Resolution 2015-167

Approving a Memorandum of Understanding with Fairview Health Services for Repair of the Failed Slope Along West River Parkway in the Mississippi River Gorge Regional Park

Whereas, The Minneapolis Park & Recreation Board is the steward of Minneapolis Parks;

Whereas, The Minneapolis Park & Recreation Board is authorized to contract with public and private entities;

Whereas, The Minneapolis Park & Recreation Board owns and operates West River Parkway and adjacent parkland within the Mississippi River Gorge Regional Park;

Whereas, The slope failure of June 19, 2014 along West River Parkway is included in the Federal Emergency Management Agency (FEMA) declared disaster DR-4182 which was established in response to damages sustained during severe storms, straight-line winds, flooding, landslides, and mudslides which occurred in Minnesota between June 11 and July 11, 2014;

Whereas, The slope failure deposited over 4,000 cubic yards of soil and debris onto West River Parkway and exposed critical infrastructure located at the top of slope belonging to Fairview Health Services (Fairview);

Whereas, Prior to construction and reimbursement of expenditures, FEMA and HSEM (Minnesota Homeland Security and Emergency Management) require an approved, written agreement between the MPRB and Fairview regarding the permanent repair of the slope;

Whereas, A binding agreement, drafted as a Memorandum of Understanding between Fairview and MPRB, has been reviewed and approved by Fairview;

Whereas, Legal counsel has reviewed the agreement and found it to be acceptable; and

Whereas, This resolution is supported by the MPRB 2007-2020 Comprehensive Plan, which envisions “A safe place to play, recreate, contemplate and celebrate”;

RESOLVED, That the Board of Commissioners approve the Memorandum of Understanding with the Fairview Health Services for the repair of the failed slope along West River Parkway in the Mississippi River Gorge Regional Park; and

RESOLVED, That the President of the Board and Secretary to the Board are authorized to take all necessary administrative actions to implement this resolution.

TO: Administration & Finance Committee

FROM: Michael Schroeder,

DATE: April 15, 2015

SUBJECT: Approving a Memorandum of Understanding with Fairview Health Services for Repair of the Failed Slope Along West River Parkway in the Mississippi River Gorge Regional Park

BACKGROUND

This resolution approves a Memorandum of Understanding between the Minneapolis Park and Recreation Board (MPRB) and Fairview Health Services (Fairview) for the permanent repair of the failed slope along West River Parkway located in the Mississippi River Gorge Regional Park.

On June 19, 2014 after historic sustained and heavy rains across the Twin Cities, a 100 foot wide x 100 foot high section of the bluffs along the Mississippi River adjacent to West River Parkway failed. The resulting mudslide covered the parkway with over 4,000 cubic yards of debris and soil, threatening the Fairview structures located at or near the bluff edge along the MPRB property line.

The day after the mudslide, the MPRB sent a letter to Fairview acknowledging the cooperation between the two organizations to address the emergency response to the mudslide and expressing the MPRB's commitment to cooperate in good faith with the Fairview to arrive at a fair distribution of incurred costs.

On August 21, 2014 Hennepin County was notified it had been added to the list of counties eligible for Public Assistance from FEMA for damages resulting from severe storms, flooding and landslides that occurred between June 11, 2014 and July 11, 2014. Up to 75% of eligible expenses will be reimbursed by the federal government through FEMA. The remaining 25% will be reimbursed by the State of Minnesota, but only with formal action by the State legislature.

Since early September of 2014, the MPRB and Fairview have been meeting with Barr Engineering, MPRB's engineering consultant for the mudslide, on a weekly basis to coordinate emergency protective measures and the design and engineering of permanent repairs of the slope. Claims representatives from FEMA and HSEM (Minnesota Homeland Security and Emergency Management) have also attended many of these meetings. Barr's investigation of the area's geologic conditions and of the causes of the slope failure was completed in mid-November 2014. Barr proposed concepts for the permanent repair of the slope on December 4, 2014.

MPRB staff prepared a Memorandum of Understanding (MOU) in early January 2015 which was reviewed by legal counsel and forwarded to Fairview staff involved with the project. FEMA and HSEM stipulate that the MOU must be written and approved by both organizations prior to reimbursement of any claims.

The attached MOU has been reviewed and approved by Fairview. It has also been reviewed and found to be acceptable by MPRB's legal counsel, Rice Michels & Walther LLP.

The MPRB has already applied to FEMA for reimbursement of costs related to Category A - Debris Removal and Category B - Emergency Protective Measures. FEMA is in the process of preparing the necessary documentation for Category G which includes permanent repairs to the failed slope. Costs for Category G are currently projected to be $3.8 million.

PREVIOUS BOARD ACTIONS

1/21/2015 Resolution 2015-110 approving the design and engineering concept for the permanent repair of the failed slope along West River Parkway

1/7/2015 Resolution 2015-100 approving a purchase order to reimburse the University of Minnesota Medical Center - Fairview in the amount of $201,591.40 for FEMA Category A - Debris Removal expenses and for FEMA Category B - Emergency Protective Measures occurring between June 19, 2014 through September 2, 2014 Related to the Slope Failure Along West River Parkway

10/22/2014 Resolution 2014 – 317 awarding a contract to Veit & Companies for the installation of a Woven Coated Polyethylene Cover over the failed slope along West River Parkway.

10/22/2014 Resolution 2014 – 314 approved a purchase order up to an amount not to exceed $150,000 with Safety Signs to provide the signs and barricades needed for the road and trail closures and detours related to the failed slope along West River Parkway near 4th Street South.

09/03/2014 Resolution 2014-286 approved a Professional Services Agreement with Barr Engineering in the amount of $634,000 for engineering services related to the 06/19/14 mudslide along West River Parkway.

FUNDING/COST SUMMARY

Sources		$ 1,160,589.86
FEMA - 75% of eligible costs	$ 870,442.40	
State of Mn - Disaster Relief - 25%	$ 290,147.47	
Uses		$ 1,160,589.86

Barr Engineering PSAs (two)	$	683,000.00
Signs, barricades, detours	$	150,000.00
Monitoring	$	18,750.00
Cover - provide and deliver	$	15,000.00
Cover - installation	$	82,529.00
Additional debris clean-up (Veit)	$	9,719.50
Reimburse UMMC - Cat A - B	$	201,591.36
Remaining	$	-

RECOMMENDATION

Staff recommends approval of a Memorandum of Understanding with Fairview Health Services for the repair of the failed slope along West River Parkway in the Mississippi River Gorge Regional Park.

This action is supported by the following vision and goal statements in the MPRB 2007-2020 Comprehensive Plan.

Vision Theme 4: A safe place to play, recreate, contemplate, and celebrate.

Goal: Parks are safe and welcoming by design.

HISTORY:

04/01/15	**Administration & Finance Committee**	**ADOPTED**

ATTACHMENTS:

- Memorandum of understanding FINAL 0316_2015 - small (PDF)

Prepared By: Deborah Bartels, Project Manager, Design and Project Management

Review:

Cliff Swenson Completed 03/20/2015 9:15 AM

Michael Schroeder Completed 03/20/2015 12:29 PM

Jayne Miller Completed 03/22/2015 9:16 PM

Minneapolis Park and Recreation Board Pending 04/15/2015 5:00 PM

Administration & Finance Committee Completed 04/01/2015 5:20 PM