

RAMSEY COUNTY REGIONAL RAILROAD AUTHORITY

December 15, 2009

The Ramsey County Regional Railroad Authority met in the Council Chambers, Third Floor Court House, with the following members present: Bennett, Carter, Ortega (late), Parker, Reinhardt, Rettman, McDonough – 7. Absent: 0

Chair McDonough called the meeting to order at 10:20 AM.

AGENDA

Commissioner Parker moved approval of the Agenda of the December 15, 2009 Board Meeting, seconded by Commissioner Reinhardt. Roll Call: Ayes – Carter, Parker, Reinhardt, Rettman, Bennett, McDonough – 6. Nays – 0.

MINUTES

Commissioner Carter moved approval of the Minutes of the November 10, 2009 Board Meeting, seconded by Commissioner Reinhardt. Roll Call: Ayes – Carter, Parker, Reinhardt, Rettman, Bennett, McDonough – 6. Nays – 0.

MINUTES

Commissioner Reinhardt moved approval of the Minutes of the November 17, 2009 Board Meeting, seconded by Commissioner Parker. Roll Call: Ayes – Carter, Parker, Reinhardt, Rettman, Bennett, McDonough – 6. Nays – 0.

1. Approve Subordinate Funding Agreement (RCRRA-2) with the Metropolitan Council for Central Corridor Preliminary Engineering Staff Support for January 1, 2010 to December 31, 2010

Commissioner Carter moved approval of the following resolution, seconded by Commissioner Reinhardt. Roll Call: Ayes – Carter, Parker, Reinhardt, Rettman, Bennett, McDonough – 6. Nays – 0. (R09-52)

WHEREAS, Ramsey County Regional Railroad Authority is a funding partner of the Central Corridor light rail preliminary engineering; and

WHEREAS, The preliminary engineering funding agreement provides for reimbursement to the Authority for staff provided to the preliminary engineering effort; and

WHEREAS, Dan Soler, a RCRRA Engineer, has been working out of the Central Corridor Project Office providing traffic engineering services; and

WHEREAS, The agreement with the Metropolitan Council for Mr. Soler's services expires December 31, 2009; Now, Therefore, Be It

RESOLVED, That the Ramsey County Regional Railroad Authority approves the Subordinate Funding Agreement (RCRRA-2) with the Metropolitan Council from January 1, 2010 through December 31, 2010 at a cost not to exceed \$145,974.77, and Be It Further

RESOLVED, That the Ramsey County Regional Railroad Authority authorizes the Chair and the Chief Clerk to execute the Agreement.

2. Issue a Request for Proposals for an East Metro Rail Capacity and Engineering Improvements Study

Commissioner Parker moved approval of the following resolution, seconded by Commissioner Carter. Roll Call: Ayes – Carter, Parker, Reinhardt, Rettman, Bennett, McDonough – 6. Nays – 0. (R09-53)

WHEREAS, The Ramsey County Regional Railroad Authority has worked to advance transit projects and corridors to the benefit of the citizens of Ramsey County; and

WHEREAS, The Ramsey County Regional Railroad Authority envisions the St. Paul Union Depot as the premier multimodal transit hub for Ramsey County, the State and the Region; and

WHEREAS, The Union Depot will be a terminus for numerous transportation modes including AMTRAK service, inter-city passenger rail, commuter rail, and Midwest Regional Rail (High Speed); and

WHEREAS, The railroad capacity constraints in the east metro serve as an obstacle to achieving RCRRA's vision for the Union Depot; and

WHEREAS, A study of east metro rail capacity would be beneficial to identifying improvements required for enhanced freight capacity and for the implementation of increased AMTRAK, commuter, inter-city, and high speed rail service to the Union Depot; and

WHEREAS, The Red Rock Corridor Commission in Resolution 2009-13 authorized the Ramsey County Regional Railroad Authority the use of \$1,600,000 in 5339 federal funds for the completion of this study; and

WHEREAS, Ramsey County Regional Railroad Authority approved a Subrecipient Agreement with the Metropolitan Council to access federal 5339 funds from the Federal Transit Administration; and

WHEREAS, Resolution R09-12 provided up to \$400,000 of Ramsey County Regional Railroad Authority levy funds to cover the 20% match to federal funds for the completion of this study; and

WHEREAS, The services of a consultant(s) to complete an East Metro Rail Capacity and Engineering Improvements study is helpful in assuring the success of the Union Depot as a regional multimodal transportation hub; Now Therefore Be It

RESOLVED, That the County Manager is authorized to issue a Request for Proposals for an East Metro Rail Capacity and Engineering Improvements study, in a form to be approved by the County Attorney's Office, in accordance with the County Board policies and procedures on issuance of Requests for Proposals and evaluation of proposals, with direction to staff to return to the Regional Railroad Authority with a recommendation for selection of a proposer.

