



## Metropolitan Council Meeting

Wednesday, April 23, 2008

Robert Street Council Chambers

4:00 P.M.

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## **Metropolitan Council Meeting**

Wednesday, April 23, 2008

Council Chambers

4:00 P.M.

### **Part I - Narrative**

#### **Attendance:**

Peter Bell, Chair; Tony Pistilli, Mary Hill Smith, Peggy Leppik, Annette Meeks, Lynette Wittsack, Natalie Steffen, Georgeanne Hilker, Rick Aguilar, Daniel Wolter

#### **Members absent:**

Roger Scherer, Craig Peterson, Kris Sanda, Sherry Broecker, Kirstin Sersland Beach, Brian McDaniel, District 5 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 4:06 p.m. It was moved by Steffen, seconded by Smith, 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 April 9, 2008. Motion carried.

#### **Public Invitation**

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

### **Part II - Exhibits**

#### **Business**

##### Minnesota Housing Finance Agency, Commissioner Tim Marx

Commissioner Tim Marx summarized Minnesota Housing's four strategic priorities to confront the challenges of housing solutions and affordability: financing new affordable housing opportunities, preserving existing affordable housing, ending long-term homelessness and increasing emerging market homeownership. The Metropolitan Council has a shared partnership with MN Housing in implementing programs to meet the region's housing needs.

Chair Bell and Commissioner Marx are discussing a possible Land Acquisition for Affordable New Development (LAAND) initiative that would provide statewide financing to encourage communities to meet their affordable housing need. More details will be forthcoming.

#### *Joint Report of the Management and Transportation Committees*

##### 2008-61 - 2008 Unified Operating Budget Amendment

It was moved by Wittsack and seconded by Smith

"That the Metropolitan Council:

1. amend the 2007 Unified Operating Budget in accordance with the attached table and as indicated;
2. amend the 2008 Unified Operating Budget in accordance with the attached table and as indicated.”

Motion carried on the following roll call:

<b>Yes</b>		<b>No</b>	<b>Absent</b>	
Pistilli	Steffen		Scherer	Sersland Beach
M. Smith	Hilker		Peterson	Mc Daniel
Leppik	Aguilar		Sanda	
Meeks	Wolter		Broecker	Dist 5 Vacant
Wittsack	Bell			
<b>TOTAL</b>		<b>10</b>	<b>6 ( 1 vacancy)</b>	

**2008-62 - 2008-2013 Capital Improvement Program and Capital Program and Budget Amendment**

It was moved by Wittsack and seconded by Smith

"That the Metropolitan Council:

1. amend the 2008 Authorized Capital Program (Multi-year authorization) by adding spending authority to the Transportation Division as follows:
  - o Metro Transit \$ 25,899,534
  - Amendment to ACP \$ 28,420,009
  - Deletion from ACP (\$ 2,520,475)
  - o Metropolitan Transportation Services \$ 0
2. amend the 2008 Capital Budget (annual appropriation) by increasing spending authority to the Transportation Division as follows:
  - o Metro Transit \$ 18,248,002
  - o Metropolitan Transportation Services \$ 0
3. approve transfers between capital projects as detailed in Attachment 1;
4. authorize the Regional Administrator to make payment to the Northstar locomotive contractor using \$2,500,000 of closed debt service funds previously authorized for a grant to the Northstar Corridor Development Authority (NCDA) for right-of-way acquisition, contingent on approval by the NCDA’s Capital Budget Committee at its April 17, 2008 meeting.”

Motion carried on the following roll call:

<b>Yes</b>		<b>No</b>	<b>Absent</b>	
Pistilli	Steffen		Scherer	Sersland Beach
M. Smith	Hilker		Peterson	Mc Daniel
Leppik	Aguilar		Sanda	
Meeks	Wolter		Broecker	Dist 5 Vacant
Wittsack	Bell			
<b>TOTAL</b>		<b>10</b>	<b>6 ( 1 vacancy)</b>	

*Committee Consent List*

2008-67 - Highway 52/55 MUSA Expansion Comprehensive Plan Amendment, Review File No. 18495-30

It was moved by Meeks and seconded by Wolter

"That the Metropolitan Council:

1. allow the City of Inver Grove Heights to put the comprehensive plan amendment (CPA) into effect.
2. require the City to address the following as a part of the 2008 Comprehensive Plan Update.
  - a. Describe activities to identify and reduce sources of excessive inflow and infiltration.
  - b. Include the 2005 Systems Statement sanitary sewer flows and flow forecasts.
3. acknowledge that the CPA does not change the City's 2005 System Statement forecasts."

Motion carried.

2008-72 - Request for Reimbursement Consideration on Development Costs at Silverwood Park Special Recreation Feature, Three Rivers Park District

It was moved by Meeks and seconded by Wolter

"That the Metropolitan Council consider reimbursing Three Rivers Park District up to \$12,056,000 for construction at Silverwood Park Special Recreation Feature as shown in **Attachment 2** in future regional parks capital improvement programs. However, the Council does not under any circumstances represent or guarantee that reimbursement will be granted, and expenditure of local funds never entitles a park agency to reimbursement."

Motion carried.

