

METROPOLITAN COUNCIL
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DATE: February 22, 2011

TO: Metropolitan Parks and Open Space Commission

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

SUBJECT: (2011-xxx) Amend scope of Grant SG-2009-039 and Grant SG-2009-040 financed with FY 2010 Parks and Trails Legacy Fund appropriations, Minneapolis Park & Recreation Board

INTRODUCTION

The Minneapolis Park & Recreation Board (MPRB) has asked to amend the scope of two grants financed with Fiscal Year (FY) 2010 Parks and Trails Fund appropriations. The premise for the scope amendments is that the MPRB would like to fully utilize the grant proceeds before they expire on June 30. The MPRB has proposed additional projects or parts of projects that would be financed with these grants. (See **Attachment 1: Letter from Jennifer Ringold, Minneapolis Park & Recreation Board**)

The Metropolitan Council must consider and approve the proposed change in scope of the grants. This memorandum contains a review of this request under applicable terms of the appropriation legislation and grant agreements and recommends changing the scope of the grants 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

The Minnesota Legislature under Laws of Minnesota 2009, chapter 172, article 3, section 3, appropriated money to the Metropolitan Council from the Parks and Trails Fund to be disbursed to regional park implementing agencies under a formula found in new Minnesota Statute 85.53. The Parks and Trails Fund appropriations are financed with a portion of 3/8ths cent sales and use tax that is in effect from 2009 to 2034 under Article XI, section 15 of the Minnesota Constitution. Under that section of the Constitution, appropriations from the Parks and Trails Fund, “may only be spent to support parks and trails of regional and statewide significance”.

Grant SG-2009-039 (\$1,037,000) was funded with a portion of the FY 2010 Parks and Trails Fund appropriation. The Metropolitan Council approved the grant on July 8, 2009. The appropriation that finances this grant expires on June 30, 2011.

The current scope for Grant SG-2009-039 is:

“At Central Mississippi Riverfront Regional Park, start Boom Island & BF Nelson picnic area redevelopment including playground replacement, bike and pedestrian trails and possibly new wading pool. 2010 activities will focus on construction of bike and pedestrian trails, parking and restroom facilities linking Boom Island and BF Nelson site (includes relocation of Pioneer Statue.) Parks and Trails Fund grant leverages \$775,000 Mississippi Watershed Management Organization grant.”

Since this grant agreement has been executed, three additional projects that are within or part of the Central Mississippi Riverfront Regional Park have successfully moved forward. The first is design work for a new riverfront master plan, the second is construction of the 4th Avenue N. playground, and the third is preparations to repair the Bassett’s Creek bridge and adjacent trails. The MPRB has asked to revise the scope of the grant to allow expenditures from all of these projects to be reimbursed through this grant in addition to the Boom Island & BF Nelson picnic area redevelopment. Funding for Boom Island and BF Nelson picnic area redevelopment would continue to be the top priority for this grant.

The MPRB proposed to revise the scope of the grant by adding the following text to the grant’s scope:

“At Central Mississippi Riverfront Regional Park and at Above the Falls Regional Park, conduct design work for a master plan for the Minneapolis Riverfront Regional Park for an amount not to exceed \$242,000. At the Central Mississippi Riverfront Regional Park, construct portions of a playground at 4th Avenue N and James I Rice Parkway for an amount not to exceed \$100,000. At Central Mississippi Riverfront Regional Park, purchase materials and consulting services required to repair the Bassett’s Creek bridge and adjacent trail not to exceed \$120,000.”

Grant SG-2009-040 (\$1,651,000) was also financed with a portion of the FY 2010 Parks and Trails Fund appropriation. The Metropolitan Council approved the grant on July 8, 2009. The appropriation that finances this grant also expires on June 30, 2011.

The current scope for Grant SG-2009-040 is:

“At Theodore Wirth Regional Park construct picnic shelters, site utilities and possibly wading pool as part of East Park Picnic Area development. The Parks and Trails Fund grant will leverage a \$539,000 Metropolitan Council grant SG-08-048.”

Since this grant agreement has been executed, this project was further defined with the involvement of a Citizen’s Advisory Committee (CAC), which resulted in a concept plan that the MPRB approved in July 2010. Residents have expressed concerns with the group picnic shelters and the new parking lot. In response to these concerns and in following the highest priority features recommended by the CAC, the MPRB wants to focus the scope on trails and environmental enhancements to the lake area and reconstruction of the existing beach parking lot. In addition, the MPRB wants to update the scope to include potential funding for parkway lighting along Saint Anthony Parkway Regional Trail; and pavilion, parking lot, site, and path improvements to the Wabun Picnic Area at Minnehaha Regional Park. Funding for Wirth Park will be the top priority for this grant.

