

**BOARD OF WATER COMMISSIONERS
RESOLUTION**

PRESENTED BY
COMMISSIONER _____

No. 22-1240
DATE August 9, 2022

WHEREAS, the Metropolitan Council (the “Council”) intended to award a contract for the construction of its Gold Line Bus Rapid Transit Project (the “Project”), a new transit line connecting the east metropolitan area along a ten-mile route with service between Saint Paul and Woodbury; and

WHEREAS, the Board of Water Commissioners of the City of Saint Paul (the “Board”) owns and operates certain water facilities presently located within the limits of the Project; and

WHEREAS, the Board has identified portions of its water facilities within the project area in need of upgrade and wishes the construction of such upgrades be performed as part of the Project; and

WHEREAS, on February 11, 2020, the Board approved a Master Funding Agreement with the Metropolitan Council to provide for reimbursement of water facility work within the Project; and

WHEREAS, said Master Funding Agreement specified that the parties intend to address the exact amount of said reimbursements by execution of future Subordinate Funding Agreements; and

WHEREAS, on May 10, 2022, the Board approved Subordinate Funding Agreement #2 (“SFA #2”) with the Council to provide reimbursement by the Board to the Council for costs incurred in the construction of requested upgrades to the Board’s water system generally located under Hudson Road, starting at the Plum Street/Bates Avenue intersection, and continuing eastward to a point approximately 185 feet east of Frank Street in an amount not to exceed \$958,609.16; and

WHEREAS, the Council awarded the civil construction contract (the “Contract”) for the Project on July 13, 2022 to the lowest responsive and responsible bidder, updated the engineer’s estimate for the work in SFA #2, and provided that updated total to the Board; and

WHEREAS, Council staff prepared Amendment #1 to Subordinate Funding Agreement #2, which amends the not to exceed amount from \$958,609.16 to \$1,286,572.95 and provides for new Exhibits A and B; now, therefore, be it

RESOLVED, that Amendment #1 to Subordinate Funding Agreement #2 between the Board of Water Commissioners of the City of Saint Paul and the Metropolitan Council pertaining to reimbursement by the Board to the Council for costs incurred in the construction of requested upgrades to the Board’s water system in an amount not to exceed \$1,286,572.95 is hereby approved and that the proper officers are hereby authorized and directed to execute said agreement on behalf of the Board, following approval by the Assistant City Attorney.

Water Commissioners

Adopted by the Board of Water Commissioners

Yeas

Nays

August 9, 2022

In favor

Opposed

Secretary

ORIGINAL