

HENNEPIN COUNTY

MINNESOTA

FINAL BOARD AGENDA

BOARD OF HENNEPIN COUNTY COMMISSIONERS

Hennepin County Regional Railroad Authority

Tuesday, March 13, 2018

1:30 PM

Chair: Peter McLaughlin, District 4

Vice-Chair: Jan Callison, District 6

Members: Mike Opat, District 1

Linda Higgins, District 2

Marion Greene, District 3

Debbie Goettel, District 5

Jeff Johnson, District 7

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1. **Approval of the Agenda**
 2. **Minutes from Previous Meeting**
 - A. 2/22/18 RRA Meeting Minutes
 3. **Claims Register**
 - A. **18-HCRRRA-0009**
Claims Register for the period ending February 21, 2018
 4. **New Business**
 - A. **18-HCRRRA-0010**
Accept transfer of surplus property on Edenvale Blvd in the city of Eden Prairie, at no cost, from Hennepin County
 - B. **18-HCRRRA-0011**
Approve Agmts A165479 and A188711 and related agmts for SWLRT Project
 - C. **18-HCRRRA-0012**
Neg Amd 2 to Agmt A166179 with Met Council for HCRRRA SWLRT project, ext contract period to 5/31/18, incr NTE to \$63,269,282; incr NTE pre-award authorization total to \$50,957,764; authorize encumbrance of Q1 2018 pre-award authority costs of \$6,272,600
 - D. **18-HCRRRA-0013**
Establish a special meeting of the Hennepin County Regional Railroad Authority to consider Agreements related to the Southwest Light Rail Transit project on Tuesday, March 20, 2018 at 1:30 p.m.

HENNEPIN COUNTY

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MEETING MINUTES

BOARD OF HENNEPIN COUNTY COMMISSIONERS
HENNEPIN COUNTY REGIONAL RAILROAD AUTHORITY
THURSDAY, FEBRUARY 22, 2018
1:30 PM

Chair: Peter McLaughlin, District 4
Vice-Chair: Jan Callison, District 6

Members: Mike Opat, District 1
Linda Higgins, District 2
Marion Greene, District 3
Debbie Goettel, District 5
Jeff Johnson, District 7

The Board of Commissioners of the Hennepin County Regional Railroad Authority met in the Hennepin County Government Center on February 22, 2018. The meeting was called to order at 3:25 PM by Commissioner McLaughlin, Chair. All Commissioners were present, with the exception of Commissioner Goettel, who stepped out briefly.

1. Approval of the Agenda
APPROVED

Commissioner Jeff Johnson moved to approve the Agenda, seconded by Commissioner Mike Opat and approved - 6 Yeas 1 Absent: Goettel

2. Minutes from Previous Meeting

A. 2/6/18 Meeting Minutes
ADOPTED

Commissioner Linda Higgins moved to adopt the Minutes, seconded by Commissioner Marion Greene and approved - 6 Yeas 1 Absent: Goettel

3. Claims Register

A. 18-HCRRRA-0007
Claims Register for the period ending February 2, 2018

BE IT RESOLVED, that the Claims Register for the period ending February 2, 2018 be approved/ratified.
APPROVED/RATIFIED

Commissioner Jan Callison moved to approve/ratify, seconded by Commissioner Linda Higgins and approved - 7 Yeas

4. New Business

A. 18-HCRRRA-0008
Amd 1 to Agmt A166179 with Met Council for HCRRRA SWLRT project authorizing disbursements through 3/31/18

BE IT RESOLVED, that Board Resolution 17-HCRRRA-0062, relating to Amendment 1 to Cooperative Funding Agreement A166179 with Metropolitan Council (Council Document #161055) for the Hennepin County Regional Railroad Authority Southwest Light Rail Transit (LRT) project (CP 1003570), be amended by deleting January 31, 2018 in the resolving clause and inserting in lieu thereof March 31, 2018.

ADOPTED

Commissioner Jan Callison moved to adopt, seconded by Commissioner Debbie Goettel and approved - 7 Yeas

5. Adjournment

On motion, the Hennepin County Regional Railroad Authority adjourned at 3:27 PM. The next meeting of the Regional Railroad Authority will be Tuesday, March 13, 2018.

