

Sochacki JPA Board Meeting

2/08/2016

4 PM

Three Rivers Administrative Center: Board Room

DRAFT AGENDA

1. Approval of the Meeting Minutes from 12/28/2015
2. Approval of Temporary Occupancy
3. Approval of Recommended Actions
4. Next Steps
5. Other topics

Item 1

Sochacki Joint Powers Board December 28, 2016 Draft Meeting Minutes

In attendance:

Board Members:

Pat Backen – Council member, Robbinsdale
Larry Fonnest – Council Member, Golden Valley
Dan Freeman, District 3 Commissioner, Three Rivers
John Gunyou, Chair, Three Rivers Board
Shep Harris – Mayor of Golden Valley
Regan Murphy – Mayor of Robbinsdale

Staff:

Boe Carlson, Three Rivers
Jonathan Vlaming, Three Rivers
Rick Birno, Golden Valley
Tom Marshall, Robbinsdale
Marcia Glick, Robbinsdale

Guests:

Kathryn O'Brien, Bottineau Project Office
Caroline Miller, Bottineau Project Office
Nick Landwer, Bottineau Project Office
David Davies, Bottineau Project Office
Bob Mattison, Golden Valley Opens Space and Parks Commission Chair

Item 1: Review of JPA agreement

Marcia Glick, City Manager for Robbinsdale, led the Board through a review of the JPA Agreement. There were no recommended changes to the agreement. The Board then discussed the need for a chair. Gunyou proposed that the Chair of the Board be a city representative, alternating each year between Robbinsdale and Golden Valley. A motion was made and seconded to approve Regan Murphy, Mayor of Robbinsdale, as the Chair of the JPA Board. A Roll Call vote was taken and approved unanimously.

The Board directed the JPA Operations staff to meet annually to review the year and to identify what has went well, and what hasn't went so well and how might that be improved. The Board also directed staff to develop a 5-year Capital Improvement Plan that would reflect the proposed use of Sochacki for construction staging by the Bottineau Project.

Item 2: Sochacki Park and the Bottineau LRT

Kathryn O'Brien of the Bottineau Project Office (BPO) led a presentation on the Bottineau LRT project and the proposed use of Sochacki Park for construction staging of the LRT bridge over Grimes Pond. Several questions were raised by the Board and address by BPO staff, and when warranted, by JPA staff. The questions and responses were as follows:

Q: Where will construction crews park?

A: Contractor will arrange for parking for its crews, and it may involve off-site parking and shuttles to the work site. The Contractor is asked to not have crew members parking randomly on city streets.

- Q: What time of day would construction be occurring?
A: 7 AM to 7 PM, or the local ordinance rules on construction hours.
- Q: Is the use of Sochacki only for the Grimes Pond bridge work?
A: It is for the bridge, and to access to the south of the bridge a little bit.
- Q: Where will staging be to the north and to the south of the Park?
A: BPO is not sure yet – they are still working on that. BPO will not use Sochacki for staging for the whole corridor in that area. There will likely be localized staging areas for contractor use.
- Q: Will the park be closed if you use the north/south trail as a construction access road?
A: There has been much discussion by staff on how to keep the park open. An interim trail would be developed adjacent to the construction road, but separated by a fence. The staging area would be fenced off from public use. The BPO is required to keep the park open.
- Q: Will additional clearing be needed?
A: Likely yes in the staging areas and possibly on the sides of the road and trail used for construction access. BPO is in the process of doing a tree survey, and will work with JPA staff to protect significant trees and other features. Board members noted that the public is very sensitive to tree removal.
- Q: Where will the construction staging be for the Golden Valley Pond work?
A: That construction staging will be in the Golden Valley LRT Station area.
- Q: Should we put in a dog park before construction occurs?
A: Staff recommends against development in 2016 since the BPO use of the park is likely to begin in 2017 and would directly involve the area being examined for a dog park.
- Q: how will the impacted areas be remediated or restored after construction is completed?
A: Roads, trails, and staging areas will be restored. BPO will work with Robbinsdale and JPA staff on identified desired planting materials, etc. There is also a BPO commitment to develop a trail connection from the current terminus at Bonnie Lane south the to the Golden Valley LRT station.
- Q: There is a lot of passion for this park and the public may have vocal concerns. People will need to see what kinds of equipment will be in the park, and see visuals of what it will look like once it has been restored. Is there a communications plan?
A: There was discussion among Board members and staff as to who is best equipped to coordinate communication of BPO use of Sochacki. BPO was identified as being the most able to effectively communicate with the public on their use of Sochacki. BPO staff agreed to take on that responsibility.
- Q: Will it really be two full years of construction?
A: The bridge will likely only take one year. However, BPO wants to be sensitive and minimize impacts. There are many unknowns in this area, especially given the composition of the staging areas, and BPO will not know the full extent of what is needed until on-site work has begun. 2018 will likely be the heavy year, with initial work beginning in 2017 and clean-up and restoration beginning in 2019.

