



## STAFF REPORT

DATE: 3/4/2020

**TO:** City Council  
**FROM:** Ben Prchal, City Planner  
**AGENDA ITEM:** Outdoor Recreation Grant Program  
**REVIEWED BY:** Ken Roberts, Planning Director

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### **BACKGROUND:**

With the City approving the construction of new trails within Sunfish Lake Park, Staff has started the process of applying for a grant through the Minnesota DNR. The grant program is referred to as the Outdoor Recreation Grant Program, which Staff believes will be an advantageous program to the City if funding is awarded.

### **ISSUE BEFORE THE CITY COUNCIL:**

Would the City Council like to approve Resolution 2020-018, authorizing Staff to proceed with the grant application and subsequent monitoring procedures?

### **PROPOSAL DETAILS/ANALYSIS:**

#### Benefit to the City.

Fortunately the City Parks Commission has asked Staff to try and capitalize on grant funding opportunities. The Parks work plan for 2020 has prioritized investments into the City Park infrastructure and is putting just as much focus on being financially responsible with the City's Park Dedication funds. Being that the life of the Park Dedication fund is dependent upon residential/commercial development, grant opportunities aide in prolonging its usefulness. With that said, Staff has begun to fill out the application with hopes of being awarded 50% reimbursement of all eligible expenditures for building a trail system throughout Sunfish Lake Park. Although the City runs the risk of not receiving funding Staff believes that the time investment that it takes to prepare an application far outweighs the potential financial reward. Fortunately, it appears the majority of the project (*trail construction and signage*) will qualify for funding. The grant application will need to be submitted to the DNR by March 27, 2020.

#### Potential Adjustment to Construction Timeline.

If the City is awarded funding, the construction start/finish date may need to be amended. The grant guidelines state that "Any project costs incurred prior to the start date of the grant agreement will not be eligible for reimbursement." The project may need to be delayed in order to capitalize on the funding opportunity. As stated on the DNR website "Projects cannot begin until all requested final documentation has been submitted and an agreement between the applicant and the state has been signed. Project start dates may be in the fall of 2020 or later, depending on the funding available and the project ranking. Funded projects must begin promptly after an agreement has been signed. All work must be completed no later than June 30, 2022." Staff can try and request an earlier start date with the DNR but the Council should be aware of what is currently established for the project timeline. Although this is an exciting project and amenity for the City, Staff believes that if the project needs to be delayed for the sake of spending 50% less. That will be the fiscally responsible path for the City.

### **Fiscal Impact:**

The application will ask for 50% cost share. Though this is the request, Staff cannot guarantee that 50% will be awarded but arguably any percentage on a project over \$100,000 will have a reasonably noticeable impact.

### **Recommendation:**

*"Staff recommends approval of the Resolution 2020-018 requesting grant funding from the DNR for the construction of trails within Sunfish Lake Park"*

### **Attachments:**

Outdoor Recreation Grant Program Manual  
Resolution 2020-018

**CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA**

**RESOLUTION NO. 2020-018**

**RESOLUTION AUTHORIZING THE SUBMISSION OF AN OUTDOOR RECREATION  
GRANT APPLICATION**

**BE IT RESOLVED** that the City of Lake Elmo act as legal sponsor for the project contained in the Outdoor Recreation grant application to be submitted on 27 /3 / 2020 and that Ben Prchal, the City Planner is hereby authorized to apply to the Department of Natural Resources for funding of this project on behalf of the City of Lake Elmo.

**BE IT FURTHER RESOLVED** that the applicant has read the Conflict of Interest Policy contained in the Outdoor Recreation Grant Program Manual and certifies it will report any actual, potential, perceived or organizational conflicts of interest upon discovery to the related to the application or a grant award to the State.

**BE IT FURTHER RESOLVED** that the City of Lake Elmo has the legal authority to apply for financial assistance, and financial capability to meet the match requirement (if any) and ensure adequate construction, operation, maintenance and replacement of the proposed project for its design life.

**BE IT FURTHER RESOLVED** that the City of Lake Elmo has not incurred any development costs and has not entered into a written purchase agreement to acquire the property described in the Cost Breakdown section on this application.

