



## Legislation Text

---

**File #:** 21-0368R, **Version:** 1

---

RESOLUTION AUTHORIZING A FIRST AMENDMENT TO AN EXISTING AGREEMENT WITH THE STATE OF MINNESOTA GRANTING A LICENSE TO ENTER ONTO AND OCCUPY CITY-OWNED PROPERTY IN THE FOND DU LAC NEIGHBORHOOD TO CONSTRUCT AND INSTALL A LANDSCAPING PROJECT WITHIN THE MISSION CREEK CEMETERY SITE.

### CITY PROPOSAL:

RESOLVED, that the proper city officials are hereby authorized to execute a first amendment to an existing agreement with the State of Minnesota, substantially the same as the agreement attached as Exhibit 1, granting a license to enter onto and occupy city-owned property in the Fond du Lac neighborhood for purposes of constructing and installing a landscaping project within the boundaries of the Mission Creek Cemetery site, at no cost to the City.

STATEMENT OF PURPOSE: This resolution authorizes an amendment to an existing agreement with the State of Minnesota, by and through its Commissioner of Transportation ("MnDOT"), granting a license to enter onto and occupy city-owned property in the Fond du Lac neighborhood to construct and install a landscaping project within the Mission Creek Cemetery site (the "Project"), at no cost to the City. The Project will occur on city-owned property, as well as property owned by other parties. The location of the city-owned property, which is currently used for open space and street purposes, is depicted on Exhibit 2. This amendment extends the end date of the term of the agreement from December 31, 2023 to December 31, 2024, which will allow for MnDOT to perform maintenance on the vegetation and plantings established during the Project.

In 2017, human remains were identified on the west side of Mission Creek, which remains were disturbed by construction activities. Over the past three years, MnDOT, City, Minnesota Indian Affairs Council, Fond du Lac Band of Lake Superior Chippewa and the Office of the State Archaeologist have been working together to gather the displaced human remains, define the boundaries of the Mission Creek Cemetery limits, and develop a landscaping project to create a sacred space within the cemetery boundary.

The scope of work for the Project is summarized as follows:

1. Removal of the existing West 4th Street and 132nd Avenue West bituminous surface with the placement of soil and complete plantings on those areas;
2. Removal of existing drainage culverts;
3. Construction of a stone boundary wall at the base of the slope;
4. Construction of a gravel trail to a small sitting area;
5. Construction a natural waterway section to transport spring water across the site to the ditch at the base of the slope and then to Mission Creek;
6. Construction of a welcome area including interpretive monuments at the base of the slope and the stone boundary wall;
7. Placement of topsoil over areas that have been disturbed by previous construction operations; and
8. Establishment of native plant communities consisting of mixed forest species and native understory with the anticipation of 100% cover in non-vegetated areas and 25% cover in areas with existing vegetation.