

C Community Development Committee
Meeting date: March 19, 2012
For the Council Meeting of March 28, 2012

ADVISORY INFORMATION

Date: March 8, 2012
Subject: Change in scope of Grant SG-2009-043, Carver County
District(s), Member(s): Metropolitan Council District 4, Gary Van Eyll
Policy/Legal Reference: MN Statute 473.315
Staff Prepared/Presented: Arne Stefferud; Planning Analyst—Parks (651-602-1360)
Division/Department: Community Development Division, Parks

Proposed Action

That the Metropolitan Council authorize a third amendment to Grant SG-2009-043 to allow up to \$205,000 of the grant to match \$1,255,876 of federal dollars for costs related to the design, engineering and construction of 6.9 miles of the Dakota Rail Regional Trail and trailhead, any unspent dollars from this grant would be used to match \$1,090,000 of federal funds for the design, engineering and construction of 1.5 miles of trail at Lake Minnewashta Regional Park and a grade separated crossing at Trunk Highway 41; and change the expiration date of the grant to December 31, 2012.

Background

The current scope of grant SG-2009-043 calls for \$205,000 to acquire permanent and temporary easements to connect the Dakota Rail Regional Trail to a future trail intersection at Carver Co. Rd. 10 and the regional trail. However, attempts to acquire the easements from a willing seller have not been successful. Consequently, Carver County has requested that the grant's scope be amended to allow it to match a \$1.2 million federal grant for costs related to design, engineering and construction of 6.9 miles of the Dakota Rail Regional Trail and a trailhead. And that the grant be extended to December 31, 2012. Metro Council staff recommends approving the grant scope change and extending the grant's duration because it maximizes the use of grant proceeds and the project in question is consistent with the master plan for the Dakota Rail Regional Trail in Carver County.

Rationale

The Metropolitan Council must consider and approve the proposed change in scope of the grant. Metro Council staff recommends approving the grant scope change and extending the grant's duration because it maximizes the use of grant proceeds and the project in question is consistent with the master plan for the Dakota Rail Regional Trail in Carver County.

Funding

The grant is financed with Carver County's share of the FY 2010 Parks and Trails Legacy Fund appropriation to the Metropolitan Council.

Known Support / Opposition

The Metropolitan Parks and Open Space Commission unanimously recommended approval of the recommendation at its meeting on March 6, 2012.

METROPOLITAN COUNCIL

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

DATE: February 29, 2012

TO: Metropolitan Parks and Open Space Commission

FROM: Jan Youngquist, AICP; Planning Analyst-Parks (651) 602-1029 *for*
Arne Stefferud, Planning Analyst—Parks (651) 602-1360

SUBJECT: (2012-97) Change in scope of Grant SG-2009-043, Carver County
Metropolitan Parks & Open Space Commission District B: Robert Moeller

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 scope of the grant was 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.

On August 25, 2010, the Metropolitan Council approved the County's request to change the scope of the grant to allow the grant to be used solely to acquire land needed to connect the Dakota Rail Regional Trail to a future trail at the intersection of County Road 10 and the regional trail.

Carver County has been unable to reach an agreement with a property owner to purchase land for the regional trail corridor and is thus requesting to change the scope of the grant to allow up to \$205,000 to match \$1,255,876 of federal dollars for costs related to the design, engineering and construction of 6.9 miles of the Dakota Rail Regional Trail and trailhead. Any unspent dollars from this grant would be used to match \$1,090,000 of federal funds for the design, engineering and construction of 1.5 miles of trail at Lake Minnewashta Regional Park and a grade separated crossing at Trunk Highway 41. The County is also requesting that the expiration date for the grant be changed to December 31, 2012. **(See Attachment 1: Letter from Marty Walsh, Carver County, dated February 24, 2012)**

The Metropolitan Council must consider and approve the proposed change in scope of the grant. This staff report contains a review of this request under applicable terms of the grant agreement and recommends approving the change in scope of the grant.

