

# HENNEPIN COUNTY

## MINNESOTA

### FINAL BOARD AGENDA

#### BOARD OF HENNEPIN COUNTY COMMISSIONERS

##### Hennepin County Regional Railroad Authority

Tuesday, August 21, 2018

1:30 PM

Chair: Peter McLaughlin, District 4

Vice-Chair: Mike Opat, District 1

Members: Linda Higgins, District 2

Marion Greene, District 3

Debbie Goettel, District 5

Jan Callison, District 6

Jeff Johnson, District 7

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1. **Approval of the Agenda**
  2. **Minutes from Previous Meeting**
    - A. 08/07/18 RRA Meeting Minutes
  3. **Claims Register**
    - A. **18-HCRRRA-0037**  
Claims Register for the period ending August 1, 2018
  4. **New Business**
    - A. **18-HCRRRA-0038**  
Neg Amd 3 to Lease Agmt 73-37421 with Dock and Lift, Inc. for rental of HCRRRA property in Spring Park, extending the contract through 08/31/23, adjusting rental rate (recv \$1,411 first year)
    - B. **18-HCRRRA-0039**  
Neg Amd 4 to Agmt A166179 with Met Council for the METRO Green Line Extension Project ("HCRRRA Southwest Corridor Match" CP 1000899), ext contract period through 10/31/18
    - C. **18-HCRRRA-0040**  
Neg Amd to Agmt between Metropolitan Council and Ciresi Conlin for outside counsel services, authorizing HCRRRA to become a party to the Agmt

# HENNEPIN COUNTY

## MINNESOTA

### MEETING MINUTES

#### BOARD OF HENNEPIN COUNTY COMMISSIONERS HENNEPIN COUNTY REGIONAL RAILROAD AUTHORITY

TUESDAY, AUGUST 7, 2018  
1:30 PM

Chair: Peter McLaughlin, District 4  
Vice-Chair: Mike Opat, District 1

Members: Linda Higgins, District 2  
Marion Greene, District 3  
Debbie Goettel, District 5  
Jan Callison, District 6  
Jeff Johnson, District 7

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The Board of Commissioners of the Hennepin County Regional Railroad Authority met in the Hennepin County Government Center on August 7, 2018. The meeting was called to order at 2:05 PM by Commissioner McLaughlin, Chair. All Commissioners were present, with the exception of Commissioner Debbie Goettel, and Commissioner Jeff Johnson.

#### 1. Approval of the Agenda APPROVED

Commissioner Linda Higgins moved to approve the Agenda, seconded by Commissioner Jan Callison and approved - 5 Yeas 2 Absent: Goettel, Johnson

#### 2. Minutes from Previous Meeting

##### A. 7/24/18 RRA Meeting Minutes ADOPTED

Commissioner Linda Higgins moved to adopt the Minutes, seconded by Commissioner Marion Greene and approved - 5 Yeas 2 Absent: Goettel, Johnson

#### 3. Claims Register

##### A. 18-HCRR-0036

Claims Register for the period ending July 19, 2018

BE IT RESOLVED, that the Claims Register for the period ending July 19, 2018 be approved/ratified.  
**APPROVED/RATIFIED**

Commissioner Mike Opat moved to approve/ratify, seconded by Commissioner Linda Higgins and approved - 5 Yeas 2 Absent: Goettel, Johnson

#### 4. Old Business

##### A. 18-HCRR-0035

Neg Agmt A188973 with Metropolitan Transportation Network, Inc. for the sale of surplus property located at 37th and University aves NE in Mpls, \$1,850,000 (recv)

BE IT RESOLVED, that the executive director be authorized to negotiate Purchase Agreement A188973 with Metropolitan Transportation Network, Inc., or an affiliate, for the sale of surplus property located at 324 37<sup>th</sup> Avenue Northeast, 400 37<sup>th</sup> Avenue Northeast, and 3600 Fifth Street Northeast (PIDs 02-029-24-21-0001, 02-029-24-21-0003, and 02-029-24-21-0006) in the city of Minneapolis, during the period August 1, 2018 through July 31, 2019, with an estimated receivable amount of \$1,850,000; that following review and approval by the County Attorney's Office, the Chair be authorized to sign the purchase agreement, deed and all documents associated with the conveyance on behalf of the authority; and that the Controller be authorized to accept and disburse funds as directed.

**ADOPTED**

**5. Adjournment**

On motion, the Hennepin County Regional Railroad Authority adjourned at 2:21 PM. The next meeting of the Regional Railroad Authority will be Tuesday, August 21, 2018.