RESOLVED, That the Chair of the Ramsey County Regional Railroad Authority is authorized to execute the Consent and Subordination section recognizing the Conservation Easement.

3. Enter into a contract with Lockridge Grindal Nauen P.L.L.P for Federal Intergovernmental Relations Consulting Assistance

[Commissioner Ortega arrived at this point]

Commissioner Parker moved approval of the following resolution, seconded by Commissioner Reinhardt. Roll Call: Ayes – Carter, Ortega, Parker, Reinhardt, Bennett, McDonough – 6. Nays – 1: Rettman. (R09-54)

WHEREAS, The Ramsey County Regional Railroad Authority has worked to advance the transit projects that benefit the citizens of Ramsey County; and

WHEREAS, The Ramsey County Regional Railroad Authority has several important transportation-related initiatives at the federal level; and

WHEREAS, The Ramsey County Regional Railroad Authority has a strong interest in having federal funded assistance in planning and implementation of transit corridors; and

WHEREAS, The Ramsey County Regional Railroad Authority authorized the issuance of a Request for Proposals for Federal intergovernmental consulting assistance; and

WHEREAS, A Proposal Evaluation Committee, comprised of staff members from Ramsey County Regional Railroad Authority and Ramsey County, was formed to review proposals from three firms; and

WHEREAS, The Proposal Evaluation Committee recommends the selection of Lockridge Grindal Nauen P.L.L.P to serve as the Federal intergovernmental consultant to the RCRRA; Now Therefore Be It

RESOLVED, That the Ramsey County Regional Railroad Authority authorize the County Manager to enter into a five-year contract with Lockridge Grindal Nauen P.L.L.P for federal intergovernmental relations consulting assistance, with direction to staff to return to the Regional Railroad Authority with a completed contract.

4. Enter into a contract with McGrann Shea Carnival Straughn and Lamb for State Intergovernmental Relations Consulting Assistance

Commissioner Reinhardt moved approval of the following resolution, seconded by Commissioner Parker. Roll Call: Ayes – Carter, Ortega, Parker, Reinhardt, Bennett, McDonough – 6. Nays – 1: Rettman. (R09-55)

WHEREAS, The Ramsey County Regional Railroad Authority has worked to advance the transit projects that benefit the citizens of Ramsey County; and

WHEREAS, The Ramsey County Regional Railroad Authority has several important transportation-related initiatives at the state level; and

WHEREAS, The Ramsey County Regional Railroad Authority has a strong interest in having state funded assistance in planning and implementation of transit corridors; and

WHEREAS, The Ramsey County Regional Railroad Authority authorized the issuance of a Request for Proposals for state intergovernmental consulting assistance; and

WHEREAS, A Proposal Evaluation Committee (“PEC”), comprised of staff members from RCRRA and Ramsey County, was formed to review proposals from four firms; and

WHEREAS, The PEC interviewed two consultant firms; and

WHEREAS, The PEC recommends the selection of McGrann Shea Carnival Straughn & Lamb to serve as the state intergovernmental consultant to the RCRRA; Now Therefore Be It

RESOLVED, That the Ramsey County Regional Railroad Authority authorize the County Manager to enter into a five-year contract with McGrann Shea Carnival Straughn & Lamb for state intergovernmental relations consulting assistance, with direction to staff to return to the Regional Railroad Authority with a completed contract.

5. Approve contract amendment with Thompson Coburn LLP for legal assistance on the Union Depot and Central Corridor projects

David MacMillan, Assistant County Attorney, explained that the firm revised some language in the amendment after the Board received their copies of it. The firm wants to delete Section 6 of the Agreement,

the Indemnification clause, because they could not internally agree to an indemnification policy. He said it has been evaluated and there is minimal risk to the County. This revision would be reflected in the proposed resolution, at the end of the final resolve clause, with the following addition: “and to delete Section 6 of the Agreement”.

Commissioner Parker moved approval of the resolution as amended, seconded by Commissioner Reinhardt.

Commissioner Rettman pointed out that this is not a new contract with this firm and said it seems odd that they now want to exclude the standard language.

Commissioner Reinhardt agreed but felt confident with Mr. MacMillan’s advice that there is low risk and that it will be at no additional cost.

