

C Community Development Committee

For the Metropolitan Council meeting of May 28, 2008

Item: 2008-84

ADVISORY INFORMATION

Date Prepared: May 20, 2008

Subject: Request for reimbursement consideration authorization for construction of Dakota Rail Regional Trail, Three Rivers Park District

Proposed Action:

That the Metropolitan Council:

1. Consider reimbursing Three Rivers Park District up to \$2,415,000 for construction of the Dakota Rail Regional Trail as shown in **Attachment 2** in future regional parks capital improvement programs. However, the Council does not under any circumstances represent or guarantee that reimbursement will be granted, and expenditure of local funds never entitles a park agency to reimbursement.
2. Submit comments from the Metropolitan Council's Environmental Services Division shown in **Attachment 3** to insure that the trail's construction does not interfere with the operation of any MCES sewer interceptors.

Summary of Committee Discussion / Questions:

Council staff noted that trail right of way is owned by the Hennepin County Regional Rail Authority and leased to the Park District for 20 years. The costs of improving the bridges in the right of way was borne by Rail Authority and the Park District and are not included in the District's reimbursement request to the Metropolitan Council.

Since the trail is being constructed on land owned by the Hennepin County Regional Rail Authority on a 20 year lease, the Committee asked what would happen if the Rail Authority terminated the lease early? A portion of the residual value of the trail improvements would be paid by the Rail Authority to the Park District if the lease was terminated early.

The Committee unanimously approved the recommendations.

C Community Development Committee

Meeting date: May 19, 2008

ADVISORY INFORMATION

Date:	May 7, 2008
Subject:	Request for reimbursement consideration authorization for construction of Dakota Rail Regional Trail, Three Rivers Park District
District(s), Member(s):	District 3, Mary Hill Smith
Policy/Legal Reference:	2030 Regional Parks Policy Plan, Strategy 2(f)
Staff Prepared/Presented:	Arne Stefferud, Planning Analyst—Parks (651-602-1360)
Division/Department:	Community Development/Regional Systems Planning and Growth Strategy, Parks

Proposed Action

That the Metropolitan Council:

3. Consider reimbursing Three Rivers Park District up to \$2,415,000 for construction of the Dakota Rail Regional Trail as shown in **Attachment 2** in future regional parks capital improvement programs. However, the Council does not under any circumstances represent or guarantee that reimbursement will be granted, and expenditure of local funds never entitles a park agency to reimbursement.
4. Submit comments from the Metropolitan Council's Environmental Services Division shown in **Attachment 3** to insure that the trail's construction does not interfere with the operation of any MCES sewer interceptors.

Background

On March 8, 2006 the Metropolitan Council took the following action regarding the Dakota Rail Regional Trail master plan:

1. That the Metropolitan Council approve the Dakota Rail Regional Trail master plan (Referral No. 19605-2).
2. That Three Rivers Park District submit construction plans detailing the exact location of the trail and any other pertinent information to Metropolitan Council Environmental Services (MCES) to ensure that the proposed construction will not interfere with the operation of any MCES sewer interceptors.

In compliance with recommendation 2, the Park District has submitted construction plans for the trail's development to Metropolitan Council Environmental Services (MCES) to ensure that the proposed construction will not interfere with the operation of any MCES sewer interceptors. The Park District has also asked that the Metropolitan Council consider reimbursing \$2,415,000 in future regional parks capital improvement programs for construction of the trail other than bridge modifications.

Rationale

Park Policy Strategy 2(f) requires regional park implementing agencies to seek Metropolitan Council approval of a capital project the park agency wants to finance with its own funds and seek reimbursement for with a Council grant through a future regional parks capital improvement program. This strategy insures that the Metropolitan Council reviews a project for its consistency with Council-approved master plans and if so, the project can be considered for funding in a future regional parks capital improvement program. However, Council approval of a project does not guarantee that the park agency will be reimbursed in the future.

