Resolution 2024-54

RESOLUTION DIRECTING THE SUPERINTENDENT TO PREPARE A COOPERATIVE CONSTRUCTION AGREEMENT WITH HENNEPIN COUNTY FOR DESIGN AND CONSTRUCTION OF AN ACCESSIBLE BIKE AND PEDESTRIAN TRAIL CONNECTION TO MIDTOWN THE GREENWAY THROUGH THE MINNEAPOLIS PARK AND RECREATION BOARD’S SOO LINE GARDENS SITE IN SOUTH MINNEAPOLIS

Whereas, The Minneapolis Park and Recreation Board (MPRB) is the steward of Minneapolis parks and trails;

Whereas, MPRB’S mission is to permanently preserve, protect, maintain, improve, and enhance its natural resources, parkland, and recreational opportunities for current and future generations of our region including people, plants, and wildlife;

Whereas, MPRB owns parkland north of the Midtown Greenway between Garfield and Harriet Avenues in South Minneapolis known as Soo Line Gardens;

Whereas, MPRB supports gardening as a recreational activity through its community gardening program, community gardening policy, and adopted urban agriculture plan;

Whereas, MPRB is the steward of recreational public bicycle and pedestrian trails in Minneapolis and is striving to increase trail accessibility and connections throughout the City;

Whereas, The Hennepin County Regional Rail Authority (HCRRA) owns the Midtown Greenway bicycle and pedestrian trail in Minneapolis;

Whereas, Hennepin County (County) is leading a project to improve accessibility to the Midtown Greenway for all abilities, and desires to construct a new ADA-compliant trail ramp at the Soo Line Gardens; and

Whereas, This resolution is supported by Parks for All, the MPRB Comprehensive Plan 2021-2036, under Goal #1: “Foster belonging and equity” and Goal #2: “Steward a continuum of nature and recreation;”

RESOLVED, That the Board of Commissioners directs the Superintendent to prepare a Cooperative Construction Agreement with Hennepin County for the design and construction of an accessible bike and pedestrian trail connection to the Midtown Greenway through the Minneapolis Park and Recreation Board’s Soo Line Gardens site in South Minneapolis; and
RESOLVED, That the President of the Board and Secretary to the Board are authorized to take all necessary actions to implement this resolution.
TO:  Minneapolis Park and Recreation Board
FROM:  Michael Schroeder, Assistant Superintendent, Planning
DATE:  20 March 2024
SUBJECT:  RESOLUTION DIRECTING THE SUPERINTENDENT TO PREPARE A COOPERATIVE
CONSTRUCTION AGREEMENT WITH HENNEPIN COUNTY FOR THE DESIGN AND
CONSTRUCTION OF AN ACCESSIBLE BIKE AND PEDESTRIAN TRAIL CONNECTION TO
THE MIDTOWN GREENWAY THROUGH MINNEAPOLIS PARK AND RECREATION
BOARD’S SOO LINE GARDENS SITE IN SOUTH MINNEAPOLIS

BACKGROUND

This resolution would direct the Superintendent and their designees to continue working with
Hennepin County to advance the design and eventual construction of an ADA-accessible pathway
across Minneapolis Park and Recreation Board (MPRB) land at the Soo Line Gardens. No formal
agreement is attached to this resolution because the Superintendent and MPRB staff desire
formal direction from the Board of Commissioners whether to continue advancement of this
cooperative but County-led project.

In 2021 Hennepin County, which owns and operates the Midtown Greenway, approached MPRB
and the Whittier neighborhood organization for support in improving access to the Midtown
Greenway. Guided by the neighborhood organization’s support and by Commissioner desire to
create enhanced connections to parks and trails city-wide, the Board approved, in the 2021
Capital Improvement Plan, an allocation of $370,000 from the Dibble-Hornstein Parkland
Dedication Fund to the County’s access project. The County was subsequently successful in
securing other funding, including Federal dollars, and initiated design and community
engagement for the access route.

Community members have differed publicly over the project, with extensive testimony by both
advocates and opponents occurring during Open Time at Board meetings for many months. During this time, MPRB Planning staff have been working with County staff and the community
to address concerns about garden impacts while trying to find a design solution that can satisfy
multiple MPRB goals. MPRB has simultaneously made commitment to recreation (including
gardening), a desire to protect and enhance habitat, and a dedication to safe and accessible
bicycle and pedestrian routes.

