

Date:	August 10, 2010
Subject:	Request to change scope of Grant SG-2009-043 Carver County
District(s), Member(s):	4, Craig Peterson
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 an amendment to grant SG-2009-043 to allow grant proceeds to be available for acquisition of land to connect the Dakota Rail Regional Trail to a future trail at the intersection of Carver County Rd. 10 and the regional trail.

Background

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 was intended to match \$1,729,000 of Federal grants and Carver County funds to construct a 6.9 mile segment and a trailhead facility for the Dakota Rail Regional Trail (Grant SG-2009-043).

On January 10, 2010 the Metropolitan Council approved the County's request to change the scope of the grant 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 city 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 to construct the 6.9 mile segment and trailhead facility for the Dakota Rail Regional Trail. The Council also approved extending the grant's expiration date 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.

The County now requests that the scope of the grant be changed again to allow for land acquisition needed to connect the Dakota Rail Regional Trail to a future trail at the intersection of County Road 10 and the regional trail.

Rationale

The change in scope of the grant allows the County to acquire land for a trail connection to the Dakota Rail Regional Trail that is consistent with the Metropolitan Council approved master plan. It maximizes use of the grant funds.

Funding

Grant SG-2009-043 is financed from the Fiscal Year 2010 Parks and Trails Fund appropriation to Carver County.

Known Support / Opposition

The Metropolitan Parks and Open Space Commission reviewed this request at its meeting on August 9. 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: July 28, 2010

TO: Metropolitan Parks and Open Space Commission

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

SUBJECT: (2010-292) Request to change scope of Grant SG-2009-043 to permit grant to finance land acquisition as well as trail development, 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).

On January 10, 2010 the Metropolitan Council approved the County's request to change the scope of the grant 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 city 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 Council also approved extending the grant's expiration date 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.

The County now requests that the scope of the grant be changed again to allow for land acquisition needed to connect the Dakota Rail Regional Trail to a future trail at the intersection of County Road 10 and the regional trail. (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 as requested.

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 maximize the funds available to acquire land for a future connection to the Dakota Rail Regional trail at the same time as land is being acquired for the replacement of the County Road 10 Bridge. This trail connection and associated land acquisition is consistent with the approved master plan for the Dakota Rail Regional Trail as shown in **Attachment 2)**

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 a portion of the grant to finance land acquisition needed for a future trail connection to the Dakota Rail Regional Trail at the Carver County Rd. 10 bridge is consistent with applicable sections of the appropriation law that financed the grant (Laws of MN 2009, Chap. 172), and the Metropolitan Council approved master plan for the trail.

RECOMMENDATION

That the Metropolitan Council authorize an amendment to grant SG-2009-043 to allow grant proceeds to be available for acquisition of land to connect the Dakota Rail Regional Trail to a future trail at the intersection of Carver County Rd. 10 and the regional trail.

Attachment 1: Letter from Marty Walsh, Carver County



CARVER COUNTY PARKS

11360 Highway 212, Suite 2
Cologne, MN 55322-8017
Phone (952) 466-5250 Fax (952) 466-5223
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Department of Public Works

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July 19, 2010

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

Dear Arne:

Carver County would like to amend grant agreement SG-2009-043 to allow for land acquisition needed to connect the Dakota Rail Regional Trail to a future trail at the intersection of County Road 10 and this regional trail. I have included that portion of the Dakota Rail Regional Trail Master Plan which refers to the planned trail connection for your review.

Work is underway to advance the construction of the County Road 10 Bridge due to its failing condition. In order to take advantage of efficiencies of acquiring land needed for the bridge project, it is proposed that work to acquire right-of-way needed for both the bridge and trail connection occur simultaneously.

It is requested that up to \$205,000 of the grant be utilized to finance land acquisition, trail design, trail and trailhead construction costs related to the Dakota Rail Regional Trail.

Any unspent funds from SG-2009-043 for the Dakota Rail Regional Trail project would be used to partially finance design engineering and construction work for a trail and underpass at Lake Minnewashta Regional Park and TH 41.

This request continues the expiration term of SG-2009-043 to coincide with federal funding for the trail and underpass project of March 31, 2012.

Sincerely,

Martin Walsh
Parks Director

Attachment 2: Dakota Rail Regional Trail master plan excerpt regarding land acquisition at Carver Co. Rd. 10 bridge

1. BOUNDARIES AND ACQUISITIONS COSTS



Approximately one acre would be required to make a connection to County Road 10 at a cost of \$7,000 per acre. Land necessary to make the trail connection may be incorporated into a new bridge or crossing structure when the County Road 10 bridge is replaced.



Elsewhere along the Carver County section of the corridor, there are at-grade crossings that intersect with existing roadways and communities. The communities of Mayer and New Germany have shown interest in creating community focal points along the trail and there is adequate room in both communities for such development.

Carver County will explore three alternatives for the west

terminus of the Carver County segment of the corridor. The trail could stop at the County line without making a connection to County Road 30 or into Lester Prairie; the trail could connect to County Road 30, allowing users to continue into Lester Prairie on the roadside shoulder; or, the trail could extend into Lester Prairie on the existing railroad grade. Carver County will coordinate with McLeod County and the City of Lester Prairie regarding the best alternative for the west terminus of this trail segment.