Maria Rose
Clerk to the County Board

HENNEPIN COUNTY

MINNESOTA

Regional Railroad Authority Board Action Request 18-HCRRRA-0009

Item Description:

Claims Register for the period ending February 21, 2018

Resolution:

BE IT RESOLVED, that the Claims Register for the period ending February 21, 2018 be approved/ratified.

Background:

Resolution 20-HCRRRA-84 amended the By-Laws of Hennepin County Regional Railroad Authority, Article IV, to require that all warrants issued on behalf of the authority shall be approved as a Claims Register at board meetings. Resolution 33R1-HCRRRA-93 amended the By-Laws, moving the Claims Register requirement to Article XI. Resolution 07-HCRRRA-18 allows checks to be signed and issued consistent with Hennepin County procedures.

ATTACHMENTS:

Description	Upload Date	Type
Claims Register 2-21-18.xlsx	3/6/2018	Claims

HENNEPIN COUNTY REGIONAL RAILROAD AUTHORITY CLAIMS
Period Ending February 21, 2018

ACCOUNT	VENDOR	DESCRIPTION	AMOUNT
Advertising	Finance & Commerce	HCRRA meeting minutes	\$ 109.82
Advertising	Finance & Commerce	HCRRA meeting minutes	\$ 44.71
Construction	C.S. McCrossan	Midtown Greenway bridges	\$ 416,750.38
Construction	State of Minnesota	Portland Avenue bridge	\$ 1,695.28
Consulting	Barr Engineering	HCRRA stormwater infrastructure management	\$ 8,037.50
Consulting	Boothe Transit Consulting LLC	Federal lobbying	\$ 4,000.00
Cost Share	Metro Transit	Bottineau Metro Blue Line - January 2018	\$ 487,278.00
Maintenance	Stericycle	Sharps disposal	\$ 66.25
Maintenance	Tree Trust	Monthly HCRRA properties landscape maintenance - December 2017	\$ 109,793.81
Utility	Xcel Energy	Railroad signal: Cedar Lake crossing	\$ 59.56
Total			\$1,027,835.31

HENNEPIN COUNTY

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Regional Railroad Authority Board Action Request 18-HCRRRA-0010

Item Description:

Accept transfer of surplus property on Edenvale Blvd in the city of Eden Prairie, at no cost, from Hennepin County

Resolution:

BE IT RESOLVED, that the Hennepin County Regional Railroad Authority Board of Commissioners accepts the transfer of surplus property on Edenvale Boulevard in the city of Eden Prairie identified as PIDs: 04-116-22-14-0002 and 04-116-22-14-0003 from Hennepin County, at no cost.

Background:

History: Hennepin County owns 3.44 acres of vacant land on Edenvale Boulevard in the city of Eden Prairie identified as PIDs: 04-116-22-14-0002 and 04-116-22-14-0003. The transfer of this property is the last step of a larger effort to dispose of the Birch Island Woods land, which is no longer needed by the county. The Hennepin County Regional Railroad Authority (HCRRA) has an interest in owning this property as the HCRRA Hopkins to Chaska corridor runs through the center of this site.