Q: Will the proposed construction impact wildlife?

A: There is one Threatened/Endangered Species identified as being in the park. It is the Northern Long-eared Bat, whose populations are dropping dramatically due to a bat-specific disease. The bats nest in trees during the warm months, and there will be no tree clearing from April 1 through the end of September.

Q: Construction is messy. What can we expect? Is there an example of a "land mine" that might arise? Might the impact area have to be expanded due to poor soil conditions?

A: There will be noise and dust. The contractor will work hard to minimize these impacts and there will be strict controls in place. Sochacki has poor soils, and BPO is in the process of doing soil borings. Given the site conditions, it is difficult to fully predict the required staging area size until work within the site begins.

Q: Will there be construction trailers, lighting of staging areas at night, security, etc.?

A: This is likely, but BPO realizes the need to be sensitive to the impacts on neighbors.

Item 3: Role of Sochacki with regard to 4F approval

JPA staff discussed the definition of "Officials with Jurisdiction". Approval of use of park land under 4(f) rules is sought from the Officials with Jurisdiction. Robbinsdale owns the land under consideration for use for construction staging and is an Official with Jurisdiction. The JPA administers the park, which makes it another Official with Jurisdiction. Staff indicated that it is important that consensus on mitigation be reached between the all Officials of Jurisdiction and that approval to use the park for construction staging be obtained from all Officials with Jurisdiction to ensure no setbacks to the Environmental Impact Statement process. BPO indicated that Golden Valley is also considered an Official with Jurisdiction since there is need for a 10-foot LRT buffer along the entire eastern border of the park.

BPO indicated that five actions or resolutions would be ideal to best meet the requirements of 4(f) and to keep the project on schedule:

1. An action approving use for construction staging by the JPA Board
2. Robbinsdale Resolution of support for use
3. Robbinsdale Municipal Consent
4. Golden Valley Resolution of support for use
5. Golden Valley Municipal Consent

The Cities could package the resolution of support with the municipal consent process and public hearings.

Items 4: Proposed rules for consideration of use

JPA staff explained that the proposed rules of use were similar to guiding principles, and that the BPO staff and JPA concur that these rules make sense and will be followed.

There was discussion on what public outreach should occur regarding use of Sochacki for construction staging. BPO staff indicated their commitment to continue to maintain a high level of public input for the project and indicated that there have already been public meetings where use of Sochacki has been discussed. The JPA staff had proposed at least one additional public meeting with direct mailing invitations to residents within 1,000 feet of the park. Board members expressed concern that the limits of 1,000 feet would not adequately reach all users of the park, and suggested that the existing public input process for the LRT, coupled with the public hearings for Municipal Consent, would be sufficient to address this matter. JPA staff concurred.

Item 5: Proposed Mitigation

JPA staff provided a proposed package of 17 items to mitigate the use of Sochacki, with an additional three items for consideration of inclusion in the mitigation plan. The Board meeting was identified as an opportunity for the Board members to provide feedback on priorities and potential concerns.

The focus at this time is to reach consensus among the JPA partners and the BPO on what constitutes a fair mitigation plan for use of Sochacki Park. At this time there is no consensus among partners and the BPO, and staff recommended that the Board take no action on approving the draft mitigation plan at this time.

Board members discussed the package of items, and there appeared to be general support for the package of 17 items, and a willingness to work towards consensus.

The Board also recognized that there are really two parts of the negotiated request: 1) Restoration, which the BPO must do by law; and 2) Improvements, which would be required in exchange for displacing users of the park for 2+ years.

The Board Chair requested that an item specific to erosion control and prevention also be added to the list for consideration.

The Board Chair directed JPA staff to meet in mid-January with BPO staff to work towards reaching consensus on a mitigation plan.

Item 6: Next Steps

The Board agreed to meet on Monday February 8th at 4 PM at the Three Rivers Administrative Center to consider approval of an action supporting use of Sochacki Park for Bottineau LRT Construction staging, with approval contingent upon an acceptable mitigation plan.

Item 2

MOTION TO APPROVE THE PROPOSED TEMPORARY OCCUPANCY OF SOCHACKI PARK FOR CONSTRUCTION STAGING OF THE METRO BLUE LINE EXTENSION LRT PROJECT, CONTIGENT UPON PRICIPLES A THROUGH L:

Principle A: The temporary occupancy of Sochacki Park is proposed solely by the Blue Line Extension Project Office (BPO), and is being proposed only due to the lack of prudent and feasible alternatives.

Principle B: BPO will provide an opportunity for the public to provide input on the proposed construction staging and park revegetation plan prior to construction.