Maria Rose  
Clerk to the County Board

**Contracting opportunities can be found on the Hennepin County website: [www.hennepin.us](http://www.hennepin.us)**

# HENNEPIN COUNTY

## MINNESOTA

### Regional Railroad Authority Board Action Request 18-HCRRRA-0037

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**Item Description:**

Claims Register for the period ending August 1, 2018

**Resolution:**

BE IT RESOLVED, that the Claims Register for the period ending August 1, 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.

**Recommendation from County Administrator:** Recommend Approval

**ATTACHMENTS:**

Description	Upload Date	Type
Claims Register 8-1-18.xlsx	8/17/2018	Claims

HENNEPIN COUNTY REGIONAL RAILROAD AUTHORITY CLAIMS  
Period Ending August 1, 2018

ACCOUNT	VENDOR	DESCRIPTION	AMOUNT
Construction	State of MN Dept of Transportation	Portland Avenue Bridge	\$ 1,058.07
Consulting	Kaplan Kirsch Rockwell LLP	SW LRT - January	\$ 2,422.50
Consulting	Kaplan Kirsch Rockwell LLP	SW LRT - February	\$ 2,855.00
Consulting	Kaplan Kirsch Rockwell LLP	SW LRT - March	\$ 3,933.85
Consulting	Kaplan Kirsch Rockwell LLP	SW LRT - April	\$ 37,799.71
Consulting	RSM US LLP	Audit Fees	\$ 3,200.00
Cost Share	Metropolitan Council	Orange Line BRT	\$ 2,150,000.00
Maintenance	Twin Cities & Western Railroad Company	Cedar Lake Track	\$ 39,342.51
<b>Total</b>			<b>\$2,240,611.64</b>

# HENNEPIN COUNTY

## MINNESOTA

### Regional Railroad Authority Board Action Request 18-HCRRRA-0038

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**Item Description:**

Neg Amd 3 to Lease Agmt 73-37421 with Dock and Lift, Inc. for rental of HCRRRA property in Spring Park, extending the contract through 08/31/23, adjusting rental rate (recv \$1,411 first year)

**Resolution:**

BE IT RESOLVED, that the Executive Director be authorized to negotiate Amendment 3 to Lease Agreement 73-37421 with Dock and Lift, Inc. for rental of approximately 2,000 square feet of Hennepin County Regional Railroad Authority property located north of Shoreline Drive (CSAH 15) and west of Kings Road in Spring Park, extending the contract period through August 31, 2023, and adjusting the annual rent to \$1,411 per year for the first three years, with an adjustment in the fourth and fifth years; 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 accept and disburse funds as directed.

**Background:**

**History:** Dock and Lift, Inc. owns a building at 4532 Shoreline Drive in Spring Park adjacent to Hennepin County Regional Railroad Authority's (HCRRRA) Dakota Rail corridor. Since 1991, a 20ftX100ft strip of the corridor has been leased by the owners of this building. The lease was assigned to HCRRRA upon purchasing the corridor in 2001. Dock and Lift, Inc. purchased the building in 2002 and has continued the lease to store dock materials.

Consistent with HCRRRA's *Land Use Management Plan*, Amendment 3 to Lease Agreement 73-37421 extends the lease term for a five-year period, through August 31, 2023, and adjusts the annual rental charge to \$1,411 with an adjustment after three years according to the Consumer Price Index. Dock and Lift, Inc. will make an additional annual payment equal to 30 percent of the rent in lieu of property taxes. Either party may terminate the lease by giving a 30-day written notice.

**Current Request:** Amendment 3 to Lease Agreement 73-37421 with Dock and Lift, Inc. will extend the existing agreement through August 31, 2023 and adjust the annual rent to \$1,411 for the first three years with adjustments in the fourth and fifth years.

