

RAMSEY COUNTY REGIONAL RAILROAD AUTHORITY

June 9, 2009

The Ramsey County Regional Railroad Authority met in the Council Chambers, Third Floor Court House, with the following members present: Carter, Ortega, Parker, Reinhardt, Rettman, McDonough – 6. Absent: Bennett - 1.

Chair McDonough called the meeting to order at 10:00 AM

AGENDA

Commissioner Carter moved approval of the Agenda of the June 9, 2009 Board Meeting, seconded by Commissioner Reinhardt. Roll Call: Ayes – Ortega, Parker, Reinhardt, Rettman, Carter, McDonough – 6. Nays – 0. Motion accepted.

MINUTES

Commissioner Reinhardt moved approval of the Minutes from the June 2, 2009 Board Meeting, seconded by Commissioner Parker. Roll Call: Ayes – Ortega, Parker, Reinhardt, Rettman, Carter, McDonough – 6. Nays – 0. Motion accepted.

1. Ratification of Report of Contracts

Commissioner Parker moved approval of the following resolution, seconded by Commissioner Reinhardt. Roll Call: Ayes – Ortega, Parker, Reinhardt, Rettman, Carter, McDonough – 6. Nays – 0. Motion accepted. (R09-19)

WHEREAS, Administrative Code 4.3.50A requires a report of all contracts approved by the County Manager; Now, Therefore, Be It

RESOLVED, The Ramsey County Regional Railroad Authority hereby approves the Quarterly Report of Contracts for the period of January 1, 2009 through March 31, 2009.

2. Approve Second Amendment to the Professional Services Agreement with AECOM USA, Inc. for Union Depot Project Coordination Services

Commissioner Parker moved approval of the following resolution, seconded by Commissioner Ortega. Roll Call: Ayes – Ortega, Parker, Reinhardt, Rettman, Carter, McDonough – 6. Nays – 0. Motion accepted. (R09-20)

WHEREAS, Ramsey County Regional Railroad Authority is developing the Union Depot concourse as a multi-modal transit hub; and

WHEREAS, Ramsey County Regional Railroad Authority entered into a contract with AECOM USA, Inc. to provide project coordination services for the Union Depot; Now, Therefore, Be It

RESOLVED, That Ramsey County Regional Railroad Authority authorizes the County Manager to approve and execute the contract amendment with AECOM USA, Inc. to extend the contract termination date to June 30, 2010, at no increase in contract cost.

3. Approve Second Amendment to the Professional Services Agreement with URS Corporation for Rush Line Corridor Alternatives Analysis Study

Commissioner Carter moved approval of the following resolution, seconded by Commissioner Parker. Roll Call: Ayes – Ortega, Parker, Reinhardt, Rettman, Carter, McDonough – 6. Nays – 0. Motion accepted. (R09-21)

WHEREAS, Ramsey County Regional Railroad Authority is a member of the Rush Line Corridor Task Force, and is administering the contract for the Rush Line Corridor Alternatives Analysis study; and

WHEREAS, Ramsey County Regional Railroad Authority entered into a contract with URS Corporation to conduct an alternatives analysis study for the Rush Line Corridor; Now, Therefore, Be It

RESOLVED, Ramsey County Regional Railroad Authority hereby authorizes the Ramsey County Manager to approve and execute the contract amendment with URS Corporation to extend the contract termination date to December 31, 2009, at no increase in contract cost.

4. Approve Third Amendment to the Professional Services Agreement with URS Corporation for Union Depot Conceptual Engineering and Environmental Assessment Services

Commissioner Carter moved approval of the following resolution, seconded by Commissioner Reinhardt. Roll Call: Ayes – Ortega, Parker, Reinhardt, Rettman, Carter, McDonough – 6. Nays – 0. Motion accepted. (R09-22)

WHEREAS, Ramsey County Regional Railroad Authority is developing the Union Depot concourse as a multi-modal transit hub; and

WHEREAS, Ramsey County Regional Railroad Authority entered into a contract with URS Corporation to provide conceptual engineering and environmental assessment services for the Union Depot; Now, Therefore, Be It

RESOLVED, That Ramsey County Regional Railroad Authority authorizes the County Manager to approve and execute the contact amendment with URS Corporation to extend the contract termination date to October 31, 2009 at no increase in contract cost.

5. Approve Fourth Amendment to the Professional Services Agreement with Lockridge Grindal Nauen P.L.L.P. for Federal Lobbying Services

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

Commissioner Rettman wanted clarification on the proposed contract amendment and asked if the Board was being asked to approve an additional \$16,309.68 to end out the year.

