



GOLD LINE JOINT POWERS BOARD AGENDA

Wednesday, August 26, 2020
10:30 A.M.

Call: 1-404-397-1516
Access Code: 133 830 9097
Password: GoldLine2020!

Due to the COVID-19 Pandemic, board members and staff are conducting this meeting electronically. Members of the public who wish to share their comments or concerns may email PublicWorks@co.washington.mn.us or by telephone at 651-430-4300.

- I. CALL TO ORDER
- II. ROLL CALL
- III. ACTION ITEMS -
 - a. Meeting Agenda
 - b. July 22, 2020 Meeting Minutes *
 - c. Resolution 2020-05 - Approving the Use of Grant Funds for Pre-Award Authority Expenditures for Right-of-Way Acquisition *
- IV. INFORMATION ITEMS -
 - a. METRO Gold Line Project Update *
 - b. Communication and Legislative Update *
 - c. Next Meeting – September 23, 2020, 10:30 AM-12:00 PM, Electronic Meeting
- V. ADJOURNMENT

* Attachments

**GOLD LINE JOINT POWERS BOARD
DRAFT MINUTES
July 22, 2020**

CALL TO ORDER

Chair Karwoski called to order the Gold Line Joint Powers Board (GLJPB) meeting at 10:30 a.m. Due to the COVID 19 Pandemic, board members and staff conducted the meeting via WebEx. Members of the public were given the opportunity to share their comments or concerns by sending an email to PublicWorks@co.washington.mn.us or calling (651) 430-4300.

ROLL CALL

Members Present: Chair – Stan Karwoski, Washington County Commissioner
Vice Chair – Jim McDonough, Ramsey County Commissioner
Lisa Weik, Washington County Commissioner
Rafael Ortega, Ramsey County Commissioner

Members Absent: None

Staff Present: Brian Isaacson, Don Theisen, Erica Ellefson, Jennifer Oehler, Kevin Magnuson, Kim Napoline, Kris Longhenry, Lyssa Leitner, Mike Rogers, Sara Allen, Stephanie Tiemann

Others Present: Adam Josephson, Brian McClung, Charles Carlson, Chris Beckwith, George Hardgrove, Janelle Schmitz, Josh Straka, Mary Richardson, Shannon Watson

ACTION ITEMS FOR APPROVAL

Approval of Agenda

A motion to approve the agenda was moved by Commissioner Ortega, seconded by Commissioner Weik. All in favor. Motion carried.

Approval of Minutes from Previous Meeting

A motion to approve the minutes from the May 27, 2020 meeting was moved by Commissioner Weik, seconded by Commissioner Ortega. All in favor. Motion carried.

Approval of 2021 Gold Line Joint Powers Board Administrative Budget

Sara Allen reminded the board that the agreement to operate the board establishes that the budget must be set by August 15 for the upcoming year. Approval is also needed for the capital grant agreement budget for pre-engineering, engineering, and right-of-way (ROW) budget, which is used to fund the Gold Line project for 2021. The budgets are subject to change, so presented today is an amended 2020 capital grant budget, as well as the proposed 2021 budget. The administrative budget is not requesting new funds, will continue to contract with Washington County for financial and legal services, and will continue to set aside the same amount in communications and government relations for 2021.

Approval of an amended 2020 Gold Line Pre-Engineering, Engineering, and ROW Budget; Approval of a proposed 2021 Gold Line Pre-Engineering, Engineering, and ROW Budget

Erica Ellefson, Accounting Supervisor with Washington County Public Works, gave a presentation on the amended 2020 and proposed 2021 capital grant agreement budgets for pre-engineering, engineering, and ROW. The main reason for the amended 2020 agreements is due to a downward adjustment, because the majority of the ROW expenses originally budgeted for 2020 have been moved to 2021.

A motion to approve the 2021 Gold Line Joint Powers Board Administrative Budget, amended 2020 Gold Line Pre-Engineering, Engineering, and ROW Budget, and the proposed 2021 Gold Line Pre-Engineering, Engineering, and ROW Budget was moved by Commissioner Ortega, seconded by Commissioner Weik. All in favor. Motion carried.

