



Metropolitan Council

Metropolitan Council Meeting

Wednesday, July 11, 2007

Council Chambers 4:00 P.M.

Table of Contents

Part I - Narrative	1
Call to Order	1
Administer Oath of Office – Metropolitan Council Members	1
Approval of Agenda	1
Minutes	1
Other Business	1
2007-189 - Livable Communities Advisory Committee Appointments	1
2007-246 - Metropolitan Council Member Committee Assignments	2
Council Procurement Process	2
Part II - Exhibits	3
Business	3
Committee Consent List.....	3
2007-199 - Minnesota State Retirement System Program Unclassified Retirement Plan, Resolution 2007-16	3
2007-228 - Amendment to Legal Services Agreement	3
2007-230 - Authorization to Award a Construction Contract for the Lake Elmo East Sanitary Sewer Connection Project, MCES Project Number 806300	3
2007-231 - Approval of Report to the Legislative Commission on Minnesota Resources titled: <i>Recycling Treated Municipal Wastewater for Industrial Water Use</i>	4
2007-232 - Authorization to Negotiate and Execute an Engineering Services Agreement for Interceptor Tunneling Master Contract	4
2007-233 - Copier Lease	4
Report of the Management Committee	4
2007-234 - Liability Self-Insurance, Environmental Services	4
Report of the Transportation Committee	4
2007-243 SW - Minnetonka Area DAR Transit Service Procurement Review Panel Findings of Fact and Recommendation	4
Report of the Environment Committee	5
2007-229 - Adoption of 2008 Rates and Charges	5
Report of the Community Development Committee	5
Reports	6
Chair.....	6
Council Members.....	6
Regional Administrator.....	6
General Counsel.....	6
Adjournment.....	6
Part III - Certification	6

Metropolitan Council Meeting

Wednesday, July 11, 2007

Council Chambers

4:00 P.M.

Part I - Narrative

Members present:

Peter Bell, Chair; Roger Scherer, Tony Pistilli, Mary Hill Smith, Russ Susag, Peggy Leppik, Annette Meeks, Natalie Steffen, Kris Sanda, Georgeanne Hilker, Sherry Broecker, Rick Aguilar, Daniel Wolter, Brian McDaniel

Members absent:

Brian Lundquist, Lynette Wittsack, Kirstin Sersland Beach

Call to Order

Administer Oath of Office – Metropolitan Council Members

Chair Bell administered the oath of office to the following Council members who were appointed by Governor Pawlenty, effective June 25, 2007:

District 3	Mary Hill Smith
District 9	Natalie Haas Steffen
District 16	Brian McDaniel

The terms run through January 3, 2011.

Approval of Agenda

A quorum being present, the Chair called the regular meeting of the Metropolitan Council to order at 4:04 p.m. It was moved by McDaniel, seconded by M. Smith to approve the agenda. Motion carried.

Minutes

It was moved by Wolter, seconded by Broecker, to approve the minutes of the Metropolitan Council meeting of June 27, 2007. Motion carried.

Public Invitation

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

Other Business

[2007-189](#) - Livable Communities Advisory Committee Appointments

It was moved by McDaniel and seconded by Hilker

"That the Metropolitan Council approve Chair Bell's recommendation to appoint the following persons to the Livable Communities Advisory Committee (LCAC), effective immediately.

Chair – term is at the pleasure of the Council	Ruth Grendahl , Apple Valley
The following persons are recommended to be appointed to three-year terms in the listed expertise categories:	
Local government – planning, economic or community development	Blair Tremere , Public Affairs Consulting

Redevelopment – (one new development member, one redevelopment member; redevelopment seat open)	Peggy Lucas , partner, Brighton Development
Transportation and development relationship.	Fred Dock , Iteris, Inc., consulting transportation and land use engineer”
Site design – architecture, land planning specialty.	Lance Neckar , landscape architect and professor, U of MN

Motion carried.

2007-246 - Metropolitan Council Member Committee Assignments

It was moved by Steffen and seconded by M. Smith

"That the Metropolitan Council approve the following committee assignments recommended by the Chair Pursuant to Council Bylaws, Article III.1.