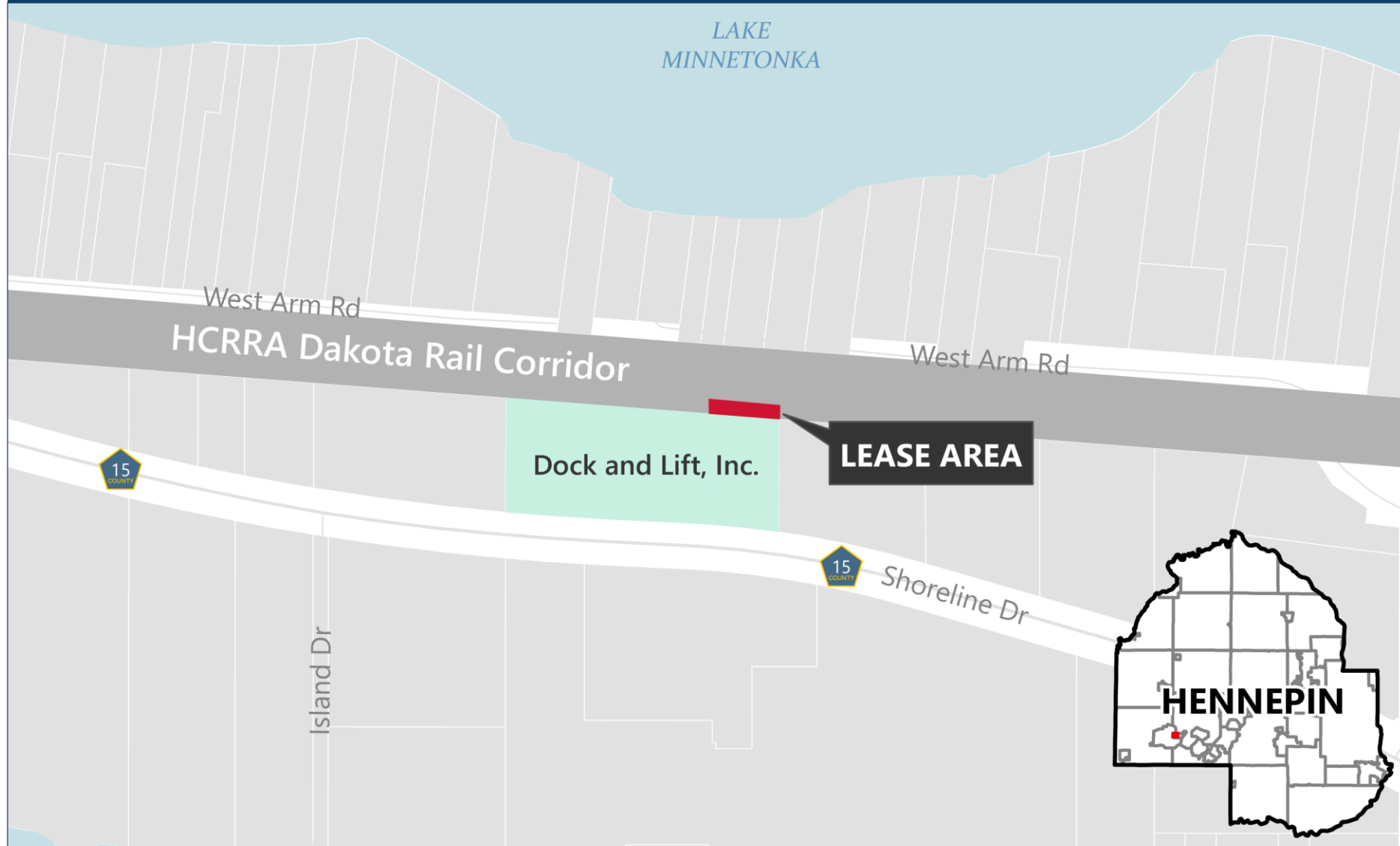
**Recommendation from County Administrator:** Recommend Approval

**ATTACHMENTS:**

Description	Upload Date	Type
Map of 4532 Shoreline Drive in Spring Park	8/7/2018	Map

# Amd 3 to Lease Agmt 73-37421 with Dock and Lift, Inc.

## Spring Park, Minnesota



# HENNEPIN COUNTY

## MINNESOTA

### Regional Railroad Authority Board Action Request 18-HCRRRA-0039

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**Item Description:**

Neg Amd 4 to Agmt A166179 with Met Council for the METRO Green Line Extension Project ("HCRRRA Southwest Corridor Match" CP 1000899), ext contract period through 10/31/18

**Resolution:**

BE IT RESOLVED, that the Executive Director be authorized to negotiate Amendment 4 to Cooperative Funding Agreement A166179 with Metropolitan Council (Council Document #161055) for the METRO Green Line Extension Project ("HCRRRA Southwest Corridor Match" capital project 1000899) Project Development Continuance and Engineering phases, extending the contract period through October 31, 2018, with a revised cash flow sheet, and no increase in the not to exceed amount of \$67,489,145; and

BE IT FURTHER RESOLVED, that if Hennepin County and Metropolitan Council staff do not agree on the timing of right-of-way acquisition activities, the project decision-making requirements approved by Resolution 18-HCRRRA-0026 and incorporated into the Agreement through Exhibit E to Amendment 3 will apply; and

BE IT FURTHER RESOLVED, 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.