The revised scope would replace what is currently in the grant agreement with the following text:

“At Theodore Wirth Regional Park construct a full trail loop around Wirth Lake consisting of a long boardwalk on the north end of the lake; reconstructing a wetland west of the beach parking; trail connections; reconstructing the beach parking lot and storm water improvements; possible

construction of a storm water pond in the northwest area of the lake to treat untreated water entering the lake; a shade pergola, and an access road to the Wirth Pavilion. Funding also includes some elements of signage, lighting, and other utilities for these developments, as well as design, engineering and site investigations. At Saint Anthony Parkway Regional Trail, installation of parkway lighting including the purchase of materials, replacement of wiring, and/or installation of new fixtures for an amount not to exceed \$370,000. At Minnehaha Regional Park, pavilion, parking lot, site, and path improvements at Wabun picnic area not to exceed \$440,000.

The proposed change in scope of both grants is consistent with the Constitutional requirement that the grants support parks and trails of regional or statewide significance.

Section 9.2 of both 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.

Since the appropriation for these grants expires on June 30 and time is of the essence, the amendment to these grants is proposed to have an effective date of February 16, 2011 which is the date the MPRB approved the change in the scope of the grants. (See **Attachment 2: Minneapolis Park & Recreation Board Resolution regarding submitting updated scopes of service for parks and trails legacy funds to Metropolitan Council**)

CONCLUSIONS

1. The proposed change in scope of grants SG-2009-039 and SG-2009-040 are consistent with applicable sections of the appropriation law that financed the grants (Laws of MN 2009, Chap. 172), and the Constitutional amendment that finances the grants which states that the appropriations from the Parks and Trails Fund, “may only be spent to support parks and trails of regional significance”.
2. The effective date of the amendment to these grants is proposed to be February 16, 2011, which is the date the MPRB approved the change in scope of the grants.

RECOMMENDATION

That the Metropolitan Council authorize an amendment to grants SG-2009-039 and SG-2009-040 which changes the scope of the grants as described in this memorandum, and to approve the effective date of the grant amendment as February 16, 2011.

Attachment 1: Letter from Jennifer Ringold, Minneapolis Park & Recreation Board



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February 16, 2011

In regards to: SG2009-040 and SG 2009-039

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

Dear Arne Stefferud:

I am writing to request a change in the scope of Grants SG2009-040 and SG2009-039, funding from the Parks and Trails Fund of the Legacy Amendment.

The current scope for SG2009-040 reads:

At Theodore Wirth Regional Park construct picnic shelters, site utilities and possibly wading pool as part of East Park Picnic Area development. The Parks and Trails Fund grant will leverage a \$539,000 Metropolitan Council grant SG-08-048.

Since the scope was submitted, this project was further defined with the involvement of a Citizen's Advisory Committee (CAC), which resulted in a concept plan that the MPRB approved in July 2010. Residents have expressed concerns with the group picnic shelters and the new parking lot. In response to these concerns and in following the highest priority features recommended by the CAC, we recommend focusing the scope on trails and environmental enhancements to the lake area and reconstruction of the existing beach parking lot. In addition, we are also recommending that the scope be updated to include potential funding for parkway lighting along Saint Anthony Parkway Regional Trail, and pavilion, parking lot, site, and path improvements to Wabun Picnic Area Minnehaha Regional Park. Funding for Wirth Park will be the top priority for this contract.

The revised scope would read:

At Theodore Wirth Regional Park construct a full trail loop around Wirth Lake, consisting of a long boardwalk on the north end of the lake, reconstructing a wetland west of the beach parking, trail connections, reconstructing the beach parking lot and storm water improvements, possible construction of a storm water pond in the northwest area of the lake to treat untreated water entering the lake, a shade pergola, and an access road to the Wirth Pavilion. Funding also includes some elements of signage, lighting, and other utilities for these developments, as well as design, engineering and site investigations. At Saint Anthony Parkway Regional Trail, installation of parkway lighting including the purchase of materials, replacement of wiring, and/or installation of new fixtures for an amount not to exceed \$370,000. At Minnehaha Regional Park, pavilion, parking lot, site, and path improvements at Wabun picnic area not to exceed \$440,000.

