



Metropolitan Council Meeting

Wednesday, August 22, 2007

Council Chambers

4:00 P.M.

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4:00 P.M.

Part I - Narrative

Members present:

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

Members absent: Tony Pistilli, District 4 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 4:18 p.m. Chair Bell changed the Business A.item from Joint Report of the Community Development, Environment, Management and Transportation Committees to an "Other Business" item. It was moved by McDaniel seconded by Broecker to approve the amended agenda. Motion carried.

Minutes

It was moved by Meeks seconded by Leppik to approve the minutes of the Metropolitan Council Meeting of August 8, 2007. Motion carried.

Public Invitation

Peter Roess, Founder and President of Minnesota's Museum Metropolis Inc. explained their project to develop underground museums and housing with environmental components.

Part II - Exhibits

Business

Other Business

[2007-279](#) - [Adopting Resolutions 2007-18, 2007-19, 2007-20, 2007-21, 2007-22, 2007-23, 2007-24, 2007-25 and 2007-26](#) for the Metropolitan Council's Preliminary 2008 Unified Operating Budget and the Proposed 2007, Payable 2008, Tax Levies

It was moved by Scherer and seconded by Smith

"That the Metropolitan Council adopts the following resolution:

- 2007-18 Adopting the Metropolitan Council's Preliminary 2008 Unified Operating Budget;
- 2007-19 Adopting the Metropolitan Council's Proposed 2007 Tax Levy for General Purposes for Certification to the County Auditors;
- 2007-20 Adopting the Metropolitan Council's Proposed 2007 Tax Levy for General Purposes for Certification to the Minnesota Commissioner of Revenue;
- 2007-21 Adopting a Proposed 2007 Tax Levy for the Metropolitan Right-Of-Way

- Acquisition Loan Fund for the Purposes of Minnesota Statutes Section 473.167 for Certification to the County Auditors;
- 2007-22 Adopting a Proposed 2007 Tax Levy for the Metropolitan Right-Of-Way Acquisition Loan Fund for the Purposes of Minnesota Statutes Section 473.167 for Certification to the Minnesota Commissioner of Revenue;
- 2007-23 Adopting a Proposed 2007 Tax Levy for the Livable Communities Demonstration Account in the Metropolitan Livable Communities Fund;
- 2007-24 Adopting a Proposed 2007 Tax Levy for the Tax Base Revitalization Account of the Livable Communities Act;
- 2007-25 Resolution Certifying a Tax Levy for 2007 for Future Transit and Parks Bonds;
- 2007-26 Resolution Directing Cancellation of Tax Levy for Sewer Refunding Bonds Issued by the Metropolitan Council and Payable from the Sewer Refunding, Series 2001A Bond Fund.”

Motion passed on the following roll call vote:

Yes					No	Absent
	Scherer	Meeks	Hilker	Wolter		Pistilli
	M.Smith	Wittsack	Broecker	Daniel		District 4 Vacant
	Susag	Steffen	Aguilar	Bell		
	Leppik	Sanda	Beach			
TOTAL	15					2

Committee Consent List

2007-255 - Contact Amendment with NEST to Operate Route 219

It was moved by Meeks and seconded by Steffen

"That the Metropolitan Council authorizes the Regional Administrator to execute a contract amendment with Northeast Suburban Transit for Route 219 transit service from October 1, 2007 to December 1, 2007 in an amount not to exceed \$59,300 for the term.."

Motion carried.

2007-256 - Contract Amendment with DARTS to Operate Route 417

It was moved by Meeks and seconded by Steffen

"That the Metropolitan Council authorizes the Regional Administrator to execute a contract amendment with Dakota Area Resources and Transportation for Seniors (DARTS) to provide regular route transit service in the West St. Paul, Mendota Heights, and downtown St. Paul areas from October 1, 2007 to December 1, 2007 in an amount not to exceed \$14,250 for the term."

Motion carried.

