



## Metropolitan Council Meeting

Wednesday, January 24, 2007

Council Chambers

4:00 P.M.

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## **Metropolitan Council Meeting**

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4:00 P.M.

### **Part I - Narrative**

#### **Members present:**

Peter Bell, Chair,; Tony Pistilli, Jules Smith, Mary Hill Smith, Russ Susag, Peggy Leppik, Lynette Wittsack, Natalie Steffen, Kris Sanda, Georgeanne Hilker, Rick Aguilar, Daniel Wolter, Brian McDaniel

**Members absent:** Roger Scherer, Annette Meeks, Chris Georgacas, District 14 Vacant

#### **Call to Order and Approval of Agenda**

A quorum being present, the Chair called the regular meeting of the Metropolitan Council to order at 4:04 p.m. Chair Bell changed the agenda order by moving the Report of the Transportation Committee to follow the Consent List. With that change, it was moved by J. Smith, seconded by McDaniel to approve the amended agenda. Motion carried.

#### **Minutes**

It was moved by M. Smith, seconded by Wolter, to approve the minutes of the Special Metropolitan Council Meeting of January 17, 2007. Motion carried.

#### **Public Invitation**

No one asked to address the Council regarding matters not on today's agenda.

### **Part II - Exhibits**

#### **Business**

##### *Committee Consent List*

[2007-02](#) - TIP Amendment, Metropolitan Council, SP #TRF-TCMT-07EE: Job Access Reverse Commute, TAB Action 2006-36

It was moved by J. Smith and seconded by Wolter

"That the Metropolitan Council concur with the Transportation Advisory Board (TAB) Action to amend the 2007-2010 Transportation Improvement Program (TIP) to name the Job Access Reverse Commute (JARC) projects that will be funded using the 2007 appropriation of \$991,982 for JARC."

Motion carried.

[2007-03](#) - TIP Amendment, North St. Paul and Ramsey County: SP #151-010-02, #151-090-01, #62-596-01, TH 36 in North St. Paul, Construction (Highways for Life), TAB Action 2006-37

It was moved by J. Smith and seconded by Wolter

"That the Metropolitan Council concur with the Transportation Advisory Board (TAB) action to amend the 2007-2010 Transportation Improvement Program (TIP) to include the Highways for Life (HFL) federal funding."

Motion carried.

[2007-04 - TIP Amendment, City of Plymouth, SP #155-164-11, Fernbrook Lane, 27<sup>th</sup> Ave to 34<sup>th</sup> Ave, Channelization, Additional Lanes, Traffic Signal, TAB Action 2006-38](#)

It was moved by J. Smith and seconded by Wolter

"That the Metropolitan Council concur with the Transportation Advisory Board (TAB) action to amend the 2007-2010 Transportation Improvement Program (TIP) to move SP #155-164-11 from 2008 to 2007, increase the total project cost and postpone SP #91-090-40."

Motion carried.

[2007-06 - 2007-2009 Contracts with the Regional Transportation Management Organizations \(TMOs\)](#)

It was moved by J. Smith and seconded by Wolter

"That the Metropolitan Council authorize the Regional Administrator to negotiate and execute contracts with the five regional Transportation Management Organizations (TMOs) for the pass through of federal CMAQ funds for Transportation Demand Management activities for the period of April 1, 2007 – March 31, 2009 in an amount not to exceed \$2,044,479."

Motion carried.

[2007-10 - City of Orono 2005 Comprehensive Plan Amendment, 25 S. Brown Rd. MUSA Expansion, Review File 18392-7](#)

It was moved by J. Smith and seconded by Wolter

"That the Metropolitan Council:

1. Allow the City to put the proposed amendment into effect with no modifications.
2. Require the City of Orono to participate in the Council's plat monitoring program and to submit annual reports to the Council as outlined on the Council's website: <http://www.metrocouncil.org/planning/assistance/resources.htm#plat>
3. Advise the City that it must submit a copy of the intercommunity agreement with the City of Long Lake when it is finalized and prior to connection of the property to the municipal sewer system.
4. Advise the City that the Council's policy for MUSA expansions is that the City must have an overall net density of 3 units per acre for new sewer development after 2000."

