

Meeting date: January 11, 2011

For the Metropolitan Council Meeting of January 26, 2011

ADVISORY INFORMATION

Date:	December 28, 2010
Subject:	Authorization to Negotiate and Execute Amendment to Construction Cooperation Agreement with City of Carver, MCES Project No. 803810, Contract No. 07I019
District(s), Member(s):	4, Craig Peterson
Policy/Legal Reference:	MN Statutes 473.504 Subd. 6 and 471.59
Staff Prepared/Presented:	Bryce Pickart 651-602-1091
Division/Department:	MCES c/o William G. Moore 651-602-1162

Proposed Action

That the Metropolitan Council authorize its Regional Administrator to negotiate and execute an amendment to Construction Cooperation Agreement with City of Carver, MCES Project No. 803810, Contract No. 07I019.

Background

In August 2007, the Metropolitan Council entered into a construction cooperation agreement with the City of Carver to design and construct wastewater conveyance facilities from the MCES interceptor in Chaska to the Carver WWTP. In December 2007, Union Pacific Railroad filed an application to abandon its rail spur in this area. The Council has partnered with Carver County, Scott County, City of Carver, and City of Chaska to acquire the rail corridor for public use. Consequently, the construction of wastewater conveyance facilities was separated into two contracts to allow the portion that follows the rail corridor to be awarded after acquisition of the rail corridor.

The first construction phase will be completed in summer 2011. The second phase is under design. Since this phase is along the rail corridor and outside the developed area of the City, it is more efficient for MCES to directly bid, award, and administer this construction contract. The proposed amendment will end the City's involvement in the second phase at the completion of design.

The construction cooperation agreement also states the Council's intent to transfer to the City ownership of the wastewater facilities within the City's corporate boundaries, but not earlier than one year after the completion of construction. The proposed amendment will also include provisions for the City to operate and maintain the facilities for the one-year period until ownership is transferred, and to be reimbursed for their costs.

Rationale

Construction cooperation agreements exceeding \$250,000 require Metropolitan Council authorization. The original agreement amount was \$15,100,000. The proposed amendment will reduce the agreement amount to \$12,100,000.

Funding

Funding for design and construction services is provided in the 2011 Authorized Capital Program. Funding for operation and maintenance services is provided in the annual operating budget.

Annual or Capital	Project No.	Estimated Project Cost	Current Authorization	Unencumbered Funds	Requested Amount
Capital	803810	\$18,000,000	\$18,000,000	\$2,600,000	(\$3,000,000)
Annual					\$ 50,000

Known Support/Opposition

City supports this amendment.