Tim Mayasich, Director, Ramsey County Regional Railroad Authority (RCRRA) stated that he would provide the information to the Board..

Commissioner Rettman explained that her inquiry relates to whether or not they will do a Request for Proposal (RFP) process for the contract.

Mr. Mayasich said that the RCRRA and the County Manger's Office have been discussing the possibility of combining the Federal Lobbying Services contracts from both departments into one contract, for the purpose of minimizing expenses, reducing the RFP process and administering only one contract. They are still exploring this opportunity and whether or not it would be a benefit. He said either way, they will need they need to do an RFP for the Federal Lobbying Services.

Chair McDonough commented that it should have been made clearer to Board whether this is unexpended funds from the past contract or if it is coming from the RCRRA budget.

Roll Call: Ayes – Ortega, Parker, Reinhardt, Carter, McDonough – 5. Nays – Rettman – 1. Motion accepted. (R09-23)

6. Approve Cooperative Funding Agreement for Preliminary Engineering and Final Design, and 4th Street utility Work under a Letter of No Prejudice for Central Corridor

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

Commissioner Carter inquired about the balance of mitigation efforts and the work that is currently proceeding. She said at the next Central Corridor Management Committee (CCMC) meeting, a report will be given on the status of mitigation. A lot of work has gone into the western portion of the Central Corridor line where there have been concerns, but there are still unresolved issues along University Avenue, particularly the issue of additional stations. They heard the Title VI environmental report that showed disproportionate impacts in areas around Western Avenue. She mentioned that at a previous CCMC meeting and RCRRRA meeting, part of resolutions were passed stating that at least one additional station along University Avenue would be added with the availability of funds in the project. She brings it up now because this is an important step and it is also important to acknowledge the Board's support of that particular resolution and the expectation in the community that additional stations would be added. She asked Chair McDonough if he had information on when the project budget would include additional stations.

Chair McDonough responded that the inclusion of all three additional stations, at Western, Victoria and Hamline, has been Ramsey County's first priority, and also has been supported by Hennepin County, City of Minneapolis and City of St. Paul. He said Chairman Peter Bell, of the Metropolitan Council, has also been publicly supportive of including at least one of the stations, if not all three, as a part of the final project budget as it moves into the full funding grant agreement. He said Chairman Bell is the person responsible for that final project as it is presented for the full funding grant agreement, and he needs to represent Ramsey County's priority that it is a critical piece in moving the project forward. The Final Environmental Impact Statement (FEIS) may have some indication that there is a disproportionate impact around Western Avenue, where one of the stations is missing. The project office has not yet decided how they will deal with this issue.

Commissioner Carter responded that they know there must be mitigation for the disproportionate impact that has been discovered on Western Avenue area. She said with the Board's priority for the additional stations, they should encourage the Met Council to consider that mitigation step and to share an analysis with the Board as soon as possible. As a part of their motion to Approve the Cooperative Funding Agreement for Preliminary Engineering and Final Design, she suggested that they amend the motion to include this priority.

Chair McDonough said he would discourage amending their motion because they have already taken that position in a previous passed resolution.

Commissioner Reinhardt commented that it is best to keep the resolutions separate because it is part of a federal process. She suggested that they vote on the current resolution as it is and that they do another resolution, as Commissioner Carter offered, and send a letter to Chair Bell reinforcing the position they have already taken.

Commissioner Carter said even though the Board has made their position very clear, they have not yet heard a response from the Met Council that the additional stations will be added. She said there does seem to be a sense of urgency for mitigation with the Title VI report of disproportionate impact.

Chair McDonough wanted to clarify that the civil rights complaint claims there is disproportionate impact but the Supplemental DEIS, which has been filed by the Federal Transit Administration (FTA),

claims there was not. The FEIS may show that there is disproportionate impact at Western Avenue but it will not be known until the FEIS is published.

Commissioner Carter thinks it is a concern and appreciates the opportunity to have the discussion. She said they can vote on her motion or she can withdraw it, allowing the original motion to proceed. However, she wants people to understand that the issue is still a priority and of importance to the Board.

Commissioner Reinhardt commented that the concerns are legitimate, which have been discussed in the past, and they have already established their position of being supportive on the issue. She said it would not mean they are less supportive if Commissioner Carter were to withdraw her motion.

Commissioner Rettman suggested that they include a cover letter on the proposed resolution reinforcing their position on issue and the previous actions they have taken. They could forward the cover letter with the Agreement and attach their previous resolutions passed.