Principle C: The proposed boundaries of impact are as shown on Map Attachment A Those boundaries within Robbinsdale may be adjusted at the discretion of the City of Robbinsdale, and those boundaries within the City of Golden Valley may be adjusted at the discretion of the City of Golden Valley.

Principle D: Any additional Golden Valley lands, including Bonnie Lane, may not be used for LRT construction or construction access without prior notice, review and formal approval by the City of Golden Valley.

Principle E: Sochacki will remain open for public use during LRT construction, and will include contiguous and safe north/south travel by pedestrians and bicyclists through the entire park. Access sites from the interim trail to the area east of the construction road will be provided in order to enhance access.

Principle F: If the BPO uncovers any environmental contamination in its use of Sochacki, the BPO will be responsible for required environmental remediation in accordance with Minnesota Pollution Control Agency (MPCA) permitting requirements.

Principle G: Any areas that are disturbed by construction activities that are adjacent to wetland and water bodies must be restored with native vegetation buffers in accordance with the Wetland Conservation Act and Section 404 of the Clean Water Act.

Principle H: BPO will incorporate the results of a BLRT Phase II Environmental Site Assessment (ESA) into construction staging planning. Phase II results and MPCA permitting requirements resulting from this site assessment will be communicated to JPA and the cities of Golden Valley and Robbinsdale.

Principle I: BPO will require their construction contractor to develop a final Sochacki Park Construction Staging Plan, consistent with mitigation commitments made to the JPA and the cities of Robbinsdale and Golden Valley and based on the results of further engineering and environmental investigations. Input from the JPA and the cities of Golden Valley and Robbinsdale will be sought prior to BPO accepting the Contractor's final Sochacki Park Construction Staging Plan.

Principle J: The Met Council will not be responsible for long-term operations and maintenance of all infrastructure restored and/or constructed by BPO.

Principle K: BPO commits to ongoing coordination with the JPA and the cities of Golden Valley and Robbinsdale. Coordination efforts will continue through all phases of BLRT project development, including engineering, final design, and construction.

Principle L: The determination of temporary occupancy under Section 4(f) for Sochacki Park and the following subsequent actions to provide mitigation and equitable compensation was made based on the project definition within the Municipal Consent plans and the project's Final Environmental Impact Statement at a 15% level of design.

Item 3

MOTION TO RECOMMEND THE FOLLOWING 14 ACTIONS TO PROVIDE MITIGATION AND EQUITABLE COMPENSATION FOR THE TEMPORARY OCCUPANCY OF SOCHACKI PARK FOR CONSTRUCTION STAGING:

- 1) Removal of existing vegetation as agreed to by BPO staff and JPA staff within the restoration zone, defined as A) the southern construction staging area, and B) the northern staging area (*See Map Attachment A*), blending into the adjacent disturbed areas in the NE quadrant of the park.
- 2) Removal and disposal of all surface rubble within the restoration zone, in accordance with MPCA permitting requirements.
- 3) Addition of clean fill and top soil in the restoration zone in accordance with MPCA permitting requirements and consistent with the re-use of this area as guided by stakeholders.
- 4) Development and implementation of a revegetation plan approved by the JPA staff. The plan will address all areas disturbed by construction activities. In addition, the plan will identify practicable additional thickening of the vegetative buffer between the Park and the LRT Corridor where needed and feasible for the purposes of reducing potential visual impacts of the LRT on Park visitors.
- 5) In the southern staging area, N. Rice Lake water edge restoration work and vegetation plantings to provide learning opportunities for park users (design and species TBD).
- 6) Restoration of the existing paved interior road to provide for safe two way traffic.
- 7) Removal or replacement of the northern parking lot to be determined in consultation with JPA staff.
- 8) Reconstruction and expansion of the interior paved parking lot (exact site TBD in consultation with JPA staff), to include room for a school bus turnaround.
- 9) Clearing, revegetation and fencing of an area immediately east and north of the interior parking lot within the northern staging area for future use as a dog off leash area.
- 10) Providing practicable utility services to a site adjacent to the interior parking lot for future development of a bathroom/storm shelter, and drinking water fountain.
- 11) Ground preparation for a future education shelter sized for 50 students in a location TBD.
- 12) Construction of a water education platform on N Rice Lake
- 13) Redevelopment of a safe 10-foot wide paved trail through the length of the park, running from the northern entrance to the current trail terminus by Bonnie Lane; with restoration along the trail edge as needed.
- 14) Construction of an off-road trail connection from the existing terminus of the Sochacki Park trail at Bonnie Lane, crossing underneath the reconstructed Golden Valley Road Bridge and connecting to the existing trail in Theodore Wirth Regional Park.

Map Attachment A



Item 4: Next Steps

Tuesday 2/9	Robbinsdale	City Council Public Hearing on Sochacki
Tuesday 2/16	Robbinsdale	City Council Municipal Consent
Tuesday 2/16	Golden Valley	City Council Municipal Consent