Motion carried.

[2007-12 - Controlled Access Approval of TH 36 in Ramsey County](#)

It was moved by J. Smith and seconded by Wolter

"That the Metropolitan Council approve, as required by Mn Statute 473.166, the reconstruction of Trunk Highway (TH) 36 from an expressway to a freeway in the cities of Maplewood and North St. Paul as shown on the attached layout and design. That any significant changes in the design of the proposed project are subject to further review and approval by the Metropolitan Council prior to construction."

Motion carried.

[2007-15 - 2007-2010 TIP Amendment: MnDOT and Ramsey County: Include additional funds from the 2007 House Transportation Appropriation Bill in the total Cost of the TH 36/McKnight Road reconstruction project – TAB Action 2006-40](#)

It was moved by J. Smith and seconded by Wolter

"That the Metropolitan Council concur with the Transportation Advisory Board (TAB) action to amend the 2007-2010 Transportation Improvement Program (TIP) to include federal money from the 2007 House Transportation Appropriation Bill in the total cost of the TH 36/McKnight Road reconstruction project."

Motion carried.

[2007-16 - City of Chanhassen 2006 Comprehensive Plan Amendment, Ches Mar Farm, Land Use Changes, Review File 16500-13](#)

It was moved by J. Smith and seconded by Wolter

"That the Metropolitan Council allow the City to put the comprehensive plan amendment into effect with no modifications."

Motion carried.

[2007-22 - City of Lake Elmo Revised Systems Statement](#)

It was moved by J. Smith and seconded by Wolter

"That the Metropolitan Council ratify the staff recommendations to revise the systems statement."

Motion carried.

[2007-23 - Authorization to Award Contract for Work Uniform Rental Program](#)

It was moved by J. Smith and seconded by Wolter

"That the Metropolitan Council authorize the Regional Administrator to enter into a contract with ARAMARK Uniform Services for Metro Transit work uniform rental as specified and at the bid prices for a five-year period."

Motion carried.

[2007-27 - Ratification of Declaration of Emergency to Repair Primary Digester at the Empire Wastewater Treatment Plant](#)

It was moved by J. Smith and seconded by Wolter

"That the Metropolitan Council ratify the attached *Justification for and Declaration of Emergency* for repairing the primary digester at the Empire Wastewater Treatment Plant."

Motion carried.

2007-28 - Ratification of Declaration of Emergency to Remove and Dispose of Contaminated Soils for the Riverview Siphon Improvements

It was moved by J. Smith and seconded by Wolter

"That the Metropolitan Council ratify the attached *Justification for and Declaration of Emergency* for removal and disposal of contaminated soils for the Riverview Siphon Improvements."

2007-29 - Ratification of Declaration of Emergency to Replace Concrete Beam and Floor Slab at the Crystal Life Station L-30

It was moved by J. Smith and seconded by Wolter

"That the Metropolitan Council ratify the attached *Justification for and Declaration of Emergency* for replacement of a concrete beam and floor slab at the Crystal Lift Station L-30."

Motion carried.

2007-32 - Authorization to Negotiate and Execute Contract for Professional Geotechnical Services with American Engineering Testing

It was moved by J. Smith and seconded by Wolter

"That the Metropolitan Council authorize its Regional Administrator to negotiate and execute a contract for professional geotechnical and testing services with American Engineering Testing in an amount not to exceed \$1,000,000."

Motion carried.

2007-33 - Authorization to Negotiate and Execute Contract for Professional Geotechnical Services for Braun Intertec

It was moved by J. Smith and seconded by Wolter

"That the Metropolitan Council authorize its Regional Administrator to negotiate and execute a contract for professional geotechnical and testing services with Braun Intertec in an amount not to exceed \$1,000,000."

Motion carried.

2007-34 - Authorization to Negotiate and Execute Contract for Professional Geotechnical Services with STS Consultants

It was moved by J. Smith and seconded by Wolter

"That the Metropolitan Council authorize its Regional Administrator to negotiate and execute a contract for professional geotechnical and testing services with STS Consultants in an amount not to exceed \$1,000,000."