**BE IT FURTHER RESOLVED** that the City of Lake Elmo has or will acquire fee title or permanent easement over the land described in the site plan included in the application.

**BE IT FURTHER RESOLVED** that, upon approval of its application by the State, the City of Lake Elmo may enter into an agreement with the State for the above-referenced project, and that the City of Lake Elmo certifies that it will comply with all applicable laws and regulations as stated in the grant agreement including dedicating the park property for uses consistent with the funding grant program into perpetuity.

**NOW, THEREFORE BE IT RESOLVED** that THE CITY PLANNER is hereby authorized to execute such agreements as are necessary to implement the project on behalf of the applicant.

**I CERTIFY THAT** the above resolution was adopted by the City Council of the City of Lake Elmo on 4/3/2020.

SIGNED:

WITNESSED:

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Date)

# Outdoor Recreation Grant Program

## 2020 Program Manual



## ***I. PROGRAM INFORMATION***

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## ***CONTACT INFORMATION***

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## ***I. PROGRAM INFORMATION***

The Outdoor Recreation Grant Program assists local governments in acquiring parkland and developing or redeveloping outdoor recreation facilities. Applicants are eligible to receive more than one grant provided they are unique parks.

### ***DEADLINE***

Applications must be submitted by March 27, 2020 to be eligible for funding assistance for the current year.

### ***FUNDING***

The program finances projects using federal funds through the [Land and Water Conservation Fund \(LAWCON\)](#). Federal funding available for FY 2021 is at least \$385,000 and may be up to 1.5 million to be available for the Outdoor Recreation Grant Program and the Natural and Scenic Areas Grant Program.

State funding available for FY 2021 is a portion of \$850,000 from "In Lieu Of" lottery proceeds available for three Park and Trail grant programs. Additional state Environment and Natural Resources Trust Fund dollars have been recommended by the [Legislative Citizens Commission on Minnesota Resources \(LCCMR\)](#) and other state funding may be available but are subject to Legislative approval. Final amounts available will not be known until after the application deadline.

### ***GRANT AWARDS AND MATCH REQUIREMENTS***

The minimum grant award is \$10,000 and the maximum grant award is \$250,000. Grants are reimbursed up to 50 percent of the total eligible costs. The remaining 50 percent "local share" can consist of cash or the value of materials, labor and equipment usage provided by the local sponsor or by local donations or any combination thereof. Volunteer unskilled labor is valued, for this grant program, at \$9.00 per hour. Volunteer skilled labor is valued at its going rate. The invoice/letter must be on a company letterhead, detailing the work completed and the amount of the donation.

Costs must be incurred and paid for before reimbursement can be made. Grant agreements generally expire within 24 months and projects must be completed by then.

### ***ELIGIBLE APPLICANTS***

Cities, counties, and townships.

Note: The applicant must be the current or intended owner and manager of the property to be acquired or developed. Multi-organization collaboration is not required for this program.

### ***ELIGIBLE PROJECTS***

- Acquisition of land for future development of outdoor recreation facilities. Public access, including parking, must be provided within 1 year. Recreation facilities must be developed within three years from the date of acquisition.
- Development, redevelopment or rehabilitation of outdoor recreation facilities on land owned by the applicant.
- A combination of land acquisition and development, redevelopment or rehabilitation of outdoor recreation facilities.

### ***ELIGIBLE RECREATION FACILITIES***

One or more of the following major recreation facilities must be included in a proposed project:

- Boat/Canoe Access Sites
- Campgrounds
- Fishing Piers/Shore Fishing Areas
- Skating Rinks/Parks
- Nature Study/Observation Areas
- Picnic Shelters
- Playgrounds
- Sports Fields and Courts
- Swimming Beaches and Outdoor Pools
- Splash Parks
- Trails (non-motorized internal park trails)

### ***ELIGIBLE RECREATION SUPPORT FACILITIES***

The following facilities are also eligible for funding as part of a grant application that contains at least one facility from the eligible recreation facilities list above.

- Change houses, restrooms, shower buildings and warming houses.
- Fencing, lighting and signs.
- Landscaping and natural area restoration.
- Park roads and parking areas (may not exceed 40% of the total project cost).
- Fixed park furnishings such as benches, drinking fountains, grills, picnic tables, trash receptacles and fire pits.
- Walkways.