Approval of the Use of Grant Funds for Pre-Award Authority Expenditures for ROW Acquisition

Sara Allen stated that in the capital grant agreement, prior to being awarded a full-funding grant agreement from the FTA (Federal Transit Administration), the board requires the Met Council to send a written request for permission to use grant funds on a specified activity, such as ROW acquisition, with a not-to-exceed amount. The board is asked today to approve a resolution for use of grant funds, in an amount not-to-exceed \$11,717.00 for ROW acquisitions. Chris Beckwith further explained that this ROW acquisition is approximately 10 minimum damage acquisitions (MDAs), which are temporary easements mainly to construct sidewalks, all located in St. Paul. These MDAs can all be done by agency staff, making them very cost effective, which explains the small amount requested. The rights must be purchased now, and won't take effect until closer to construction. It is also subject to a federal match, because the project is in good standing with the Capital Investment Grant Program.

A motion to approve Resolution 2020-04 – approving the Use of Grant Funds for Pre-Award Authority Expenditures for ROW Acquisition was moved by Commissioner Weik, seconded by Commissioner McDonough. All in favor. Motion carried.

INFORMATION/UPDATES

METRO Gold Line Project Update

Chris Beckwith gave a brief update on the Gold Line Bus Rapid Transit Project. She is happy to report that the FTA has granted another six-month postponed entry of the engineering phase. If we hadn't gotten the extension, there was risk of falling out of the program. The FTA saw strong support and results from all agencies involved, which led to the extension. There are three critical areas still being worked on. The first is the NEPA (National Environmental Policy Act) re-evaluation, a requirement with a scope change, which assess the environmental effects of proposed actions. The FTA is putting together a schedule for the next six months, which they should have soon. The second area to discuss is the risk assessment, which is important with the FTA and takes a bit of time, with answers potentially late this calendar year. The third area is the project rating, which they've been waiting for an update all year. Also, there are some larger parcels needing acquisition, with offers likely being pushed out to November. They are also finalizing the 60% design, working through that this summer, with the cost estimate to follow. Beckwith also stated that they, as well as the FTA, can continue to work remotely.

Chair Karwoski had to briefly exit the meeting due to technical difficulties. Commissioner McDonough took over until Chair Karwoski was able to resume.

Commissioner Ortega raised a question as to utility work. He stated that there is a potentially huge impact to energy, since Ramsey County has two other projects, and wondering what is the timeline for the approach to utilities. Chris Beckwith stated there have been meetings about this, and they will request to increase the frequency of these meeting, to increase the communication on these concerns. She will be attending these meetings, and report back as soon as information is available.

Communication and Legislative Update

Brian McClung, with MZA+Co gave an update on communication and legislation. He stated we are now through two special sessions, anticipating more to come. The request for the 4th Street Bridge project was not included in the \$1.35M bonding bill, which was not approved. Other projects were included, such as the Kellogg Street Bridge project and Manning Avenue Interchange. Additional sessions are expected every thirty days as long as the governor continues the peacetime emergency. Given the next session will fall around the August elections, the legislature will either come back to potentially consider the bonding bill, or they will at least be in session when the governor extends the peacetime emergency. MZA+Co is working to keep people and local businesses educated on all the local projects in the east metro. MZA+Co has also hired Christina Paladino to join as a communications and public relations principal. Ms. Paladino most recently was a reporter with Fox9 News, and brings a lot of background as a TV reporter, which will be very helpful in reaching out to people and sharing the story of Gold Line.

OTHER BUSINESS

Joint Development Service Center

Sara Allen reported that individual signed letters from members of Congress have been received in support of a Joint Development Service Center in Woodbury. She will make copies of these to share with the board.

Next Meeting – August 26, 2020

Virtual – WebEx, 10:30 a.m. – 12:00 p.m.

ADJOURNMENT

Chair Karwoski adjourned the meeting at 11:19 a.m.

Respectfully submitted,

Jennifer Oehler, Board Clerk



GOLD LINE JOINT POWERS BOARD REQUEST FOR BOARD ACTION

AGENDA ITEM NO. III c.

8/20/2020

Approving the Use of Grant Funds for Pre-Award Authority Expenditures for Right-of-Way Acquisition

BOARD ACTION REQUESTED:

Action on Resolution 2020-05 - Approving the Use of Grant Funds for Pre-Award Authority Expenditures for Right-of-Way Acquisition.

BACKGROUND/JUSTIFICATION

According to the Gold Line Capital Grant Agreement for Pre-Engineering, Engineering, and Right-of-Way (ROW) Acquisition, the Metropolitan Council must submit a written request to use grant funds for pre-award authority expenditures, including the acquisition of ROW. The request submitted to the Joint Powers Board by the Metropolitan Council is included in the packet with sufficient information and justification for an amount not to exceed \$27,540.