Roll Call: Ayes – Carter, Ortega, Parker, Reinhardt, Bennett, McDonough – 6. Nays – 1: Rettman. (R09-56)

WHEREAS, Ramsey County Regional Railroad Authority is the recipient of federal grants for transit projects, and

WHEREAS, It is advantageous to have specialized technical assistance in the complex area of federal requirements for transit projects; and

WHEREAS, Ramsey County Regional Railroad Authority has an existing contract with Ed Gill of Thompson Coburn LLP law firm to assist in working with the Federal Transit Administration that expires on December 31, 2009; Now, Therefore, Be It

RESOLVED, Authorize the Chair to approve and execute the contract amendment with Thompson Coburn L.L.P. to extend the termination date to December 31, 2010, at no additional cost, and to delete Section 6 of the Agreement.

6. Authorize RCRRRA funding to the Metropolitan Council to develop an Environmental Assessment for Central Corridor stations at Western, Victoria and Hamline

Commissioner Carter moved approval of the following resolution, seconded by Commissioner Ortega.

Commissioner Rettman wanted to confirm that this step would help the inclusion of the three stations on the Central Corridor Light Rail Transit (LRT) Line.

Chair McDonough responded that including these three stations has been a priority of Ramsey County and the City of St. Paul from the beginning. This action will pay for the environmental assessment that the Federal Transit Administration (FTA) requires. At the end of that process, there will be an amended Record of Decision (ROD) that will include adding up to three stations in the ROD, which will allow these stations to be built as funds become available. The Final Environmental Impact Statement (FEIS) already included the infrastructure for these stations and it is part of the project budget. The FTA just wanted to take it a step further and include in the ROD that the stations might be built as part of the initial construction.

Commissioner Bennett asked how the Ramsey County Regional Railroad Authority is allowed to provide the funds for this when they have not been allowed to put outside funds into any of the other stations.

Chair McDonough responded that FTA has indicated that this work needs to be completed and this is an acceptable approach.

Roll Call: Ayes – Carter, Ortega, Parker, Reinhardt, Rettman, Bennett, McDonough – 7. Nays – 0. (R09-57)

WHEREAS, The Ramsey County Regional Railroad Authority (RCRRA) has advocated for Central Corridor light rail stations at Western, Victoria and Hamline to benefit the citizens of Ramsey County; and

WHEREAS, The stations were included in the Supplemental and Final Environmental Impact Statements for the project; and

WHEREAS, The Federal Transit Administration (FTA) has indicated that an Environmental Assessment may be required to allow for the construction of the stations as part of the initial project; and

WHEREAS, The Metropolitan Council is responsible for conducting the environmental work for the project; and

WHEREAS, A scope of work, schedule and cost estimate have been developed for the Environmental Assessment; Now Therefore Be It

RESOLVED, That the Ramsey County Regional Railroad Authority authorizes the County Manager to provide up to \$82,000 to reimburse the Metropolitan Council for the costs to conduct an Environmental Assessment of the three stations in accordance with Federal Transit Administration requirements and timing.

7. Selection of Construction Manager at Risk/Design Team for the Union Depot Rehabilitation

Commissioner Ortega moved approval of the resolution, seconded by Commissioner Carter.

Chair McDonough asked Tim Mayasich, Director Ramsey County Regional Railroad Authority (RRRA), and Jolly Mangine, Director Property Management, to give a brief overview of this important item.

Mr. Mayasich said this is a big day for Ramsey County with the prospect to enter into contract negotiations with Mortenson Construction for Phase I of the Union Depot rehabilitation. He referred to Jolly Mangine for an overview of the process they used in selecting this firm.

Mr. Mangine said a lot of work went into this and they are pleased with the results. On October 6, 2009 the RCRRA authorized the issuance of a Request For Proposals (RFP). The RFP was released on October 7. A preproposal meeting took place as part of the RFP process on October 19, 2009, which had over 140 participants. The details of the project and RFP process were described to the participants, who were also able to ask questions about the project. On November 20, 2009 they received six proposals from six of the largest and best contractors in the state of Minnesota. Of those six, one team was eliminated because they did not provide separate pricing information as called for in the RFP and required under the Brooks Act. They were deemed unresponsive and the proposal did not move forward. The initial evaluation team, consisting of five members, followed a two-step evaluation process that evaluated and ranked the proposals independently and then as a team to choose three firms to be interviewed. These three firms were M. A. Mortenson, Kraus-Anderson, and PCL. The second evaluation team, consisting of seven members, conducted the oral interviews. From the interview process, it was determined that Mortenson was the first selection, PCL was the second, and Kraus-Anderson was third. Under the Brooks Act, if an agreement is not reached with Mortenson, negotiations will proceed with the second selected firm, PCL, and then to Kraus-Anderson until an agreement is reached.