The current scope for SG2009-039 reads:

At Central Mississippi Riverfront Regional park start Boom Island & BF Nelson – picnic area redevelopment, including playground replacement, bike and ped trails and possibly new wading pool. 2010 activities will focus on construction of bike and ped trails, parking and restroom facilities linking Boom Island and BF Nelson site (includes relocation of Pioneer Statue). Park and Trails Fund grant leverages \$775,000 Mississippi Watershed Management Organization grant.

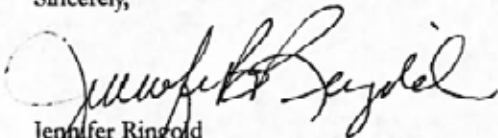
Since the scope was submitted, three additional projects that are within or part of the Central Riverfront Regional Park have successfully moved forward. The first is design work for a new riverfront master plan, the second is the 4th Avenue N Playground, and the third is preparations to repair the Bassett's Creek bridge and adjacent trails. The revised scope would allow expenditures from all of these projects to be reimbursed through this contract. Funding for Boom Island and BF Nelson will be the top priority for this contract.

The revised scope would be updated to include:

At Central Mississippi Riverfront Regional Park and at Above the Falls Regional Park, conduct design work for a master plan for the Minneapolis Riverfront Regional Park for an amount not to exceed \$242,000. At the Central Mississippi Riverfront, construction portions of a playground at 4th Avenue N and James I Rice Parkway for an amount not to exceed \$100,000. At Central Mississippi Riverfront, purchase materials and consulting services required to repair the Bassett's Creek bridge and adjacent trail not to exceed \$120,000.

We would like for this revised scope to include a start date of February 16, 2011.

Sincerely,



Jennifer Ringold
Manager, Public Engagement and Citywide Planning
Minneapolis Park and Recreation Board

cc: Michael Schroeder
Don Siggelkow
Nick Eoloff
Andrea Weber

**Attachment 2: Minneapolis Park & Recreation Board Resolution regarding
submitting updated scopes of service for parks and trails legacy funds to
Metropolitan Council**

Resolution 2011.____
February 16, 2011

Offered by: _____

Seconded by: _____

**RESOLUTION TO SUBMIT UPDATED SCOPES OF SERVICE FOR PARKS AND
TRAILS LEGACY FUNDS TO THE METROPOLITAN COUNCIL.**

WHEREAS, the Minneapolis Park & Recreation Board ("MPRB") is the steward of the Minneapolis Parks; and

WHEREAS, the MPRB has received Parks and Trails Fund appropriations for FY 2010 for Theodore Wirth Regional Park and the Central Riverfront Regional Park; and

WHEREAS, the projects scopes of the contracts need to be updated to match current project scopes or completed work; and

WHEREAS, the project scopes can be adjusted by the Metropolitan Council to allow for reimbursement within the funding deadline of June 30, 2011 for the FY 2010 appropriations;

NOW THEREFORE, be it resolved by the Commissioners of the Minneapolis Park & Recreation Board as follows:

That the Board authorizes the Superintendent to submit revised scopes of services for Parks and Trails Legacy funding to the Metropolitan Council for FY 2010 appropriation as follows:

Revised scope for Theodore Wirth Regional Park Contract # SG 2009-040:

A full trail loop around Wirth Lake, consisting of a long boardwalk on the north end of the lake, reconstructing a wetland west of the beach parking, trail connections, reconstructing the beach parking lot and storm water improvements, possible construction of a storm water pond in the NW area of the lake to treat untreated water entering the lake, a shade pergola, and an access road to the Wirth Pavilion. Funding also includes some elements of signage, lighting, and other utilities for these developments, as well as design, engineering and site investigations. At Saint Anthony Parkway Regional Trail, installation of parkway lighting including the purchase of materials, replacement of wiring, and/or installation of new fixtures for an amount not to exceed \$370,000. At Minnehaha Regional Park, improvements at Wabun picnic area and the Lower Glen not to exceed \$440,000.

Add the following to the Central Riverfront Regional Park Contract # SG 2009-039:

At Central Mississippi Riverfront Regional Park and at Above the Falls Regional Park, conduct a design completion to develop a next generation parks master plan for the Minneapolis Riverfront Regional Park for an amount not to exceed \$242,000. At the Central Mississippi Riverfront, construction portions of a playground at 4th Avenue N and James I Rice Parkway for an amount not to exceed \$100,000. At Central Mississippi Riverfront, purchase materials and consulting services required to repair the Bassett’s Creek bridge and adjacent trail not to exceed \$120,000.

Vote: Aye: _____
 Nay: _____
 Absent:_____