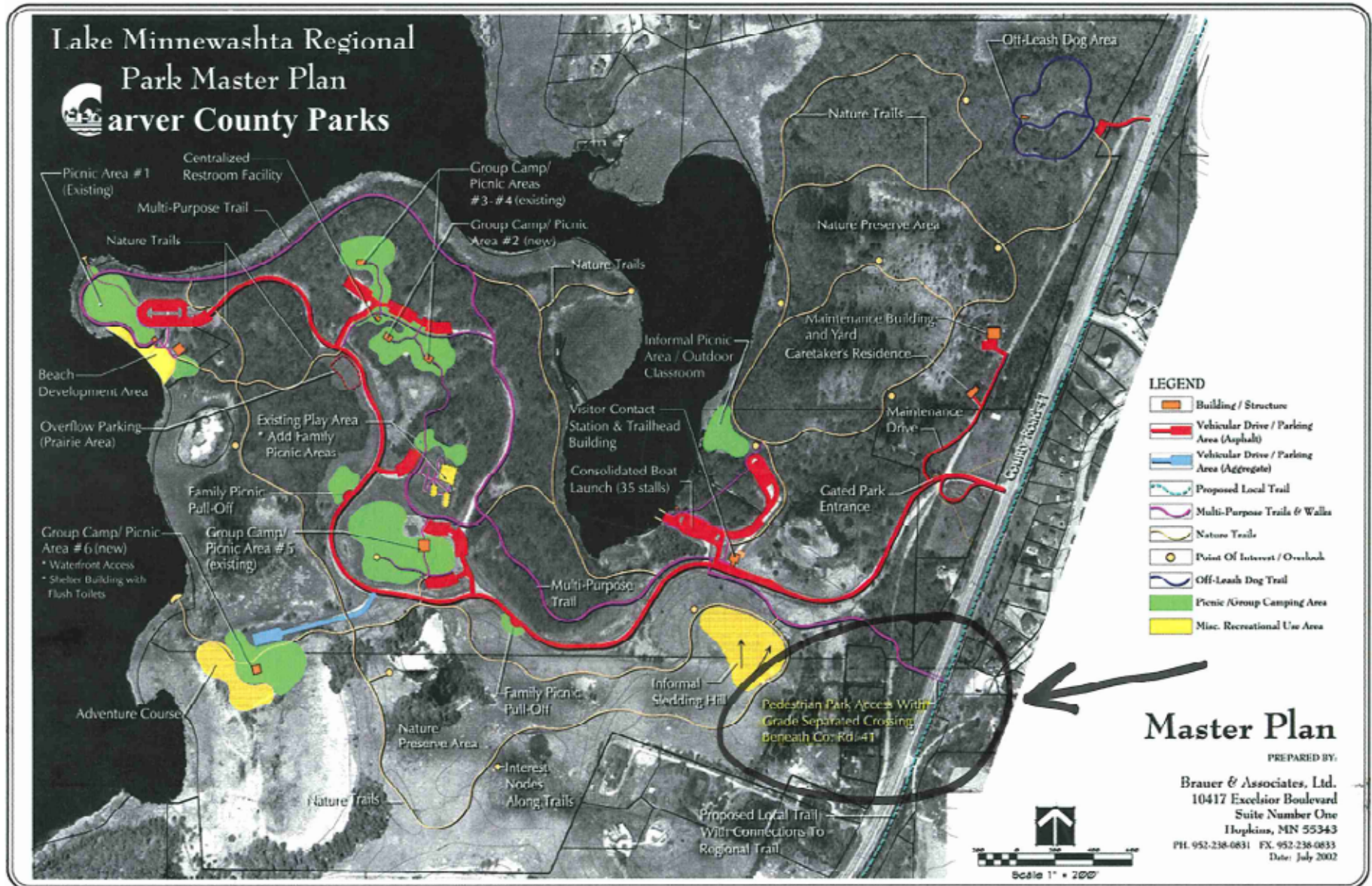
Additionally, the County requests that the grant period for grant SG 2009 -043 be changed to coincide with the expiration date of federal funding for the trail and underpass project at Lake Minnewashta Regional Park and TH 41 to the date of March 31, 2012. Further, it is requested that any funding not needed for the trail and underpass would be available to be used to construct the Dakota Rail Regional Trail project.

Sincerely,

Martin Walsh  
Parks Director

Attachment 2: Lake Minnewashta RP trail and trail underpass of TH 41 project

Purple line is trail in park. Circled area shows location of trail underpass of TH 41



# Dakota Rail Trail Phase 1 (2009-2010)