Transportation	Community Dev.	Environment	Management
<i>M.H. Smith, Chair</i>	<i>Steffen, Chair</i>	<i>Leppik, Chair</i>	<i>Scherer, Chair</i>
Aguilar	Aguilar	Beach	Broecker
Beach	Broecker	Scherer	Lundquist
Hilker	Hilker	Susag, Vice Chair	Pistilli
Leppik	Lundquist	Wittsack	Sanda
McDaniel	McDaniel	Wolter	Smith (MH)
Meeks, Vice Chair	Meeks, Vice Chair		Wittsack Vice Chr
Scherer	Pistilli		
Steffen	Sanda		
Susag			
Wolter			

Motion carried.

Council Procurement Process

Chris Gran, Metro Transit Director of Purchasing, and Rich Halstad, Contracts and Procurement Manager explained the the Council’s procurement processes.

The Council utilizes two primary methods of competitive procurement:

1. The low bid process: Invitation for Bids (IFB) incorporates a two-step prequalification process where staff works with vendors to identify necessary qualifications, equipment, experience and funds. The qualified vendors then submit sealed bids and the award is to the lowest responsive responsible bidder. The Best and Final Offer (BAFO) is used in bus procurement when staff pre-qualifies bidders to identify buses that meet Council requirements and bidders are asked for BAFOs, which are sealed bids.
2. The Competitive Proposal Process: Request for Proposals (RFP or “Best Value”) is used to obtain an offer/proposal that is most advantageous to the Council, as determined by applying clearly prescribed evaluation criteria. An Evaluation Panel reviews and evaluates all proposals and makes a recommendation to the Council.

All questions regarding any RFP are to be directed only to the RFP Administrator. Proposers may be disqualified if any unsolicited contact related to an RFP is made with an employee or representative of the Council other than the RFP Administrator during the proposal process.

The 2007 Legislature modified the Uniform Municipal Contracting Law to allow construction and some service contracts to be awarded based on Best Value, including an evaluation of price and other considerations including, but not limited to, environmental considerations, quality and vendor performance.

Council has oversight and reporting requirements to see that all contractors and subcontractors are complying with state and federal requirements. All procurement policies are audited by state and federal auditors. The Council's procurement policy and procedures, incorporating state and federal requirements, are approved by the Council's Management Committee.

Part II - Exhibits

Business

Committee Consent List

[2007-199 - Minnesota State Retirement System Program Unclassified Retirement Plan, Resolution 2007-16](#)

It was moved by Meeks and seconded by McDaniel

"That the Metropolitan Council approve changes to the position and incumbent list for the Minnesota State Retirement System unclassified plan."

Motion carried.

[2007-228 - Amendment to Legal Services Agreement](#)

It was moved by Meeks and seconded by McDaniel

"That the Metropolitan Council authorize the General Counsel to amend one legal services agreement to increase the maximum Contract Price as follows:

Law Firm	Services	Term	Current Price	Proposed Increase	New Price
Bassford	Legal Services Tort & Property Damage Contract 06P152A	12/31/09	\$125,000	\$125,000	\$250,000

Motion carried.

[2007-230 - Authorization to Award a Construction Contract for the Lake Elmo East Sanitary Sewer Connection Project, MCES Project Number 806300](#)

It was moved by Meeks and seconded by McDaniel

"That the Metropolitan Council authorize its Regional Administrator to award and execute a construction contract with Park Construction Company for the construction of the Lake Elmo East Sanitary Sewer Connection Project in the amount of \$3,315,443."

Motion carried.

[2007-231](#) - Approval of Report to the Legislative Commission on Minnesota Resources titled: *Recycling Treated Municipal Wastewater for Industrial Water Use*

It was moved by Meeks and seconded by McDaniel

"That the Metropolitan Council approve the report to the Legislative Commission on Minnesota Resources (LCMR) Titled: *Recycling Treated Municipal Wastewater for Industrial Water Use*, MCES Project 070186. See attached Executive Summary."

Motion carried.

[2007-232](#) - Authorization to Negotiate and Execute an Engineering Services Agreement for Interceptor Tunneling Master Contract

It was moved by Meeks and seconded by McDaniel

"That the Metropolitan Council authorizes its Regional Administrator to negotiate and execute an engineering services agreement with CNA for Interceptor Sewer Tunneling Master Contract for an amount not to exceed \$1,000,000."

Motion carried.

[2007-233](#) - Copier Lease

It was moved by Meeks and seconded by McDaniel

"That the Metropolitan Council authorize the Regional Administrator to enter into a 48-month copier equipment contract with Loffler Companies, Inc."

Motion carried.