Funding

This project is consistent with the terms of Strategy 2(f) for the following reasons:

1. The timing, scale and cost of this project are consistent with the Council-approved development master plan under the following factors:
 - a. The bid price for the trail's construction including modifications to bridges is \$3,864,000 as shown in **Attachment 2**. This is consistent with the estimated costs for constructing the trail in the 2006 Development Master Plan, which was \$3,848,000 in 2006 dollars. Please note that the bridge modification cost of \$1,449,617 is not requested for reimbursement consideration. The bridge modifications were completed prior to this request and are therefore not eligible for reimbursement consideration under Strategy 2(f) requirements. Furthermore, the bridge modifications were done at a level to support future transit use of this right-of-way since the right-of-way is leased by the Park District from the Hennepin County Regional Rail Authority for a 20 year period. It would not be appropriate to finance transit related infrastructure improvements with regional park system capital grants.
 - b. The timing and scale of the development as described is consistent with the 2006 Development Master Plan.
2. Enough information has been submitted in this request regarding what would be financed with a Council grant to meet the requirements of Strategy 2(f). In this case, that information is contained in **Attachments 1 and 2**.
3. The Park District is requesting Metropolitan Council approval for this construction project prior to undertaking it. The Park District has also submitted its construction plans to Metropolitan Council Environmental Services (MCES) for its review, which is consistent with the Council's request for that information. The MCES comments are shown in **Attachment 3**.

Known Support / Opposition

The Metropolitan Parks and Open Space Commission reviewed this proposal at its May 6th 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: April 22, 2008
TO: Metropolitan Parks and Open Space Commission
FROM: Arne Stefferud, Planning Analyst-Parks (651) 602-1360
SUBJECT: (2008-84) Request for reimbursement consideration authorization for construction of Dakota Rail Regional Trail, Three Rivers Park District

INTRODUCTION

On March 8, 2006 the Metropolitan Council took the following action regarding the Dakota Rail Regional Trail master plan:

1. That the Metropolitan Council approve the Dakota Rail Regional Trail master plan (Referral No. 19605-2).
2. That Three Rivers Park District submit construction plans detailing the exact location of the trail and any other pertinent information to Metropolitan Council Environmental Services (MCES) to ensure that the proposed construction will not interfere with the operation of any MCES sewer interceptors.

In compliance with recommendation 2, the Park District has submitted construction plans for the trail's development to Metropolitan Council Environmental Services (MCES) to ensure that the proposed construction will not interfere with the operation of any MCES sewer interceptors. The Park District has also asked that the Metropolitan Council consider reimbursing \$2,415,000 in future regional parks capital improvement programs for construction of the trail other than bridge modifications. (See **Attachment 1**, letter from Boe Carlson, Three Rivers Park District, and **Attachment 2: Dakota Rail Regional Trail development costs**, which is the basis for the \$2,415,000 reimbursement consideration request).

This memorandum contains a review of the request for reimbursement consideration under applicable terms in Strategy 2(f) of the *2030 Regional Parks Policy Plan*.

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*".

BACKGROUND

The Dakota Rail corridor is 44 miles in length and runs from Wayzata west around the northern bays of Lake Minnetonka, past Lake Waconia in Carver County and terminates at Hutchinson in McLeod County. In 2001, the Hennepin County Regional Railroad Authority (HCRRA) acquired the Hennepin County portion of the Dakota Rail Corridor. Carver and McLeod County Regional Rail Authorities acquired their respective portions as well. The intent of the purchase is to preserve the corridor for future transit operations.

Given the lengthy time frame for transit development, and the success of using other HCRRA rights of way for trail purposes as interim uses, Three Rivers Park District initiated discussions with the HCRRA to lease a portion of the Dakota Rail Corridor in order to develop a regional trail on it.

On March 8, 2006 the Metropolitan Council approved the development master plan for the Hennepin County portion of the trail. (Referral No. 19605-2). The Park District then began to do design work on the trail's development. On January 17, 2007 the Metropolitan Council approved a request to consider reimbursing Three Rivers Park District up to \$648,644 for final design development and construction plans for the Dakota Rail Regional Trail in a future regional parks capital improvement program. In both Council actions, the Council asked the Park District to submit construction plans detailing the exact location of the trail and any other pertinent information to Metropolitan Council Environmental Services (MCES) to ensure that the proposed construction will not interfere with the operation of any MCES sewer interceptors.