Motion carried.

2007-35 - Authorization for a Joint Use Agreement with the City of Minneapolis at the Portland and Washington Regulator Site

It was moved by J. Smith and seconded by Wolter

"That the Metropolitan Council authorize the Regional Administrator negotiate and enter into a joint use agreement with the City of Minneapolis for access at the Portland & Washington Regulator site."

Motion carried.

[2007-38 - Authorization to Negotiate and Execute a Construction Cooperation Agreement with Hennepin County for Interception 1-MN-320 Improvements](#)

It was moved by J. Smith and seconded by Wolter

"That the Metropolitan Council authorize staff to negotiate an Intergovernmental Agreements with Hennepin County and Northstar Commuter Rail for the inclusion of interceptor improvements in the construction contracts for the Twins Ball Park and the rail facilities."

Motion carried.

*Report of the Transportation Committee*

[2007-5 - Northstar / Master Cooperation Agreement and Burlington Northern Santa Fe Agreements, Presentation and Authorization to Negotiate and Execute said Agreements](#)  
Title of Motion

[Presentation](#) - Analysis of Metropolitan Council's Obligations under the Agreements with BNSF  
Jan Gunderson, Brian Sande and Robert Jaskowiak, Rider Bennett LLP, representing the Metropolitan Council, presented an overview of the agreements.

It was moved by M. Smith and seconded by Susag

"That the Metropolitan Council authorize the Regional Administrator to negotiate and execute

- The Northstar Master Cooperation and Delegation Agreement with the Minnesota Department of Transportation (MnDOT), Northstar Corridor Development Authority (NCDA), Anoka County Regional Railroad Authority (ACRRA), Hennepin County Regional Railroad Authority (HCRRA) and the Sherburne County Regional Railroad Authority (SCRRA);
- The Joint Use Agreement with BNSF Railway Company in late May 2007; and
- Commuter Service Agreement with BNSF Railway Company in late May 2007.

Provided, however, that authorization to execute the Master Cooperation and Delegation Agreement is contingent on that agreement containing provisions, acceptable to the Regional Administrator, that:

- obligate the ACRRA, the HCRRA, and the SCRRA to jointly provide funding for one-half of the operating subsidy for Northstar commuter service,
- commit those parties to enter into a later separate funding agreement implementing that obligation, and
- provide that the Council's obligation to execute the Joint Use Agreement and the Commuter Service Agreement is contingent on negotiation and execution of such a later separate funding agreement in a form acceptable to the Regional Administrator."

Motion carried.

2007-24 - Authorization to Execute Contracts to Implement Capitol Program

It was moved by M. Smith and seconded by Hilker

"That the Metropolitan Council authorize the Regional Administrator to execute contracts for up to \$100,000 for MVTA bus technology and up to \$229,751 for the Northstar Commuter Coach lease."

Motion carried.

2007-44 SW - I-35W Crosstown TIP Amendment

Tom O'Keefe and Tim Henkel , MnDot staff, presented a digital simulation of the I-35W Crosstown project.

It was moved by M. Smith and seconded by Pistilli

"That the Metropolitan Council concur with the Transportation Advisory Board (TAB) action to amend the 2007-2010 Transportation Improvement Program (TIP) by including increased cost estimates for the I-35W Crosstown project and TH 12 near Long Lake and deferring the TH 169 and CSAH 81 interchange project from 2008 to 2010."

Motion carried, with Pistilli, Steffen and Sanda dissenting.

*Report of the Environment Committee*

2007-36 - Authorization to Negotiate and Execute Intergovernmental Agreement with City of Carver for Construction of Chaska West Interceptor – Phase II, MCES Project 803800

It was moved by Leppik and seconded by J. Smith

"That the Metropolitan Council authorize its Regional Administrator to negotiate and execute an intergovernmental agreement with the City of Carver for construction of Chaska West Interceptor – Phase II , MCES Project No. 803800."

Motion carried.