2007-257 - Contract Amendment with H.S.I. to Operate the South Washington County Service Contract

It was moved by Meeks and seconded by Steffen

"That the Metropolitan Council authorizes the Regional Administrator to execute a contract amendment with Human Services, Inc. (H.S.I) for South Washington County transit service from October 1, 2007 to December 1, 2007 in an amount not to exceed \$149,160 for the term."

Motion carried.

2007-264 - 2007-2010 TIP Amendment: Transit for Livable Communities and MnDOT Metro District, TAB Action 2007-41

It was moved by Meeks and seconded by Steffen

"That the Metropolitan Council concurs with the Transportation Advisory Board (TAB) action to amend the 2007-2010 Transportation Improvement Program (TIP) to include 12 projects totaling \$6,572,200 selected in 2007 for funding through the Non-Motorized Transportation Pilot Program."

Motion carried.

2007-268 - Request for a Waiver of Conflict – Moore, Costello and Hart

It was moved by Meeks and seconded by Steffen

"That the Metropolitan Council waives any actual and potential conflicts of interest and consent to engaging the law firm of Moore, Costello and Hart to represent the Council, but only in connection with the creation, organization and implementation of the nonprofit park foundation/corporation authorized by statute."

Motion carried.

Report of the Environment Committee

2007-273 - Authorization to Award and Execute a Construction Contract for Seneca Plant Improvements, MCES Project No. 801900

It was moved by Leppik and seconded by Susag

"That the Metropolitan Council authorizes its Regional Administrator to award and execute a construction contract for the Seneca Plant Improvements, MCES Project No. 801900, with Madsen-Johnson for their lowest responsive, responsible bid of \$15,078,600."

Motion carried.

2007-274 - Authorization to Negotiate Purchase Agreement with Star Environmental for Septage Handling Facility in Fridley

It was moved by Leppik and seconded by Susag

"That the Metropolitan Council authorizes its Regional Administrator to negotiate a purchase agreement with Star Environmental for its septage facility in Fridley."

Motion carried.

2007-275 - Proposed Regional Water Resources Policy Plan Amendment for the City of Oak Grove

It was moved by Leppik and seconded by Steffen

"That the Metropolitan Council:

1. adopts the proposed amendment to the 2030 Water Resources Management Policy Plan, as revised to include only areas south and east of Cedar Creek in the long-term wastewater service area, and
2. refers to its Community Development Committee the City of Oak Grove's request to change the geographic planning area designation for the remainder of the City from Diversified Rural to Rural Residential."

Motion carried.

Report of the Community Development Committee
[2007-147 SW Revised](#) - Land Exchange Request of 2.89 Acres to Replace 1.48 Acres on Nicollet Island in Central Mississippi Riverfront Regional Park, Minneapolis Park & Recreation Board

Chair Bell allowed five speakers from each side of the land exchange question to speak for three minutes each, or a total of 15 minutes. Comments were provided by:

Support Proposed Land Exchange	Oppose Proposed Land Exchange
Brian Rice, Attorney for MPRB	Arlene Fried, ParkWatch
John Derus, DeLaSalle Board of Trustees	John Anfinson, National Park Service
Eric Galatz, Attorney for DeLaSalle	Paul Labovitz, Superintendent, MS National River and Recreation Area, National Park Service
Brother Michael Collins, President, DeLaSalle	Rep. Phyllis Kahn, resident
Nikki Carlson, DeLaSalle Parent	Irene Jones, Friends of Mississippi River
Judy Blaseg, DeLaSalle Parent	Matt Franken, Friends of the Riverfront

Chair Bell said the parkland being offered in the land exchange is of less value than the Council wants and the arguments it could be put to other uses are problematic. However, the Council would like to go ahead with some land exchange. Based on those considerations, Chair Bell recommends rejection of the current Community Development Committee recommendation, followed by subsequent motions giving reasons for the rejection and allowing for release of the restrictive covenant on the 1.48 acres and a provision for additional acreage to satisfy the “equally valuable land” provision.