### ***INELIGIBLE FACILITIES AND EXPENSES***

Ineligible facilities or expenses are items that may not be funded by the grant or included as part of the local match requirement. The following list includes common types of ineligible facilities. A determination of eligibility will be made by the Department of Natural Resources.

- Construction of any facility on land not owned by the grant recipient.
- Acquisition of land already in public ownership.
- Any expenditure that occurs outside the dates of the grant contract.
- Facilities not available for general public use.

- Administrative expenses, contingency allowances, archeological surveys and legal fees.
- Design and engineering in excess of 10% of the total construction cost.
- Construction of indoor recreational facilities (i.e.: ice arenas, enclosed swimming pools, etc.), concession-only buildings, press boxes, golf courses, shooting ranges and motorized trails.
- Decorative fountains, statues and plaques.
- Non-permanent skate park ramps.
- Sewer to individual campsites.

## ***II. THE APPLICATION PROCESS***

The application is available to download from the [Outdoor Recreation Grant Program](#) web page. We urge applicants to begin the application process early in order to allow time to complete application requirements such as obtaining community involvement and completion of appraisals.

Completed applications are to be submitted electronically in a “.pdf” format by **March 27, 2020** using the instructions in the application form. Staff members are available to discuss your project or review application materials. You are encouraged to submit any draft application or materials by **March 6th** if you would like staff to provide comments. Incomplete applications or applications received after the deadline will not be eligible for funding consideration.

### ***APPRAISAL REQUIREMENTS***

The application must include an appraisal report by a general real property appraiser licensed by the State of MN and meet the Uniform Appraisal Standards for Federal Land Acquisition (UASFLA). The appraisal must include the Minnesota Department of Natural Resources (DNR) and the National Park Service as intended users and the landowner or designated representative must be given an opportunity to accompany the appraiser during the inspection of the property. Appraisals must have an effective date within 13 months of the application deadline.

If your application is selected for funding, you may be required to submit a technical review of the appraisal report conducted by an appraiser who is not associated with the original appraiser and who is qualified to perform technical reviews under the UASFLA and 49 CFR Part 24.104. See UASFLA Section C-1 for further guidance on technical reviews.

### ***COMPETITIVE REVIEW AND SELECTION PROCESS***

The program is competitive and requires a review and selection process to make funding determinations and awards. The review and selection process will take place after March 27, 2020 and funding announcements will be made in summer. Program staff will review applications and, if necessary, a site visit will be conducted. The review will focus on priorities set in the State Comprehensive Outdoor Recreation Plan and project specific criteria identified

below.

## ***MINNESOTA'S 2020-2024 STATE COMPREHENSIVE OUTDOOR RECREATION PLAN***

The [2020-2024 State Comprehensive Outdoor Recreation Plan](#) (SCORP) provides guidance and direction to the state's outdoor recreation providers for their work in protecting, maintaining and enhancing outdoor recreation opportunities for the state's residents and visitors.

An important part of developing Minnesota's SCORP is public and stakeholder input. To better understand patterns and priorities for outdoor recreation in Minnesota, several efforts were used to gather information and feedback from outdoor recreation providers and from the public including an Outdoor Recreation Household Survey, Parks and Trails Legacy Celebration Events and an Outdoor Recreation Providers Survey. A Steering Committee to help guide the development of the SCORP was formed. The twelve members of the committee were selected to represent a broad array of interests in outdoor recreation in Minnesota. The Steering Committee included local and regional park agency staff, members of outdoor recreation advocacy groups, and community leaders involved with health, youth, and accessibility issues.

The SCORP identifies several current and future trends that are among those already affecting outdoor recreation in Minnesota including: issues around public health; addressing diversity, equity and inclusion challenges; demographic changes in Minnesota's population; climate change impacts and accessibility. Taken together, these trends and the strategies within the four Strategic Directions represent both challenges and opportunities for Minnesota's outdoor recreation providers for the next five years. The intention is that the 2020-2024 SCORP will aid these agencies and organizations as they plan for and invest in facilities and programs to meet the outdoor recreation interests of Minnesota's residents and visitors.