It should be noted that the Carver County portion of the Dakota Rail Regional Trail has also been master planned. The Metropolitan Council approved that master plan on August 8, 2007 (Referral No. 20027-1).

REIMBURSEMENT REQUEST ANALYSIS

Strategy 2(f) of the *2030 Regional Parks Policy Plan* states:

Strategy 2(f): Reimbursement

Reimbursement will be considered for development provided the project in question is consistent in timing, scale, type and cost with an approved master plan, that all information required for a development grant is submitted to the Council prior to the regional park implementing agency undertaking the project and that the Council approves the project.

This project is consistent with the terms of Strategy 2(f) for the following reasons:

1. The timing, scale and cost of this project are consistent with the Council-approved development master plan under the following factors:
 - a. The bid price for the trail's construction including modifications to bridges is \$3,864,000 as shown in **Attachment 2**. This is consistent with the estimated costs for constructing the trail in the 2006 Development Master Plan, which was \$3,848,000 in 2006 dollars. Please note that the bridge modification cost of \$1,449,617 is not requested for reimbursement consideration.
 - b. The timing and scale of the development as described is consistent with the 2006 Development Master Plan.

2. Enough information has been submitted in this request regarding what would be financed with a Council grant to meet the requirements of Strategy 2(f). In this case, that information is contained in **Attachments 1 and 2**.
3. The Park District is requesting Metropolitan Council approval for this construction project prior to undertaking it. The Park District has also submitted its construction plans to Metropolitan Council Environmental Services (MCES) for its review, which is consistent with the Council's request for that information. The MCES comments are shown in **Attachment 3**.

CONCLUSIONS

1. The *2030 Regional Parks Policy Plan* requires that requests for CIP reimbursement consideration are consistent with the terms of Strategy 2(f). This review concludes that the reimbursement consideration request of \$2,415,000 for construction of the Hennepin County portion of the Dakota Rail Regional Trail as shown in **Attachment 2** is consistent with the terms of Strategy 2(f). The timing of when the Park District is reimbursed for any portion of the \$2,415,000 is dependent on when funds are provided in future regional parks capital improvement programs. However, the Council does not under any circumstances represent or guarantee that a reimbursement will be granted, and expenditure of local funds never entitles a park agency to reimbursement.
2. Comments from the Council's Environmental Services Division (MCES) shown in **Attachment 3** should be forwarded to Three Rivers Park District so that the trail's construction does not interfere with the operation of any MCES sewer interceptors.

RECOMMENDATIONS

That the Metropolitan Council:

1. Consider reimbursing Three Rivers Park District up to \$2,415,000 for construction of the Dakota Rail Regional Trail as shown in **Attachment 2** in future regional parks capital improvement programs. However, the Council does not under any circumstances represent or guarantee that reimbursement will be granted, and expenditure of local funds never entitles a park agency to reimbursement.
2. Submit comments from the Metropolitan Council's Environmental Services Division shown in **Attachment 3** to insure that the trail's construction does not interfere with the operation of any MCES sewer interceptors.

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



March 13, 2008

Three Rivers
Park District
Board of
Commissioners

Sara Wyatt
District 1

Marilynn Corcoran
District 2

Mark Haggerty
District 3

Dale Woodbeck
District 4

Rosemary Franzese
District 5

Larry Blackstad, Chair
Appointed

Joan Peters, Vice Chair
Appointed

Cris Gears
Superintendent

Mr. Arne Stefferud
Metropolitan Council
390 Robert Street N
St. Paul, MN 55101

Dear Arne:

Three Rivers Park District Board of Commissioners has awarded a construction contract for the development of the Dakota Rail Regional Trail to Rachel Construction in the amount of \$3,860,000.

While the contract was awarded in the fall of 2007, no significant work will begin until summer of 2008. The Park District is seeking eligibility for future consideration for reimbursement for trail construction. This includes grading and removals, paving, drainage, signing, striping, and landscaping work. The total amount of this work is \$2,415,000. The remainder of work for this project involves bridge modifications for which the Park District is not seeking reimbursement consideration.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Boe R Carlson".