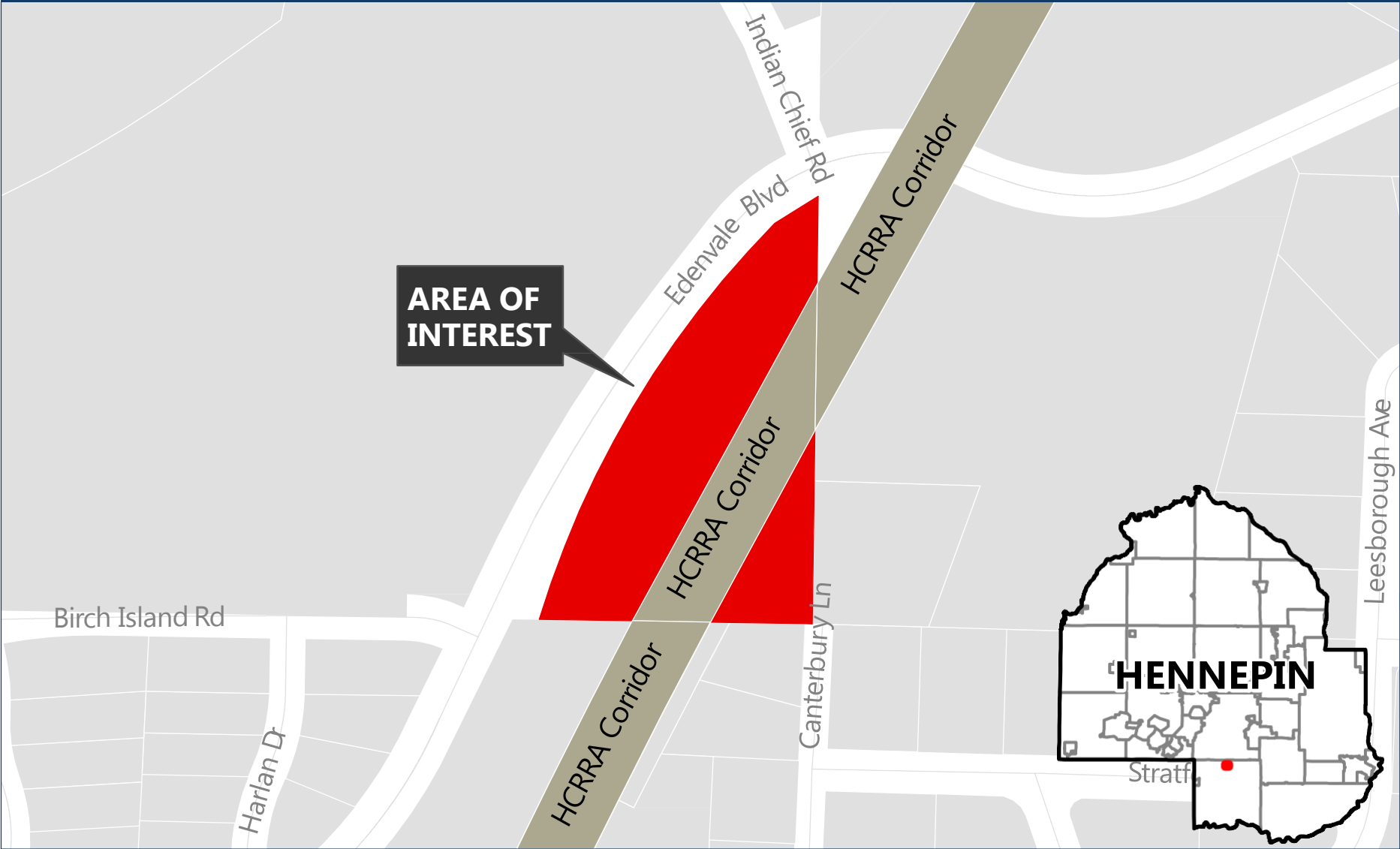
Current Request: Authorization to accept surplus property on Edenvale Boulevard in the city of Eden Prairie, at no cost, from Hennepin County.

Impact/Outcomes: Approval of this request will allow the HCRRA to preserve additional property adjacent to an existing HCRRA corridor for future transportation uses.

Recommendation from County Administrator: Recommend Approval

ATTACHMENTS:

Description	Upload Date	Type
Map of Edenvale Boulevard Property	2/21/2018	Map



HENNEPIN COUNTY

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Regional Railroad Authority Board Action Request 18-HCRRRA-0011

Item Description:

Approve Agmts A165479 and A188711 and related agmts for SWLRT Project

Resolution:

BE IT RESOLVED, that the Board of Commissioners of the Hennepin County Regional Railroad Authority authorizes negotiation of a revised property transfer agreement A165479 with the Metropolitan Council in furtherance of the Southwest Light Rail Transit project; authorizes negotiation of freight easements and assumption of a trackage rights agreement associated with the property transfer; authorizes negotiation of a joint and cooperative exercise of powers agreement A188711 with the Metropolitan Council relating to costs and obligations of freight agreements; authorizes the filing and prosecution of documents with the Surface Transportation Board as necessary to seek approval for one or more of the agreements referenced above; authorizes the negotiation of any follow-on agreements or amendments to agreements necessary to implement or in furtherance of the agreements referenced above; and after review and approval by the County Attorney's Office, the Chair be authorized to sign such documents and agreements on behalf of the authority.