This matter will not come back before the Council, but rather the Chair and Regional Administrator will negotiate with the Minneapolis Park and Recreation Board, who has agreed to work with Council on a land exchange. Additional land, not necessarily 1.48 acres, could be new land, and that land along with the 2.89 acres with the covenant, would be of equal value to the Nicollet Island parcel, valued as if it were subject to the existing covenant. The Council has a fiduciary responsibility to the Regional Park System and Chair Bell believes this proposal will satisfy that concern.

Committee Chair Steffen stated that, while she supported the Committee recommendation at the August 20th meeting, the recent disclosure of new MPRB information, related to the land swap, means she will vote against the motion today.

It was moved by Steffen and seconded by Meeks

"That the Metropolitan Council:

1. release the restrictive covenant on the 1.48-acre Grove Street Nicollet Island parcel in exchange for the Minneapolis Park & Recreation Board obtaining title and placing a restrictive covenant on the 2.89-acre West River Road property as shown on Figure 1
2. request the Minneapolis Park & Recreation Board to implement the land exchange by March 1, 2008 so the restrictive covenant violation is remedied in a timely manner."

Motion failed.

It was moved by Steffen and seconded by Smith

“That the Metropolitan Council deny the April 30, 200, request of the Minneapolis Park and Recreation Board (MPRC) that the Metropolitan Council release the restrictive covenant on the

1.48-acre Grove Street Nicollet Island parcel in exchange for the MPRB obtaining title to and placing a restrictive covenant on a 2.89-acre parcel located on the West Bank of the Mississippi Riverfront North of Plymouth Avenue because the 2.89-acre parcel:

1. is subject to a dedication for park and walkways purposes; and
2. does not appear to be sufficient to satisfy the 'equally valuable land' provision of Strategy 5(b) of the 2030 Regional Parks Policy Plan."

Motion carried.

It was moved by Steffen and seconded by Meeks

"That the Metropolitan Council authorize the Chair and Regional Administrator to negotiate and execute with the Minneapolis Park and Recreation Board (MPRB) an agreement whereby the Metropolitan Council would release the restrictive covenant on the 1.48-acre Grove Street Nicollet Island parcel only after:

1. the Council's restrictive covenants are recorded against the 2.89-acre parcel located on the West Bank of the Mississippi Riverfront North of Plymouth Avenue, and
2. the MPRB provides a binding commitment to provide additional acreage not currently encumbered as open space, that is deemed by the Chair as acceptable for inclusion in the regional park system and sufficient to satisfy an "equally valuable land" provision of Strategy 5(b) of the 2030 Regional Parks Policy Plan, and which will be subject to the Council's restrictive covenant, by no later than March 1, 2009."

Smith amended the motion, seconded by Meeks

2. the MPRB provides a binding commitment, *within thirty (30) days*, to provide additional acreage not currently encumbered as open space, that is deemed by the Chair as acceptable for inclusion in the regional park system and sufficient to satisfy and "equally valuable land" provision of Strategy 5(b) of the 2030 Regional Parks Policy Plan, and which will be subject to the Council's restrictive covenant, by no later than March 1, 2009."

Motion on the amendment carried.

A vote was taken on the original motion, with the amended language

"That the Metropolitan Council authorize the Chair and Regional Administrator to negotiate, and execute, with the Minneapolis Park and Recreation Board (MPRB) an agreement whereby the Metropolitan Council would release the restrictive covenant on the 1.48-acre Grove Street Nicollet Island parcel only after:

1. the Council's restrictive covenants are recorded against the 2.89-acre parcel located on the West Bank of the Mississippi Riverfront North of Plymouth Avenue, and
2. the MPRB provides a binding commitment, *within thirty (30) days*, to provide additional acreage not currently encumbered as open space, that is deemed by the Chair as acceptable for inclusion in the regional park system and sufficient to satisfy and "equally valuable land" provision of Strategy 5(b) of the 2030 Regional Parks Policy Plan, and which will be subject to the Council's restrictive covenant, by no later than March 1, 2009."