Mr. Mangine then commented on the key elements for the selection of M. A. Mortenson. He said over all, the Mortenson Team is a very coordinated, consolidated team that has worked together on many large, public, complex projects. Equally if not more importantly, the individual members of the Mortenson Team also stood out as exceptionally qualified. The three key individual members of the Team are the positions of Project Director, Project Architect, and Project Engineer. Additionally, M. A. Mortenson included an

“inclusiveness in contracting person” in their Team to assist with the creation of jobs within the community. The proposal also included the capability to work with residents and businesses in the Lowertown area to include their interests in the project. The seven evaluators felt that the Mortenson Team stood out as the best selection for the Construction Manager at Risk/Design Team for the Union Depot rehabilitation. At this time in the process, the RCRRA is asking the Board for authorization to enter into negotiations with M. A. Mortenson. The RCRRA then plans to return to the Board on January 12, 2010 with a contract ready for execution, a budget, a schedule and a financing plan. If successful on January 12, they would begin Phase I activities, resulting in a design of sufficient detail, to be completed by September 28, 2010. At that point, RCRRA would ask the Board for authorization to enter into a Phase II contract for the completion of the design and construction. Completion of the entire project is expected by September of 2012.

Chair McDonough commented that the timeline for these processes and the completion of this project, as Mr. Mangine explained, is extremely important because part of being successful with the \$135 million federal request is showing the federal government that we are ready to begin construction and complete the project by 2012. The actions we are taking today will help to keep us on this aggressive timeline.

Commissioner Bennett asked if the management and handling of potential change orders or add-ons in the project was included in the criteria for the evaluation and selection of the firms.

Mr. Mangine responded that, based on previous projects with the three firms, Ramsey County was already familiar with them. This type of project does have the potential for latent conditions. Examples of these conditions were identified with the firms and each firm addressed these issues and how they would be managed. With the modification of the Design/Build process that is used, there are very few change orders and everyone has to work together as a team to overcome the challenges. He said even with the potential for a change order, they certainly have the tools to mitigate the impact on the project.

Commissioner Ortega congratulated and thanked Mr. Mayasich and Mr. Mangine for their hard work through this process. He said regardless of what happens at the federal level, Ramsey County made an investment for this project years ago. They will make it happen because it is critical to our state and region. He said the inclusiveness and how they are going to create jobs in the community are priorities in the project and of the Ramsey County Board. Although the project is extremely costly and the budget is high, the point is that they are creating work for the community. He referred to Mr. Mayasich and Mr. Mangine for an explanation of the number of jobs that will be created from this project.

Mr. Mayasich said based on the formula they utilized, Phase I will create 350 jobs and when they move into Phase II and actual construction there will be about 1,350 jobs created by this project.

Commissioner Reinhardt commented on the project budget and capital improvement and said the RCRRA Board made a decision about six years ago to keep the capital funding at a steady level. This has enabled them to invest in the project now without raising the tax levy. She added that it is not just the short term jobs that will be created from the design and construction work on the Depot, but it is also the economic development from the long term jobs created because of that investment that really matters.

Commissioner Rettman said she was impressed with the details that were provided in Mortenson’s proposal, and how they evaluated each specific structural and environmental aspect of the Depot. Also, that they not only propose to work with what is already there, but they also plan to correct the structural aspects that are not there and should be.

Mr. Mayasich thanked the County Manager for collaborating with the RCRRA, Property Management and Budgeting and Accounting because it took staff from all three of those departments to pull this together. This is a large and complicated project that is going to move very quickly.

Roll Call: Ayes – Carter, Ortega, Parker, Reinhardt, Rettman, Bennett, McDonough – 7. Nays – 0.
(R09-58)

WHEREAS, On October 6, 2009, the Ramsey County Regional Railroad Authority authorized issuing a request for proposals (RFP) for Construction Manager at Risk/Design Team services for the Union Depot Multi-Modal Transit Hub; and

WHEREAS, Proposals were received on November 20, 2009 and evaluated by staff from RCRRA, Ramsey County, the City of Saint Paul, Washington County, and the Minnesota Department of Transportation; and

WHEREAS, The results of the evaluation process recommended Mortenson Construction as the top-ranked proposal; and