Applications are assessed to ensure that the proposed project is consistent with identified priorities established in the SCORP document that are relevant to the grant program.

### ***SELECTION PRIORITIES***

**SCORP Plan (60%)** - Selection criteria are based on priority actions identified under the following three strategic directions in the SCORP.

#### **Does the Project Connect People to the Outdoors?**

- Does the proposed project design and redevelop outdoor recreation facilities so that they can accommodate varying forms of transportation to sites (e.g., driving, walking, biking)?
- Does the proposed project design, develop, rehabilitate and manage outdoor recreation facilities to encourage use by people with all abilities?
- Does the proposed project design, develop, rehabilitate and manage outdoor recreation facilities to encourage use by people of diverse backgrounds and experiences?
- Does the proposed project provide high-quality experiences to visitors through thoughtful design, programming, and interpretation?



### **Does the Project Acquire Land and/or Create Opportunities?**

- Is the proposed project located in a densely settled area or area of rapid population growth?
- Does the proposed project accelerate the acquisition of private in-holdings and add lands to existing parks to enhance resource protection and recreational opportunities?
- Does the proposed project acquire exceptional one-time opportunities of unique, high-quality natural resources that meet critical needs outside of regional centers?
- Does the proposed project acquire land to connect protected and high-quality natural resource corridors?
- Does the proposed project acquire land that protects important water resources including lakes, rivers, wetlands, shoreline, and critical watersheds?
- Does the proposed project design, develop, and/or redevelop facilities that meet the differing outdoor recreation needs for people of all abilities?
- Does the proposed project create an accessible environment that is open and flexible to accommodate new and emerging nature-based recreation uses?
- Does the proposed project develop infrastructure and amenities that meet the needs and interests of future generations and diverse communities?
- Is the proposed project designed and constructed with sustainable and resilient infrastructure (rely on up-to-date green infrastructure and best practice designs)?

### **Does the Project Take Care of What We Have?**

- Does the proposed project result in redevelopment, renovation or rehabilitation of existing infrastructure to ensure high-quality and safe experiences for the public?
- Does the project sponsor maintain a capital asset management plan to ensure protection and full utilization of the proposed facilities?
- Does the proposed project preserve existing high-quality natural areas and water resources?
- Does the proposed project restore and reconstruct natural communities that have been degraded or lost due to agriculture or development?

### **Additional Non-SCORP Review Components (40%)**

- Project Specific Criteria including: Cost vs. benefit, application and project quality and local match.
- Park and Facility Design: Use & design are compatible with site, makes good use of available space, avoids conflicts among facilities and avoids conflicts with adjacent uses.
- Health and Safety: Consider health and safety risks.
- Appropriate Design Standards: All facilities must be accessible and designed consistent with standards.
- Environmental Intrusions: All non-recreational intrusions are documented and the impact has been considered in the park design. All power lines serving the park facilities must be placed underground.

## ***AWARD OF FUNDS***

All applicants will receive official written notification regarding their request for funding in the summer. If your proposed project has received preliminary approval for funding, you will be contacted regarding additional information requirements needed before a grant agreement can be processed. These requirements may include State Historic Preservation Office (SHPO) review, permits and other details.

Projects cannot begin until all final documentation has been submitted and a grant agreement has been completed. This process can take three months to complete. Any project costs incurred prior to the start date of the grant agreement will not be eligible for reimbursement.

Payment of grant funds to the local sponsor is on a reimbursement basis. The grant recipient must initially expend monies that are then reimbursed under the terms of the grant agreement. A portion of the grant funds will be retained until a final inspection has been completed.

## ***GRANTS AND PUBLIC INFORMATION***

Under [MN Statute 13.599](#), responses to a request for proposal are nonpublic until the application deadline is reached. At that time, the name and address of the grantee, and the amount requested becomes public.

After the application evaluation process is completed, data (except trade secret data) becomes public. Data created during the evaluation process is nonpublic until the negotiation of the grant agreement with the selected grantee(s) is completed.

[MN Statute 13.44](#) categorizes estimated or appraised value of real property prior to purchase and sale as confidential data on individuals or protected nonpublic data. See also [Minnesota Government Data Privacy Act](#) for more information. This information, along with corresponding budget information, will be redacted from the applications before making them public.