Commissioner Carter said she would be comfortable if they were to reiterate their position in the cover letter, stressing that their vote on the proposed resolution would not replace their position on the previous actions and resolutions passed. She withdrew her motion.

The Board agreed and Chair McDonough therefore confirmed that the original motion would stand.

Commissioner Rettman commented that, with the Met Council's authority to make the final decisions, she has concerns when the word "consult" is used in the Agreement and that Ramsey County only has a consultative role. She said it seems to imply that there is not room for modification of what is being proposed.

David MacMillan, Assistant County Attorney, said they need to recognize that the Met Council is in charge of the process and they bear the responsibility to the state and federal government in making the decisions. He is not sure if it is possible to get stronger language than "consult" because there is not a shared decision making process. He said the Rail Authorities of Ramsey and Hennepin County are funding sources, whereas the Met Council has been given control of the project and can make the final decisions.

Commissioner Rettman asked if Ramsey County would be reimbursed for funding if the project does not happen.

Mr. MacMillan replied that the Met Council will not reimburse any of the funding sources if the project does not happen.

Commissioner Rettman asked if the utility companies could sue them if there was no project. She referred to the utilities lawsuit that occurred in Minneapolis during the construction of the Hiawatha Line

Mr. MacMillan confirmed that the issue of utility relocation was litigated in Minneapolis. He explained that most private utility companies have a right to be in public rights of way. However, as collateral to that right, if the public right of way owner has a need for the utility company to move, the utility company has to do so at their own expense. He said it is possible that the utility company could sue but Ramsey County is not responsible for paying for the movement of private utilities.

Commissioner Reinhardt commented that there are tight restrictions on how project pieces move forward from a funding standpoint. With these strict guidelines and the steps they have taken, she does not see any real possibility that the project might not happen. She also said they need to be respectful of the designated responsibilities. Ramsey's consultative role is not just on paper but is the reality of what they are trying to do.

Chair McDonough wanted to clarify that money will not be spent until they get the letter of no prejudice.

Commissioner Carter agrees that it is a fair risk to take with the partners and that the risk will be minimized once they receive the letter of no prejudice.

Commissioner Rettman asked if the Agreement before them is the final document of other documents would come back to the Board on the final design.

Chair McDonough said his understanding is that the Agreement before them is for the 4th Street Utility Work and another piece will come back to them on the final design of the project. He asked Mark Fuhrmann from the Met Council to clarify this for the Board.

Mark Fuhrmann explained that the Agreement before them includes the work for final design and the 4th Street advance utility work, and is the final document on the final design. He said the Met Council will have to come back to them with the final funding agreement for the construction, immediately prior to the issuance of the Full Funding Grant Agreement next year.

Chair McDonough wanted to clarify that the funding formula is determined by legislation, and requires Ramsey County to participate at a 7% level.

Commissioner Parker wanted clarification on what they are being asked to approve. She said they have already approved \$17 million for preliminary engineering and they are now being asked to approve \$18.3 for preliminary engineering and final design. She asked if approval is being sought today for the difference in cost.

Tim Mayasich, Director, RCRRA, responded that the approved \$17 million has not yet been spent and the RCRRA is seeking approval for the additional \$1.3 million difference. The funding for the 4th Street utility work has been incorporated into the final design figure.

Steve Morris, RCRRA Transit Project Manager, added that the \$18.3 is a portion of the \$63 million commitment for the Central Corridor light rail project.

Chair McDonough stated that they will vote on the item as it stands and they will send a cover letter with the final approval reiterating Ramsey County's priority of additional street stations.

Roll Call: Ayes – Ortega, Parker, Reinhardt, Carter, McDonough – 5. Nays – Rettman – 1. Motion accepted. (R09-24)

WHEREAS, Ramsey County Regional Railroad Authority is developing the Union Depot concourse as a multi-modal transit hub; and

WHEREAS, Ramsey County Regional Railroad Authority entered into a contract with URS Corporation to provide conceptual engineering and environmental assessment services for the Union Depot; Now, Therefore, Be It

RESOLVED, That Ramsey County Regional Railroad Authority authorizes the County Manager to approve and execute the contact amendment with URS Corporation to extend the contract termination date to October 31, 2009 at no increase in contract cost.

Commissioner Rettman asked about the status of the public hearings.

Mr. Mayasich replied, in regard to the public hearings on the environmental assessment for the Union Depot, they are still waiting for approval from the State and the Federal Highway Administration and they will set the hearing dates once it is approved.

There being no further business, Chair McDonough declared the meeting adjourned at 10:50 AM.