The amended motion carried, with Scherer dissenting.

Report of the Management Committee

2007-281 SW Revised - Authorization to Enter into a Labor Agreement with the International Brotherhood of Electrical Workers, Local Union No. 110

It was moved by Scherer and seconded by Broecker

"That the Metropolitan Council authorize the Regional Administrator to enter into a labor agreement with the International Brotherhood of Electrical Workers, Local Union No. 110, effective May 1, 2007 through April 30, 2010."

Motion carried.

Report of the Transportation Committee

2007-267 - Authorization to Purchase Furniture and Equipment for the Central Corridor Project Office

It was moved by Smith and seconded by Susag

"That the Metropolitan Council authorize the Regional Administrator to purchase furniture and equipment for the CCPO in a total amount not to exceed \$1, 690,000."

Motion carried.

2007-272 Revised - I-35W Bridge Response Plan

It was moved by Smith and seconded by Broecker

"That the Metropolitan Council amend the 2007 Operating Budget by \$5.0 million revenue and expense and authorize the Regional Administrator to enter into contracts necessary to implement the I-35 Bridge Transit Response Plan as detailed in Table A."

Committee Chair Smith then offered a *Table A Revised* to be substituted for Table A. In addition, clarifying language will be included as part of the record of this action. The amendment ensures that the Regional Administrator has the authority to enter into the necessary Joint Powers Agreements under Minnesota Statutes, section 471.59, to reflect costs for radio communication equipment, and to be consistent by stating annualized costs for the operating and capital plans.

It was moved by Smith and seconded by Meeks to amend the motion with substitute language:

"Response Plan as detailed in "Table A Revised, and include clarifying language as part of the record."

The amendment passed on the following roll call vote:

	Yes				No	Absent
	Scherer	Meeks	Hilker	Wolter		Pistilli
	M.Smith	Wittsack	Broecker	Daniel		District 4 Vacant
	Susag	Steffen	Aguilar	Bell		
	Leppik	Sanda	Beach			
TOTAL	15					2

A vote was taken on the original motion, with the substitute language.

"That the Metropolitan Council amend the 2007 Operating Budget by \$5.0 million revenue and expense and authorize the Regional Administrator to enter into contracts necessary to implement the I-35 Bridge Transit Response Plan as detailed in *Table A Revised, with clarifying language.*"

The amended motion passed on the following roll call vote:

Yes					No	Absent
	Scherer	Meeks	Hilker	Wolter		Pistilli
	M.Smith	Wittsack	Broecker	Daniel		District 4 Vacant
	Susag	Steffen	Aguilar	Bell		
	Leppik	Sanda	Beach			
TOTAL	15					2

Other Business

Urban Partnership Agreement (UPA) Overview

Brian Lamb and Arlene McCarthy will present the UPA Overview at the August 27, 2007 Transportation Committee meeting.

Reports

Chair

Chair Bell has been working with bridge related issues and a possible special session.

Council Members

Council Member Wittsack reported she and Council Member McDaniel attended a DEED-sponsored workshop on workforce development for the future.

Regional Administrator

Regional Administrator reported Environmental Services recently received the following performance awards from the National Association of Clean Water Agencies: the Seneca Plant received a Platinum Award for 6 years of perfect compliance; the St. Croix Valley Plant received a Platinum Award for 15 years of perfect compliance; and the Hastings Plant received a Platinum Award for 16 years of perfect compliance

General Counsel

There was no report

Adjournment

Business completed, the meeting adjourned at 6:03 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 August 22, 2007.

Approved this 12th day of September, 2007.

Respectfully submitted,

Pat Curtiss
Recording Secretary