## ***III. PROGRAM REQUIREMENTS***

### ***LAND RETENTION REQUIREMENTS***

**All land improved or acquired with assistance from this grant program must be retained and operated solely for outdoor recreation into perpetuity.**

The Site Boundary Map submitted with your application will delineate and establish the property boundaries subject to the grant agreement. Therefore, it is very important that any existing public facilities and any known future public facilities (e.g., wells, lift stations, roadway improvements, etc.) are clearly identified and excluded from the boundaries of the project. The site boundaries should include only the property that the project sponsor plans on managing for outdoor recreation uses in perpetuity.

## ***CONVERSION OF USE***

The Grantee shall not, at any time, convert this property to other uses without the prior written approval of the State and, for federal grants, the National Park Service (NPS). The State will consider a conversion request only after the following pre-requisites have been met:

1. All practical alternatives to the conversion have been evaluated and rejected on a sound basis.
2. The Grantee has agreed to replace the converted lands with other lands of, at least, equal fair market value and reasonably equivalent recreational usefulness as determined by the State.

The State shall have the authority to approve or disapprove state conversion requests. For federal grants, the NPS will approve or disapprove the conversion requests.

## ***DEED RESTRICTION REQUIREMENT***

The Grantee will be required to record a condition with the deed of the real property funded by the grant agreement that notifies the public of the grant and the grant program requirements.

## ***NATIVE RESTORATION REQUIREMENTS***

All restoration activities will require a restoration and management plan to be submitted prior to contract approval and must follow the Board of Soil and Water Resources “[Native Vegetation Establishment and Enhancement Guidelines](#)” in order to ensure ecological integrity and pollinator enhancement.

When restoration activities are completed using grant funds, the grantee must conduct evaluations on parcels where activities were implemented both 1) initially after activity completion and 2) three years later as a follow-up. Evaluations should analyze improvements to the parcel and whether goals have been met, identify any problems with the implementation, and identify any findings that can be used to improve implementation of future restoration efforts at the site or elsewhere. Evaluation reports must be submitted to the State.

The grantee should consider contracting with the [Conservation Corps of Minnesota](#) for restoration activities.

## ***REVIEW FOR POTENTIAL IMPACTS ON HISTORICAL/ARCHEOLOGICAL RESOURCES***

The State Historic Preservation Office (SHPO) will be contacted to review your project to determine if the site is a potential location for historical or archeological findings. If the SHPO determines that a survey is required, the survey would need to be completed prior to any site disturbance for development projects and prior to the final reimbursement of the grant funds for acquisition projects. This process usually takes, at least, 30 days to complete.

## ***WATER PERMITS***

Development or alteration of shoreline adjacent to rivers, streams, lakes, and other public water bodies may require a written permit issued by DNR. In addition, projects involving work within waters and wetlands may require a permit from the U.S. Army Corps of Engineers (COE). Grantees will be required to determine whether a waters permit is required by contacting both the DNR and the COE directly. Contact Information:

[U.S Army Corps of Engineers Regulatory Functions](#)  
[Department of Natural Resources: Public Waters Work Permits](#)

## ***CAMPGROUND PLAN APPROVAL***

Campgrounds must comply with state laws and rules set by the Minnesota Department of Health. A summary of these requirements is available at Summary of [General Requirements for Recreational Camping Areas](#). Grantees must submit plans and receive approval for the development of a recreational camping area to the MN Department of Health or your local health authority before construction begins. Upon completion of the campground, a license application, license fee and inspection by the area health inspector is required. A copy of the license must be submitted with your final payment request.

## ***REPORTING REQUIREMENTS***

It is the policy of the State to monitor progress on state grants by requiring grantees to submit written progress reports at least annually until all grant funds have been expended and all of the terms in the grant agreement have been met. A progress report form will be provided by program staff. Grant payments shall not be made on grants with past due progress reports unless program staff have given the grantee a written extension. [Policy 08-09: Grant Progress Reports](#)

## ***MONITORING REQUIREMENTS***

It is the policy of the State to conduct, at least, one monitoring visit per grant period on all state grants of over \$50,000 and to conduct, at least, annual monitoring visits on grants of over \$250,000. [Policy 08-10: Grant Monitoring](#).