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 grant scope would allow Carver County to leverage \$1,255,876 in federal funds for design, engineering and construction of 6.9 miles of the Dakota Rail Regional Trail and trailhead. Any unspent dollars from this grant would be used to match \$1,090,000 of federal funds for the design, engineering and construction of 1.5 miles of trail at Lake Minnewashta Regional Park and a grade separated crossing at Trunk Highway 41. Construction of these trails and a grade separated crossing of TH 41 are consistent with the Metropolitan Council approved master plans for both the Dakota Rail Regional Trail and Lake Minnewashta Regional Park.

In order to consider this request for a change in scope of the grant, Section 9.2 of the grant agreement states:

9.2 Amendments. *Any amendment to this grant agreement 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.*

The proposed change in scope of Grant SG-2009-043 to allow up to \$205,000 to match \$1,255,876 of federal dollars for costs related to the design, engineering and construction of 6.9 miles of the Dakota Rail Regional Trail and trailhead, and any unspent dollars from this grant would be used to match \$1,090,000 of federal funds for the design, engineering and construction of 1.5 miles of trail at Lake Minnewashta Regional Park and a grade separated crossing at Trunk Highway 41 is consistent with the conditions of section 9.2 of the grant agreement because:

1. Carver County has submitted a written statement to the Council describing the situation and giving reasons for the change in scope, as shown in **Attachment 1**.

2. The change in scope of Grant SG-2009-043 is consistent with the Metropolitan Council approved master plans for the Dakota Rail Regional Trail and Lake Minnewashta Regional Park.

The Laws of MN 2009, Chapter 172, Article 3, Section 7 addresses the request to change the expiration date of the grant and states that if a project receives federal funds, the time period of the appropriation is extended to equal the availability of federal funding. Carver County's request to extend the expiration date of the grant is consistent with this law.

CONCLUSION

The proposed change in scope of Grant SG-2009-043 to allow up to \$205,000 to match \$1,255,876 of federal dollars for costs related to the design, engineering and construction of 6.9 miles of the Dakota Rail Regional Trail and trailhead, and any unspent dollars from this grant would be used to match \$1,090,000 of federal funds for the design, engineering and construction of 1.5 miles of trail at Lake Minnewashta Regional Park and a grade separated crossing at Trunk Highway 41 as well as the request to extend the expiration date of the grant to December 31, 2012, is consistent with applicable sections of the appropriation law that financed the grant (Laws of MN 2009, Chap. 172); the Metropolitan Council approved master plan for the Dakota Rail Regional Trail and Lake Minnewashta Regional Park; and the conditions of section 9.2 of the grant agreement.

RECOMMENDATION

That the Metropolitan Council authorize a third amendment to Grant SG-2009-043 to allow up to \$205,000 of the grant to match \$1,255,876 of federal dollars for costs related to the design, engineering and construction of 6.9 miles of the Dakota Rail Regional Trail and trailhead, any unspent dollars from this grant would be used to match \$1,090,000 of federal funds for the design, engineering and construction of 1.5 miles of trail at Lake Minnewashta Regional Park and a grade separated crossing at Trunk Highway 41; and change the expiration date of the grant to December 31, 2012.

Attachment 1: Letter from Marty Walsh, Carver County



Carver County Parks

11360 Highway 212
Suite 2
Cologne, MN 55322
Phone (952) 466-5250 Fax (952) 466-5223
www.co.carver.mn.us/parks

Department of Public Works

11360 Hwy. 212, Suite 1
Cologne, Minnesota 55322
Phone (952) 466-5200
Fax (952) 466-5223

February 24, 2012

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

Dear Mr. Stefferud:

Carver County would like to amend grant agreement SG-2009-043 to match \$1,255,876 of federal dollars for costs related to the design, engineering and construction of 6.9 miles of the Dakota Rail Regional Trail and trailhead. Any unspent dollars from this grant would be utilized to match \$1,090,000 of federal funds for the design, engineering and construction of 1.5 miles of trail at Lake Minnewashta Regional Park and a grade separated crossing at TH 41.

SG-2009-043 was previously amended to allow for land acquisition needed for a trail connection. Carver County has been unable to reach agreement at this time with the property owner and desires to use the grant proceeds to match federal funds for the two trail projects.

The new expiration date for the grant is requested to be December 31, 2012.

Sincerely,

A handwritten signature in black ink, appearing to read "Martin Walsh". The signature is fluid and cursive.

Martin Walsh
Parks Director