Recently, the State of Minnesota and the Federal government determined that the Soo Line
Gardens, despite being owned by MPRB and used for multiple park and recreational purposes
including gardening, gathering, and habitat enhancement, is not considered a Section 4(f) resource under the Transportation Act of 1966. Despite this determination—which MPRB staff believe is an error resulting from a lack of reasonable research related to the site’s use—the State and the Federal government have committed to a “modified National Environmental Policy Act process” to ensure impacts are identified and mitigated, much as would occur through a Section 4(f) process. The process requires approval by the Official With Jurisdiction (Board of Commissioners), much like the process that would have occurred were the property determined to fall under Section 4(f). The State will not approve the project proposed by the County without the approval of the Official With Jurisdiction. Importantly, the resolution considering a cooperative construction agreement is not a substitute for the modified NEPA process defined by the State and the Federal government.

With this action, the Board of Commissioners can signal whether it desires MPRB to continue to be involved in the effort to increase accessibility to the Midtown Greenway through the Soo Line Gardens. Alternatively, it can signal whether MPRB should cease work on this effort. The most current design option proposed by the County is included to guide that discussion (Attachment A). The concept itself is not up for discussion or amendment along with this action, as it was created by another agency and not MPRB. However, staff would welcome any additional guidance should this resolution be approved by the Board and staff continue to consult on the terms of a Cooperative Construction Agreement. In addition, a draft environmental letter is included for reference (Attachment B).

A Cooperative Construction Agreement, should staff be directed to prepare one in collaboration with the County, is a tool MPRB has used on multiple projects, including, recently, the Hennepin/First Avenue Trail (“The Seam”) and Bryn Mawr Meadows. Such an agreement typically includes terms relating to:

- Project timeline
- Development of final designs in collaboration with MPRB
- Funding responsibilities of the parties
- Construction, bidding, and liability responsibilities of the parties
- Temporary land rights and access for construction
- Post-construction maintenance responsibilities

Should the project be allowed to advance, staff will bring forward additional Board actions in the future, including:

- Approval of the Cooperative Construction Agreement itself
- Possible approval of site access (easement or permit, depending on needs and term)
- A letter from the Official With Jurisdiction concurring with the modified NEPA process determination
- Approval of a concept design
PREVIOUS BOARD ACTIONS

June 16, 2010  Resolution 2010-109: Authorizing submission of an application to the Commissioner of Revenue and the Hennepin county Board for the conveyance of tax-forfeited land located at 2845 Garfield Avenue South, Minneapolis MN (PIN: 34-029-24-33-0005)

December 9, 2020  Resolution 2020-352 Adopting the 2021 Minneapolis Park and Recreation Board Budget

RECOMMENDATION

Staff is bringing this action forward without a recommendation because:

- engagement of the community has not occurred in a way that allows discernment by staff
- staff cannot be certain engagement occurred in ways aligned with the MPRB’s Community Engagement Policy; and
- the MPRB was not the initiator of the project.

In this case, the county was responsible for community engagement activities for the project. While staff was present at some of those activities, the response was varied with no conclusion as to a favored direction and no way for MPRB staff to determine a balanced perspective on the project.

This action is supported by the following goals and strategies in Parks for All, the MPRB Comprehensive Plan 2021-2036:

<table>
<thead>
<tr>
<th>Goal: Foster belonging and equity</th>
<th>Strategy:</th>
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<tr>
<td>1.5: Identify and remove barriers to park access as a way of fostering economic, psychological, social and cultural resilience for new and current park users.</td>
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<td>1.7: Continually convene conversations between those with different priorities for the parks.</td>
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<td>1.15: Embed accessibility and universal design as a fundamental aspect of programming, design of park spaces and facilities, and when making temporary changes to park infrastructure and programming.</td>
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01. Foster belonging and equity

1.24: Provide support for tourists and visitors to experience the park system by bike, foot and public transit, and ensure infrastructure and facilities are inclusive and welcoming to a diverse local, regional, and global population.

02. Steward a continuum of recreation and nature

2.7: Provide both unprogrammed natural spaces and recreational park amenities throughout the system.

2.8: Foster a system-wide sustainable trail network that guides user access to parks, is accessible to all ages and abilities, protects core habitat, and curbs erosion.

Attachments:
None

Jbr 3.20.2024.