Boe Carlson
Associate Superintendent
Three Rivers Park District
(763) 559-6767

cc: Cris Gears, Superintendent
Don DeVeau, Planning and Development
Alex Meyer, Landscape Architect

attachment

BRC/jjs

Attachment 2: Cost Details for Dakota Rail Regional Trail Development

Dakota Rail Regional Trail
12-Mar-08

Contractor - **Rachel Contracting**
Contract Awarded - September 2007

Bid Summary

Grading and Removals	\$ 783,537.05
Paving	\$ 1,216,831.50
Bridge Modifications	\$ 1,449,617.00
Drainage	\$ 58,490.50
Signing & Striping	\$ 74,619.00
Landscape, Turf, Site Misc.	\$ 281,092.60
Total Contract	\$ 3,864,187.65

All quantities are estimates and final cost is based on unit prices bid and final field verified quantities.

Requested reimbursement consideration in future Metro Council regional parks capital improvement programs is shown below:

Grading and removals	\$ 787,537.05
Paving	\$ 1,216,831.50
Drainage	\$ 58,490.05
Signing & Striping	\$ 74,619.00
Landscape, Turf, Site Misc.	\$ 281,092.50
Total request for reimbursement consideration in future Metro Council regional parks CIPs	\$ 2,415,000 (rounded to nearest thousand)

Attachment 3: Metro Council Environmental Services Division review of Dakota Rail Regional Trail construction plans prepared by Three Rivers Park District



Internal Memorandum

Date: March 27, 2008
To: Arne Stefferud
From: Adam Gordon
Karen Mossberg
Michael Villari
Subject: Three Rivers Park District
Dakota Rail Regional Trail
Plan Review

MCES received plans dated July 18, 2007 from SRF for the construction of a regional trail along the former Dakota Rail right-of-way. These plans were received on March 19, 2008. MCES has the following comments on the plan set.

- Between Westedge Boulevard and Commerce Avenue in Mound the proposed trail crosses and parallels MCES interceptor sewer 6-MO-650. The sewer is constructed as a 24-inch diameter gravity flowing pipe at a depth of 6.4 to 22.5 feet. The sewer is generally located 30 feet to the north of the proposed trail centerline. The gravity sewer is typically accessed via the railroad right-of-way. Construction of the trail may unavoidably impair access to the gravity sewer. To better plan for any required sewer maintenance, we request that the Three Rivers Park District provide a construction schedule in advance of the work.

MCES is in the process of designing new sewer facilities in Mound. Construction for the replacement of the 6-MO-650 interceptor sewer may begin as early as 2011. MCES is intending to replace any section of the trail adjacent to the excavation areas for the new gravity interceptor as damage to the trail is unavoidable. Bicycle and pedestrian traffic will be detoured away from the trail during the interceptor sewer construction. MCES is currently preparing a business item to Council to address an interagency agreement for reconstruction of the trail.

The following locations were also noted on the trail plans:

- The 6-MO-650 interceptor is in close vicinity of the trail alignment at the Seton Channel Bridge. This section of interceptor sewer is constructed as an 8-inch diameter forcemain pipe at a depth of approximately 6 feet. The forcemain should be field located prior to installing any footings on the western bridge wingwall.

- The proposed trail crosses over MCES interceptor sewer 7113 and 7113A at four locations: the intersection of North Shore Drive and Bay Ridge Road (18-inch forcemain); Orono Orchard Road (16-inch forcemain); Ferndale Road (20-inch forcemain); and at the Grove Lane parking lot (24-inch forcemain). This section of interceptor forcemain sewer was constructed at a depth of approximately 7 to 10 feet.
- The proposed trail parallels Bell St and MCES interceptor sewer 7020 and crosses over the interceptor at the intersection of the proposed trail and Kennedy Memorial Drive (24-inch gravity pipe). This section of interceptor sewer was constructed at a depth of approximately 15 to 22 feet.

The trail construction contractor should be advised to not stockpile any soils or other materials over the forcemain sewer at these locations. Forcemain should be field located prior to construction of trail improvements in order to avoid damage to the utilities. MCES does not anticipate any disruption to the operation of the sewer facilities at these locations due to trail construction.