

Request for Board Action Details

File #: 2021-205
Type: Administrative Item
Status: Passed
In control: Regional Railroad Authority
On agenda: 4/27/2021
Final action: 4/27/2021
Title: Settlement Agreement with M.A. Mortenson Company and the ThyssenKrupp Elevator Corporation
Sponsors: Public Works
Indexes:
Code sections:
Attachments: 1. Resolution

Date	Ver.	Action By	Action	Result
4/27/2021	1	Regional Railroad Authority	approved	Pass

Sponsor: Regional Railroad Authority

Title

Settlement Agreement with M.A. Mortenson Company and the ThyssenKrupp Elevator Corporation

Recommendation

1. Approve the settlement agreement with M. A. Mortenson Company and ThyssenKrupp Elevator Corporation related to the escalator claim at Union Depot, Court File No. 62-CV-18-7284, in an amount of \$800,000.
2. Authorize the Chair to execute the settlement agreement.

Background and Rationale

Ramsey County Regional Railroad Authority (RCRRA) filed a complaint against M. A. Mortenson and ThyssenKrupp Elevator Corporation on October 26, 2018. The complaint alleged improper installation and maintenance of five escalators at Union Depot. The complaint sought compensatory damages and reasonable costs and expenses.

The parties participated in mediation of the matter on March 30, 2021. A settlement was agreed pending review and approval by the RCRRA Board with no binding settlement without Board approval. The RCRRA Board met in closed session on April 20, 2021 and were given a full review of the proposed settlement terms with outside litigation counsel and the County Attorney's Office. The RCRRA Board directed approval of the proposed settlement.

The settlement provides payment of \$800,000 to RCRRA by the later of May 5, 2021 or five (5) days after RCRRA approval of the agreement. The settlement also provides for a full dismissal of the lawsuit and full release of RCRRA's claims related to the escalators at the Union Depot.

County Goals (Check those advanced by Action)

☐ Well-being ☐ Prosperity ☐ Opportunity ☒ Accountability

Racial Equity Impact

RCRRA strives to build a robust public transit system, including bike, bus, bus rapid transit and light rail, with connection to other transportation services such as regional bus, train and vehicle rental. Neighborhoods served by current and planned transit routes include some areas of concentrated poverty and other areas that are becoming more racially and economically diverse. Maintaining multimodal transit and transportation services at Union Depot provides access to these resources in one location for all to use. Settlement funds will offset direct costs of operating Union Depot.

Community Participation Level and Impact

Community participation beyond informing is not appropriate for this action item because it is a result of a legal proceeding. Information about this action is available through the County Board documentation that is published on the County's website:

<https://www.ramseycounty.us/your-government/leadership/board-commissioners/board-meetings-information>. Information on Union Depot is available on the website: www.uniondepot.org. <file:///C:/co.ramsey.mn.us/ra/users/jean.krueger/My%20Documents/Documents/RCAdmin/RBAs/www.uniondepot.org>.

☒ Inform ☐ Consult ☐ Involve ☐ Collaborate ☐ Empower

Fiscal Impact

The settlement funds in the amount of \$800,000 will be receipted as revenue to the approved Ramsey County Regional Railroad Authority 2021 budget.

County Manager Comments

Ramsey County Regional Railroad Authority approval is necessary to accept settlement agreements.

Last Previous Action

None.

Attachments

1.None