WHEREAS, The Ramsey County Regional Railroad Authority and Property Management Department are requesting Ramsey County Regional Railroad Authority approval of the selection of, and authorization to enter into negotiations with, Mortenson Construction for Phase I Construction Manager at Risk/Design services for the Union Depot Multi-Modal Transit Hub project; Now Therefore Be It

RESOLVED, That the Ramsey County Regional Railroad Authority (RCRRA) approves the selection of, and authorization to enter into negotiations with the highest qualified firm, Mortenson Construction, to provide Phase I Construction Manager at Risk/Design Team services for the renovation of the Union Depot Multi-Modal Transit Hub. If the RCRRA is unable to negotiate a satisfactory contract with the highest qualified firm, the RCRRA is authorized to negotiate a contract with the second most qualified firm, PCL, to provide Phase I Construction Manager at Risk/Design Team services for the renovation of the Union Depot Multi-Modal Transit Hub. If RCRRA is unable to negotiate a satisfactory contract with the second most qualified firm, the RCRRA is authorized to negotiate with the third most qualified firm Kraus-Anderson/Christman, to provide Phase I Construction Manager at Risk/Design Team services for the renovation of the Union Depot Multi-Modal Transit Hub; and

RESOLVED, That the Ramsey County Regional Railroad Authority direct staff to return to the Ramsey County Regional Railroad Authority for approval of a final Phase I contract for Construction Manager at Risk/Design Team services for the renovation of the Union Depot Multi-Modal Transit Hub; and a project budget, a project schedule; and a financing plan.

8. Approval of the 2010/2011 Ramsey County Regional Railroad Authority (RCRRA) Budget and the 2010 RCRRA Tax Levy

Commissioner Parker moved approval of the resolution, seconded by Commissioner Ortega. Roll Call: Ayes – Carter, Ortega, Parker, Reinhardt, Rettman, Bennett, McDonough – 7. Nays – 0. (R09-59)

WHEREAS, The Ramsey County Regional Railroad Authority was organized by Resolution 87-230, April 20, 1987, Board of Ramsey County Commissioners, pursuant to Minnesota Statutes, 1986, Chapter 398A, as a political subdivision and local government unit of Minnesota, to exercise thereunder part of the sovereign power of the state; and

WHEREAS, The Ramsey County Regional Railroad Authority adopted the County's plan to develop and implement two year budgets beginning in 2006; and

WHEREAS, The Director of the Ramsey County Regional Railroad Authority, on September 8, 2009, submitted the 2010 – 2011 Proposed Budget and 2010 tax levy of \$19,938,811; and

WHEREAS, The Truth in Taxation Law requires the Ramsey County Regional Railroad Authority to certify a maximum net tax levy to the County Auditor on or before September 15; and

WHEREAS, The Ramsey County Regional Railroad Authority certified a maximum net tax levy of \$19,938,811 for 2010 by Resolution R09-36, on September 8, 2009, to finance the 2010 budget; and

WHEREAS, The Ramsey County Regional Railroad Authority increased the allowance for uncollectible taxes to 2.25% for non-debt service funds; and

WHEREAS, The Ramsey County Regional Railroad Authority wishes to continue to improve access to transit services in the region with other agencies, including the Metropolitan Council and other county regional railroad authorities; Now, Therefore Be It

RESOLVED, That the Ramsey County Regional Railroad Authority hereby approves the 2010 budget of \$49,825,476; and Be It Further

RESOLVED, That the Ramsey County Regional Railroad Authority hereby approves the 2011 budget of \$154,700,534; and Be It Further

RESOLVED, That the Ramsey County Regional Railroad Authority hereby approves that there be and hereby is levied in the year 2010 to be collected in the year 2010, a levy on all taxable properties in Ramsey County of \$19,938,811 as summarized below:

	2010		
	RCRRA Operations	CIP	RCRRA Total
Gross Budget	\$ 3,325,476	\$46,500,000	\$ 49,825,476
Less – Revenues	- 482,378	- 26,800,000	- 27,282,378
Subtotal	<u>\$ 2,843,098</u>	<u>\$ 19,700,000</u>	<u>\$ 22,543,098</u>
Minus– Fund Balance	-	- 3,043,038	- 3,043,038
Subtotal	<u>\$ 2,843,098</u>	<u>\$16,656,962</u>	<u>\$19,500,060</u>
Plus – Estimated Tax Delinquency	<u>+ 63,969</u>	<u>+ 374,782</u>	<u>+ 438,751</u>
Total Tax Levy	\$ 2,907,067	\$ 17,031,744	\$19,938,811

ADJOURNMENT

There being no further business, Chair McDonough declared the meeting adjourned at 11:00 AM.