2007-37 - Authorization to Negotiate and Execute a Construction Cooperation Agreement with the University of Minnesota and the City of Minneapolis for the Oak Street Sewer Replacement

It was moved by Leppik and seconded by Wittsack

"That the Metropolitan Council authorize negotiation and execution of an intergovernmental agreement with the University of Minnesota and the City of Minneapolis to include construction of elements of the Oak Street sewer between 4<sup>th</sup> Street and Washington Avenue into the University Gopher Stadium project."

Chair Bell and Council Member Wolter recused themselves from discussion and the vote on this item.

Motion carried.



*Report of the Community Development Committee*

[2007-18](#) - Authorizing the Community Development Committee to Set and Conduct Public Hearings on Comprehensive Plan Modification Matters

It was moved by Steffen and seconded by Pistilli

"That the Metropolitan Council authorize its Community Development Committee to set and conduct public hearings on proposed plan modifications for comprehensive plan updates and comprehensive plan amendments."

Motion carried.

Councilmember Leppik commended Council for taking this action that will streamline the public hearing process and suggested all committees consider similar action. Regional Administrator Weaver concurred.

*Report of the Management Committee*

[2007-45 SW](#) - Award of Bids on \$36,400,000 of General Obligation Transit Bonds, Series 2007A; Resolution No. 2007-02; \$80,000,000 of General Obligation Waste Water Revenue Bonds, Series 2007B; Resolution No. 2007-03; and \$9,500,000 of General Obligation Park Bonds, Series 2007C; Resolution No. 2007-04

It was moved by J. Smith and seconded by M. Smith

"That the Metropolitan Council

1. Adopt [Resolution No. 2007-02](#) awarding the bid on the sale of \$36,400,000 of General Obligation Trans Bonds, Series 2007A, to the firm of Piper Jaffray at a true interest rate of 3.9390 percent;
2. Adopt [Resolution No. 2007-03](#) awarding the bid on the sale of \$80,000,000 of General Obligation Waste Water Revenue Bonds, Series 2007B to the firm of Lehman Brothers at a true interest rate of 4.2404 percent; and
3. Adopt [Resolution No. 2007-04](#) awarding the bid on the sale of \$9,500,000 General Obligation Park Bonds, Series 2007C, to the firm of RBC Capital Markets at a true interest rate of 3.7193 percent."

Motion carried.

[2007-50](#) - Approval of Pay Equity Implementation Report

It was moved by J. Smith and seconded by Pistilli

"That the Metropolitan Council:

1. approve the Council's 2006 Pay Equity Implementation Report to the State of Minnesota; and
2. authorize its Chair to submit the 2006 implementation report to the Minnesota Department of Employee Relations."

Motion carried.

**Other Business**

[Metropolitan Council 40<sup>th</sup> Anniversary](#)

Steve Dornfeld, Metropolitan Council Public Affairs Director, presented an overview of upcoming events showcasing the 40th anniversary of the Council's creation. During the coming months, a number of

special activities are planned to help remind the public of the reasons the Council was created and focus attention on some of the challenges that lie ahead. The observance will kick off at the 2007 State of the Region event February 5th at the Minnesota History Center. The anniversary observance will culminate in June with two major events:

- A half-hour television documentary on the history of the Council, and
- A regional policy conference on some of the challenges still facing the Council and our region.

## **Reports**

### *Chair*

Chair Bell reported he has been preparing for and providing testimony to the Legislature.

### *Council Members*

There were no reports.

### *Regional Administrator*

Regional Administrator Weaver reported

- light rail vehicle #25 will be put into service Sunday, January 28 and vehicle #26 will be off-loaded January 29 and put into service.
- Human Resource Director Irene Koski will be retiring February 8. He acknowledged her successful efforts in labor negotiations, compensation development and resolving personnel issues. Chair Bell thanked Ms. Koski for contributions to the Metropolitan Council.

### *General Counsel*

There was no report.

## **Adjournment**

Business completed, the meeting adjourned at 5:38 p.m.

## **Part III - Certification**

I hereby certify that the foregoing narrative and exhibits constitute a true and accurate record of the Metropolitan Council Meeting of January 24, 2007.

Approved this 14th day of February 1007

Respectfully submitted,

Pat Curtiss  
Recording Secretary