Background:

The Southwest Light Rail Transit Project (SWLRT) will be located in part in two freight railroad corridors (Kenilworth and Bass Lake Spur). As part of the project, the Metropolitan Council will be acquiring the Kenilworth Corridor from Hennepin County Regional Railroad Authority (HCRRA) and the Bass Lake Spur Corridor from Canadian Pacific Railway (CP). HCRRA will also be transferring to the Metropolitan Council for the project certain land adjacent to the CP Bass Lake Spur Corridor. The project will be constructed on the land described above, with freight tracks and the HCRRA-owned bicycle/pedestrian trail undergoing certain adjustments to accommodate light rail in those corridors.

When HCRRA and CP transfer the corridors identified above to the Metropolitan Council for the project, there are certain federal requirements that must be maintained relating to the provision of common carrier freight service in the corridors. HCRRA and the Metropolitan Council had previously negotiated a property transfer agreement (which was never executed) relieving the HCRRA of all such responsibilities, assuming that the Twin Cities and Western Railroad Company (TC&W) would assume the responsibilities. However, contemplated agreements with TC&W were not consummated, which caused the structure of the HCRRA and CP property transfers to be re-evaluated. The new revised agreements now provide that HCRRA will be responsible for that federal common carrier obligation in the event that a shipper requests service on those lines, and that HCRRA will have freight easements and trackage rights agreements appropriate to provide such service. However, under the Joint and Cooperative Exercise of Powers Agreement, the Metropolitan Council will assume on HCRRA's behalf the responsibility for securing a freight carrier if needed; the Metropolitan Council will also assume on HCRRA's behalf the responsibility for assuring the associated operations, maintenance and capital repair obligations; and the Metropolitan Council will make HCRRA whole for any financial responsibility or exposure, without Metropolitan Council recourse to Hennepin County to pay for these expenses.

HENNEPIN COUNTY

MINNESOTA

Regional Railroad Authority Board Action Request 18-HCRRRA-0012

Item Description:

Neg Amd 2 to Agmt A166179 with Met Council for HCRRA SWLRT project, ext contract period to 5/31/18, incr NTE to \$63,269,282; incr NTE pre-award authorization total to \$50,957,764; authorize encumbrance of Q1 2018 pre-award authority costs of \$6,272,600

Resolution:

BE IT RESOLVED, that the Executive Director be authorized to negotiate Amendment 2 to Cooperative Funding Agreement A166179 with Metropolitan Council (Council Document #161055) for the Hennepin County Regional Railroad Authority Southwest Light Rail Transit project (CP 1003570) Project Development Continuance and Engineering phases, extending the contract period from March 31, 2018 to May 31, 2018, increasing the not to exceed budget authority amount by \$3,369,282 for a new total not to exceed amount of \$63,269,282, increasing the pre-award budget authority amount by \$5,073,637 for a new total not to exceed pre-award budget authority amount of \$50,957,764, and incorporating certain conditions and understandings regarding contingent liabilities, be approved; that following review and approval by the County Attorney's Office, the Chair be authorized to sign the amendment on behalf of the authority; and that the Controller be authorized to disburse funds as directed; and

BE IT FURTHER RESOLVED, for the quarterly request for January 1, 2018 through March 31, 2018, HCRRA authorizes the encumbrance of up to \$6,272,600 in HCRRA Southwest Light Rail Transit project (CP 1003570) pre-award authority costs for light rail vehicles (\$5,872,600) and operations and maintenance facility site demolition (\$400,000), for which cash disbursements will be reviewed and approved by staff in accordance with the disbursement schedule and procedures provided in Cooperative Funding Agreement A166179. This encumbrance shall be effective upon execution of Amendment 2 of the agreement.