Amount authorized under Pre-Award Authority - \$4,387,300
Expenditures authorized to-date under pre-award authority - \$11,717
Proposed authorization - \$27,540

PREVIOUS ACTION ON REQUEST/OTHER PARTIES ADVISED

N/A

RECOMMENDATION (SELECT ONE)

Board Approval

ATTACHMENTS

Gold Line Joint Powers Board Request for the Use of Project Funds for Right-of-Way (ROW) Acquisition

Resolution 2020-05 Approving the Use of Grant Funds for Pre-Award Authority Expenditures for Right-of-Way Acquisition



METRO Gold Line Bus Rapid Transit (GBRT)

Metro Square Building, 121 7th Place East, Suite 102, St. Paul, MN 55101
www.metrotransit.org/gold-line-project

Aug 19, 2020

Don Theisen
Gold Line Joint Powers Board
11660 Myeron Road North
Stillwater, MN 55082

RE: Gold Line Joint Powers Board Request #2 for the Use of Project Funds for Right-of-Way (ROW) Acquisition

Dear Mr. Theisen,

I am requesting advance approval from the JPB for the use of funds for right-of-way (ROW) acquisition for September and October 2020. Upon NEPA clearance, the FTA considers costs incurred for ROW acquisition to be an eligible expense under pre-award authority. The Capital Grant Agreement for Pre-Engineering, Engineering, and Right-of-Way Acquisition between the Gold Line Joint Powers Board and the Metropolitan Council requires JPB approval for the use of funds under FTA pre-award authority. Information about this request is provided below as outlined in Article III, Section 3.05 of the Capital Grant Agreement.

Identification of maximum dollar amount and percentage of the funding share

- Not to exceed \$9,498 for September and \$18,042 for October.
- 100% of funds will be from the Joint Powers Board but is eligible for future FTA match under pre-award authority.

Description of activities

- Offers to be made in September and October 2020 on approximately 30 parcels not to exceed \$27,540 in total utilizing a minimum damage acquisition (MDA) parcel valuation approach.
- MDAs can be pursued when a parcel valuation is uncomplicated, and the anticipated value of the proposed acquisition is estimated at \$10,000 or less. MDAs are cost effective and efficient and may be prepared by MnDOT appraisal staff or one of the appraisal consultants under contract.

Justification of advancing the identified activities

- The Gold Line project team needs to begin the ROW acquisition process to remain on schedule to begin construction activities.
- If parcels are not available when construction begins, restrictions for access to unavailable parcels will need to be included in the contract(s) which can drive up bids.

Risks of proposed activities

- While these are low value parcels, the project schedule assumes ROW acquisitions begin no later than September and October 2020 to complete all of them by construction. Earlier schedule assumptions assumed a Spring/Summer 2020 start, but this was deferred until the project was granted another extension for Entry into Engineering by the FTA ensuring the project costs would remain eligible for future federal match. Delaying the start of acquisitions further will begin to introduce delays to the overall schedule.
- Based on staffing resource constraints both with the Gold Line team and within the agencies and industry itself, only so many parcels can be processed and acquired at any given time. Any delay in acquisition will likely lead to all parcels being shifted out in the schedule and risk delaying construction activities and/or driving up bids if the contractor does not have access in certain areas.
- As with all project costs incurred prior to the Full Funding Grant Agreement (FFGA), all pre-FFGA expenditures are eligible for future federal match while the project remains in the FTA's Capital Investment Grant (CIG) program, but these funds would not be federally matched if the Gold Line does not receive an FFGA. In some cases, however, there may be some value to the ROW acquisitions even if the project does not proceed.



METRO Gold Line Bus Rapid Transit (GBRT)

Metro Square Building, 121 7th Place East, Suite 102, St. Paul, MN 55101
www.metrotransit.org/gold-line-project

Status of procurement

- Appraisal services contracts have been executed and are being used to perform some of the work necessary to acquire the parcels. GPO staff will complete the actual acquisition process and some of the appraisal work as well.

Demonstration that the funds are ready to be expended

- Field titles and appraisals have been completed for the parcels. The next step in the process is the offer, although funds are not actually expended until the offer is accepted and processed which can take many months. The offer cannot be made until the funds are available in the Gold Line account.