Report of the Management Committee

[2007-234](#) - Liability Self-Insurance, Environmental Services

It was moved by Scherer and seconded by Pistilli

"That the Metropolitan Council authorize:

1. self-insuring General Liability and Auto Liability exposures for Environmental Services up to \$1,000,000 annually, and
2. that \$1 million from the ES Contingency Reserve be transferred into a new fund for this self insurance."

Motion carried.

Report of the Transportation Committee

[2007-243](#) SW - Minnetonka Area DAR Transit Service Procurement Review Panel Findings of Fact and Recommendation

Regional Administrator Weaver presented findings and conclusions of the Review Panel. The Panel consisted of Regional Administrator Thomas Weaver, Paul Stembler (Assistant Director of Materials Management, MN Dept of Administration) and Scott Peterson (Director of Transportation Finance Management Mn DOT). The Panel conducted a review of the procurement at the request of Senior Community Services to determine:

- 1.) whether the RFP process complied with applicable law and policies; and,

2.) whether there was a rational basis for the Evaluation Panel's decision.

Based on its findings, the Review Panel recommended "That the Metropolitan Council affirm the Regional Administrator's May 23, 2007 denial of Senior Community Services' award phase protest regarding the Request for Proposals for Minnetonka Area Dial-A-Ride Transit service.

It was moved by M. Smith and seconded by Meeks

"That the Metropolitan Council:

1. affirm the Regional Administrator's May 23, 2007 denial of Senior Community Services' award phase protest regarding the Request for Proposals for Minnetonka Area Dial-A-Ride Transit Services
2. affirm its May 23, 2007 action authorizing the Regional Administrator to execute a contract with Midwest Paratransit Services, Inc. to provide Minnetonka Area Dial-A-Ride Transit Services, but for a five-year period beginning September 1, 2007 rather than July 1, 2007."

Motion carried.

Report of the Environment Committee

2007-229 - Adoption of 2008 Rates and Charges

It was moved by Leppik and seconded by M. Smith

"That the Metropolitan Council adopts the following rates and charges to be effective January 1, 2008:

- 2008 Municipal Wastewater Charges of **\$153,840,000**;
- Service Availability Charge (SAC) of **\$1,825** per household or Residential Equivalent Unit;
- Add-on Service Charge of **\$0.91** per thousand gallons;
- Industrial Strength Charge: **\$.148** per excess pound of TSS (total suspended solids);
- Industrial Strength Charge: **\$.074** per excess pound of COD (chemical oxygen demand);
- Standard (septage) Load Charge: **\$37.61** per thousand gallons;
- Holding Tank Load Charge: **\$1.93** per thousand gallons;
- Portable Toilet Waste Load Charge: **\$49.91**, per thousand gallons;
- Collar County Load Charge: **\$47.61** per thousand gallons;
- Strength component of Industrial Load Charge **\$.295** per excess pound of TSS;
- Strength component of Industrial Load Charge **\$.1475** per excess pound of COD, and
- Industrial Permit Fees as shown on Attachment A"

Motion carried.

Report of the Community Development Committee

There was no report this week.

Other Business Reports

Chair

Chair Bell reported

- he spoke on a panel titled “Perspectives on the Future of Transportation” at the regional conference of the American Association of State Highway and Transportation Officials (AASHTO) in Minneapolis;
- the Council member retreat is set for July 31 at the Como Conservatory;
- Council staff is hosting the Governor’s staff on an August tour of transit and environmental services facilities;
- he and Regional Administrator Weaver have met with the Governor’s staff regarding the Council’s 2008 bonding request;
- the July 25 Council meeting is canceled and the next regularly scheduled Council meeting will be August 8, at 4 p.m..

Council Members

There was no report.

Regional Administrator

Regional Administrator Weaver reported:

- the half-hour documentary on the Met Council, produced in collaboration with Twin Cities Public Television, will be broadcast at 9:30 p.m. on Tuesdays and Thursdays on Metro Cable Channel 6 for six weeks beginning in August;
- the Discovery Channel will film and interview at the Metro Plant the week of July 16. The Solids Management Building will be featured in one of six segments on recycling technologies in the program “Discovery: Green Science” scheduled to air late in August.

General Counsel

There was no report.

Adjournment

Business completed, the meeting adjourned at 5:30 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 July 11, 2007.

Approved this 8th day of August, 2007.

Respectfully submitted,

Pat Curtiss
Recording Secretary