## ***CONFLICT OF INTEREST***

It is the policy of the State to work to deliberately avoid actual, potential and perceived conflict of interests related to grant making at both the individual and organizational levels.

A conflict of interest (actual, potential, or perceived) occurs when a person has actual or apparent duty or loyalty to more than one organization and the competing duties or loyalties may result in actions which are adverse to one or both parties. A conflict of interest exists even if no unethical, improper, or illegal act results from it.

### **Actual Conflict of Interest:**

An actual conflict of interest occurs when a decision or action would compromise a duty to a

party without taking immediate appropriate action to eliminate the conflict. Examples include, but are not limited to:

- One party uses his or her position to obtain special advantage, benefit, or access to the other party's time, services, facilities, equipment, supplies, badge, uniform, prestige, or influence.
- One party receives or accepts money (or anything else of value) from another party or has equity or a financial interest in partial or whole ownership of the other party's organization.
- One party is an employee, board member or family member of the other party.

**Potential Conflict of Interest:**

A potential conflict of interest may exist if one party has a relationship, affiliation, or other interest that could create an inappropriate influence if the person is called on to make a decision or recommendation that would affect one or more of those relationships, affiliations, or interests. For example, when one party serves in a volunteer capacity for another party, it has the potential to, but does not necessarily, create a conflict of interest, depending on the nature of the relationship between the two parties. A disclosed potential conflict of interest warrants additional discussion in order to identify the nature of the relationship, affiliation, or other interest and take action to mitigate any potential conflicts.

**Perceived Conflict of Interest:**

A perceived conflict of interest is any situation in which a reasonable third party would conclude that conflicting duties or loyalties exist. A disclosed perceived conflict of interest warrants additional discussion in order to identify the nature of the relationship, affiliation, or other interest and take action to mitigate any potential conflicts.

**Organizational Conflict of Interest:**

A conflict of interest can also occur with an organization that is a grant applicant or grantee of a state agency. Organizational conflicts of interest occur when:

- A grantee is unable or potentially unable to render impartial assistance or advice to the State due to competing duties or loyalties
- A grantee's objectivity in carrying out the grant is or might be otherwise impaired due to competing duties or loyalties
- A grantee or potential grantee has an unfair competitive advantage through being furnished unauthorized proprietary information or source selection information that is not available to all competitors.

The Grantee, by signing a grant contract with the State, must certify it has read and understands the Office of Grants Management [Conflict of Interest Policy 08-01](#), will maintain an adequate Conflict of Interest Policy and, throughout the term of the contract, monitor and report any actual, potential, or perceived conflicts of interest to the State.

***CLOSEOUT PROCEDURES***

Upon completion of your project, a final billing must be submitted to our office. Program staff

will complete a final inspection of all development and/or redevelopment projects. The inspection will focus on ensuring that the project was completed in accordance with the grant agreement, that facilities developed are accessible and a funding acknowledgment sign is installed. Prior to final reimbursement of your grant and official closeout notification of your project, any problems that are revealed during the inspection must be corrected.

All expenditures are subject to verification by an independent state audit and, therefore, you must retain all project records for a period of at least six years after you receive the official closeout notification letter.

Periodic post-completion inspections will be conducted to ensure that the site is being properly operated and maintained and that no conversion of use has occurred.

### ***ACKNOWLEDGMENT SIGN***

All projects acquired or developed with assistance from this program must display a state approved funding acknowledgment sign at the main entrance to the park. The grant program staff will provide the specific sign information.

### ***AVAILABILITY TO USERS***

Public property, facilities & programs shall be open to entry by all persons regardless of race, color, national origin, religion or sex. No person, on the basis of disability, shall be excluded from participation in any program or activity receiving assistance. Discrimination on the basis of residence, including preferential reservation, membership or annual permit systems is prohibited except to the extent that reasonable differences in admission and other fees may be maintained. Fees charged to non-residents cannot exceed twice that charged to residents and must be comparable to fees charged at other state or local facilities.

All new and existing campgrounds and marinas must adhere to the [Local Grants Program Campground/Marina Rental Policy](#).