Background:

History: Resolution 16-HCRRRA-0037 authorized Cooperative Funding Agreement A166179 with the Metropolitan Council for the provision of up to \$53,134,401 for Hennepin County Regional Railroad Authority Southwest Light Rail Transit (SWLRT) project (CP 1003570) Project Development Continuance and Engineering Phases (PDC/ENG phases). Additionally, Agreement A166179 identified up to \$45,884,127 of the not to exceed amount, to be reviewed and encumbered quarterly by the HCRRA, for pre-award authority and Letters of No Prejudice (LONP) construction activities.

Resolution 17-HCRRRA-0029 authorized Amendment 1 to Agreement A166179 extending the contract date from July 31, 2017 to March 31, 2018, and increasing the HCRRA's budget authority for the agreement by \$6,765,599, for a new total not to exceed amount of \$59,900,000.

Staff recommends extending the contract date from March 31, 2018 to May 31, 2018, increasing the HCRRA's budget authority by \$3,369,282, for a new total not to exceed amount of \$63,269,282, and increasing the HCRRA's pre-award budget authority by \$5,073,637 for a new pre-award not to exceed amount of \$50,957,764.

Under the Federal Transit Administration (FTA) New Starts program's pre-award authority, costs associated with acquisition of right of way, light rail vehicles, utility relocation, demolition, and long lead procurement

items can be incurred prior to award of the Full Funding Grant Agreement (FFGA) and retain the eligibility of those costs for subsequent reimbursement after grant approval. The grantee assumes all risk and is responsible for ensuring that all conditions are met to retain eligibility. In addition, the Metropolitan Council may initiate construction activities prior to award of the FFGA through the use of FTA approved LONPs for specified construction activities.

Staff work closely with the Southwest Project Office to review and disburse these funds on a regular basis to ensure accountability and timely availability of funds to continue to advance the SWLRT project.

Total HCRRA pre-award amount authorized to date is \$44,685,164.

- Fourth Quarter 2016 request \$14,576,079 for acquisition of 45 specific critical path parcels and engineering expenses for light rail vehicles (Resolution 16-HCRRA-0037)
- First Quarter 2017 request \$18,098,882 for acquisition of 46 specific critical path parcels and engineering expenses for light rail vehicles (Resolution 16-HCRRA-0045)
- Second Quarter 2017 request \$3,000,000 for acquisition of 38 specific critical path parcels and engineering expenses for light rail vehicles (Resolution 17-HCRRA-0015)
- Third Quarter 2017 request \$8,410,203 for utility relocation, specialty track materials and the procurement costs of light rail vehicles (Resolutions 17-HCRRA-0029 and 17-HCRRA-0036R1)
- Fourth Quarter 2017 request \$600,000 for acquisition of 35 specific critical path parcels (Resolution 17-HCRRA-0055)

Current Request: Authority to negotiate Amendment 2 to Cooperative Funding Agreement A166179 with the Metropolitan Council for SWLRT (CP 1003570) PDC/ENG phases, extending the contract term to May 31, 2018, increasing the not to exceed budget authority by \$3,369,282 to a new total of \$63,269,282, increasing the pre-award budget authority amount by \$5,073,637 for a new total of \$50,957,764, and incorporating certain conditions and understandings regarding contingent liabilities. Authorization to encumber \$6,272,600 of the \$63,269,282 total budget for first quarter 2018 pre-award authority activities for light rail vehicles and operations and maintenance facility site demolition.

Impact/Outcomes: Amendment 2 to Agreement A166179 will mitigate delay costs and support ongoing SWLRT engineering work in preparation for the Metropolitan Council's application for a full funding grant agreement.

HENNEPIN COUNTY

MINNESOTA

Regional Railroad Authority Board Action Request 18-HCRRRA-0013

Item Description:

Establish a special meeting of the Hennepin County Regional Railroad Authority to consider Agreements related to the Southwest Light Rail Transit project on Tuesday, March 20, 2018 at 1:30 p.m.

Resolution:

BE IT RESOLVED, that a special meeting of the Hennepin County Regional Railroad Authority to consider Agreements for the Southwest Light Rail Transit project be held on Tuesday, March 20, 2018 at 1:30 p.m., or as soon thereafter as practicable, in room A-2400 of the Hennepin County Government Center, in the City of Minneapolis.