**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 (HCRRRA) Southwest Light Rail Transit (SWLRT) (CP 1003570) Project Development Continuance and Engineering Phases (PDC/ENG phases). Additionally, Agreement A166179 identifies up to \$45,884,127 of the not to exceed amount, to be reviewed and encumbered quarterly by the HCRRRA, for pre-award authority and Letters of No Prejudice 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 HCRRRA's contract authority for the agreement by \$6,765,599, for a new total not to exceed amount of \$59,900,000.

Resolution 18-HCRRRA-0012 authorized Amendment 2 to Agreement A166179 extending the contract date from March 31, 2018 to May 31, 2018, and increasing the HCRRRA's contract authority by \$3,369,282 for a new not to exceed amount of \$63,269,282, and increasing the HCRRRA's pre-award contract authority by \$5,073,637 for a new pre-award not to exceed amount of \$50,957,764.

Resolution 18-HCRRRA-0026 authorized Amendment 3 extending the contract date from May 31, 2018 to August 31, 2018, and increased the HCRRRA's contract authority by \$4,219,863 for a new total not to exceed amount of \$67,489,145. This amount included funds for HCRRRA's share of the purchase of the Bass Lake Spur rail corridor from Canadian Pacific Railway, the closing on which will not move forward except subject to certain conditions, including a favorable decision at the federal Surface Transportation Board.



Amendment 4 will extend the contract date from August 31, 2018 to October 31, 2018, with no increase in the not to exceed amount. The amendment will also require the application of certain project decision-making requirements if Hennepin County and Metropolitan Council staff cannot reach agreement on the timing of the project's right-of-way acquisition activities.

**Current Request:** Amendment 4 to Cooperative Funding Agreement A166179 with the Metropolitan Council for the METRO Green Line Extension Project (CP 1000899) PDC/ENG phases, extending the contract term from August 31, 2018 to October 31, 2018, no increase in the contract amount.

**Impact/Outcomes:** Amendment 4 to Agreement A166179 will support ongoing engineering work for the METRO Green Line Extension Project 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-0040

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**Item Description:**

Neg Amd to Agmt between Metropolitan Council and Ciresi Conlin for outside counsel services, authorizing HCRRA to become a party to the Agmt

**Resolution:**

BE IT RESOLVED, that the Board authorizes the Executive Director to negotiate an Amendment that adds the Hennepin County Regional Railroad Authority (HCRRA) as a party to an existing Agreement between the Metropolitan Council and Ciresi Conlin, LLP for specialized legal services related to the Southwest light rail transit project that; and

BE IT FURTHER RESOLVED, that the Board authorizes the Executive Director to negotiate a Cooperative Funding Agreement between HCRRA and the Metropolitan Council whereby the costs of the Ciresi Conlin contract would be paid with project funds; and

BE IT FURTHER RESOLVED, that following review and approval by the County Attorney's Office, the Chair be authorized to execute the Amendment and the Cooperative Funding Agreement; and that upon execution, the Executive Director be authorized to terminate Agreement A188850 between HCRRA and Ciresi Conlin LLP.

**Background:**

Agreement A188850 is with Ciresi Conlin LLP for specialized expertise related to litigation arising out of the Southwest Light Rail Transit project and filings with the federal Surface Transportation Board for which the Hennepin County Regional Railroad Authority (HCRRA) and the Metropolitan Council were both parties with aligned interests. On May 22, 2018, HCRRA, through Resolution 18-HCRRRA-0025, authorized Amendment 1, increasing the not to exceed amount from \$50,000 to \$500,000. The Metropolitan Council entered into a similar agreement with Ciresi Conlin for the same services. It was understood that HCRRA and the Metropolitan Council would divide the billings equally under their separate contracts.

Staff at HCRRA and Metropolitan Council have agreed that the costs on both contracts are properly considered to be project costs to be paid by the Metropolitan Council with project funds. Accordingly, HCRRA, the Metropolitan Council and Ciresi Conlin wish to place the services under a single, joint contract providing for payment from project funds, and terminate the HCRRA contract. This arrangement more properly reflects the funding structure without changing any of the representation rights. This will be accomplished through an amendment to the Metropolitan Council contract with Ciresi Conlin whereby HCRRA becomes a party to that contract. A separate funding agreement between HCRRA and the Metropolitan Council will provide that the Metropolitan Council will pay HCRRA's share of the representation with project funds.