Demonstration that FTA has concurred with the request, if applicable

- Not applicable. Only parcels above \$1,000,000 need to be reviewed by FTA.

Thank you. If you have any questions, please call me at 651-332-1466 or Lyssa Leitner, Deputy Project Manager, at 651-602-1044.

Sincerely,

A handwritten signature in black ink that reads 'Christine Beckwith'.

Christine Beckwith
METRO Gold Line Project Director

CC:

Sara Allen Sara.Allen@co.washington.mn.us

Don Theisen Don.Theisen@co.washington.mn.us

Lyssa Leitner Lyssa.leitner@metrotransit.org

Mike Rogers Michael.Rogers@co.ramsey.mn.us

RESOLUTION GLJPB #2020-05

Approving the Use of Grant Funds for Pre-Award Authority Expenditures for Right-of-Way Acquisition

WHEREAS, the Gold Line Joint Powers Board (“Grantor”) entered into a Capital Grant Agreement for Pre-Engineering, Engineering, and Right-of-Way Acquisition for the Gold Line Project (“Grant Agreement”) with the Metropolitan Council (“Grantee”) on December 19, 2019; and

WHEREAS, the Grant Agreement sets forth the process for Grantor’s prior approval for use of grant funds for pre-award authority expenditures, including the acquisition of Right-of-Way; and

WHEREAS, the Grantee has submitted the attached written request for Grantor’s approval to use grant funds for the acquisition of Right-of-Way in the maximum amount of \$27,540.00, in accordance with Article III of the Grant Agreement; and

WHEREAS, the Grantee’s written request includes sufficient information and justification to allow the Grantor to consider the request to authorize the use of grant funds in such amount and for such purpose.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the Grant Agreement, the Grantor approves the use of grant funds for Right-of-Way Acquisition that meets the description included in the written request from the Grantee, in the amount not to exceed \$27,540.00.

BOARD CHAIR

August 26, 2020

ATTEST

August 26, 2020

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DATE: August 20, 2020
TO: Gold Line Joint Powers Board
FROM: Brian McClung, MZA+Co
RE: Gold Line Joint Powers Board Communications and Government Relations Update

Government Relations – To date there have been three Special Sessions of the Minnesota Legislature this year, with sessions held in June, July, and August. Each one has concluded without passage of a bonding bill, the major piece of unfinished business this biennium.

We expect the legislature to be back in Special Session on or before Friday, Sept. 11, which is when the current peacetime state of emergency expires.

The Fourth Street Bridge was not included in the \$1.35 billion bonding bill that was under discussion by the House and Senate during the July Special Session. As the size of the bill came down from \$2.5 billion to \$2 billion to less than \$1.5 billion, it was difficult for the Fourth Street Bridge to stay in the bill, especially as the Manning interchange project continued to be included. The Kellogg Street Bridge was included in the bonding bill agreed to by the majority caucuses. However, it is possible that the make-up of the bonding bill could change if one is taken up in September or October.

A letter from Governor Walz to legislative leaders in July shared the Administration’s position that the legislature cannot take action that would impact the state budget during the state’s bond sale and blackout period. As a result, the legislature will need to wait until “late September” to pass a bonding bill:

“The process to sell bonds is similar to any sale of a security. About two to three weeks before the bond sale, the state presents its official financial statement to credit agencies and then publishes the financial statement for potential investors. This process is underway, and once we publish our financial statement and until after the bond sale has closed and the blackout time has expired, we cannot legislatively enact any budget changes under federal securities law disclosure requirements. That means any special legislative session to pass a budget bill or a bonding bill would have to take place in late September, not August.”

Of course, that would put potential action on a bonding bill within a 7-week window prior to the Nov. 3 General Election, which may make it difficult to reach agreement. We are continuing to stay in contact with staff and legislators and will keep our team updated on activities.

Strategic Communications & Social Media – We are in regular communication with our partners in the business and nonprofit community.

We also wanted to introduce you to the latest addition to our firm – **Christina Palladino**. Christina joined us last month after spending 3 years as the lead reporter at Fox9 for their nightly newscasts — reporting on national stories like the civil unrest after the death of George Floyd. Prior to her time in Minnesota, Christina was a reporter in Milwaukee and Des Moines covering breaking news, politics, and investigative reporting. She has won several Emmy awards and a regional Edward R. Murrow award for her work. We're excited to have Christina assisting us with our communications and media relations efforts in support of the Gold Line Joint Powers Board.