2008-73 - Request to Broaden Scope of Acquisition Grant SG-05-83 to Match Federal Trail Grant for Rice Creek North Regional Trail and Rice Creek Chain of Lakes Park Reserve, Anoka County

It was moved by Meeks and seconded by Wolter

"That the Metropolitan Council authorize a change in scope of Grant SG-05-83 that allows the balance in the grant to be used to partially fund the match to a \$1,050,000 Federal Transportation Enhancement grant for constructing a portion of Rice Creek North Regional Trail, or to acquire additional land for Rice Creek Chain of Lakes Park Reserve and to extend the duration of the grant to June 30, 2010."

Motion carried.

2008-75 - Request for Acquisition Opportunity Grant to Partially Finance Butler Family Trust Parcel in Empire Wetlands Regional Park, Dakota County

It was moved by Meeks and seconded by Wolter

"That the Metropolitan Council authorize a grant of \$1.7 million comprised of \$1,020,000 of Environment and Natural Resources Trust Fund revenue and \$680,000 of Metropolitan Council bonds from the State Acquisition Grant Account in the Park Acquisition Opportunity Fund. The

grant must be matched with \$566,666 of Dakota County funds to partially finance a portion of the 456-acre Empire Wetlands Regional Park as part of the Butler Trust Parcel shown on Attachment 2.”

Motion carried.

2008-76 - Request for Reimbursement Consideration Authorization to Acquire 30 Acre Wicket Parcel in Spring Lake Park Reserve, Dakota County

It was moved by Meeks and seconded by Wolter

"That the Metropolitan Council:

1. allow up to \$1,443,500 of costs incurred by Dakota County for acquiring the Wicker property in Spring Lake Park Reserve to be eligible for reimbursement consideration in future regional parks capital improvement programs under the conditions stated in Recommendation 2. However, the Council does not under any circumstances represent or guarantee that reimbursement will be granted, and expenditure of local funds never entitles a park agency to reimbursement;
2. requests Dakota County to attempt to recoup its costs, and thus reduce the Council's reimbursement amount in Recommendation 1, of acquiring the Wicker parcels by relocating the structures on the original Wicker property to a new 3-acre parcel of park land in Spring Lake Park Reserve and selling the buildings and 3-acre parcel under the following conditions:
  - a. The 3-acre parcel is at the edge of the park's current boundary
  - b. The 3-acre parcel is adjacent to other houses or land zoned for housing and have road access
  - c. Residential use of the 3-acre parcel should not adversely affect other recreational uses of Spring Lake Park Reserve
  - d. Residential use of the 3-acre parcel should not adversely affect natural resources in Spring Lake Park Reserve.
  - e. Dakota County seeks approval from the Metropolitan Council to release any regional park restrictive covenant on the 3-acre parcel and requests approval from the State of Minnesota to sell the 3-acre parcel if the parcel was initially acquired with State bond proceeds.
  - f. Proceeds from the sale of the 3-acre parcel and structures on it must be used to recoup subdivision and related sale expenses, plus expenses in acquiring the original 30-acre Wicker property and related buildings.
  - g. The County shall report to the Metropolitan Council the County's costs in implementing this acquisition, relocation and sale plus the revenue it received from the sale. If the sale of the 3-acre parcel and related buildings generates more revenue than costs to acquire the original 30- acre Wicker property and its buildings, the additional revenue must be used to acquire more regional park land in Dakota County.”

Motion carried.

2008-89 - Extension of Metavante Contract (Credit Card Processor)

It was moved by Meeks and seconded by Wolter

"That the Metropolitan Council authorize the Regional Administrator to amend the current Metavante Corporation credit card processor contract by extending the expiration date for a period not to exceed December 31, 2008."

Motion carried.

2008-90 - City of Lakeville Comprehensive Plan Amendment: Senior Housing, Review File No. 16958-20

It was moved by Meeks and seconded by Wolter

"That the Metropolitan Council:

1. allow the City of Lakeville to put the comprehensive plan amendment (CPA) into effect;
2. acknowledge that the CPA does not change the City's 2005 System Statement forecasts."

Motion carried.

2008-95 - Technical Amendments to Legal Services Agreement: No Budget Impact

It was moved by Meeks and seconded by Wolter

"That the Metropolitan Council authorizes the General Counsel to amend legal services agreements to increase the maximum contract prices as follows

<u>Law Firm</u>	<u>Services</u>	<u>Term</u>	<u>Current Price</u>	<u>Proposed Increase</u>	<u>New Price</u>
Parker Rosen	Legal Services related to Transit Employment, RA and Planning Contract No. 06P153A	12/31/09	\$375,000	\$125,000	\$500,000
Bassford Remele	Legal Services related to Tort & Property Damage Contract No. 06P152A	12/31/09	\$375,000	\$125,000	\$500,000

Motion carried.

2008-97 - Authorization to Execute Agreements for the Jobs Access Reverse Commute and New Freedom FY 2006-2007 Program Funding

It was moved by Meeks and seconded by Wolter

"That the Metropolitan Council authorize the Regional Administrator to execute subrecipient agreements with the specified agencies and for the specified amounts of federal Job Access and Reverse Commute (JARC) or New Freedom program funding identified in Attachment A."

Motion carried.

2008-100 - Northstar \$2.5 Million Local Match Use

It was moved by Meeks and seconded by Wolter

"That the Metropolitan Council Authorize the Regional Administrator to make payment of \$2.5 million to the Northstar locomotive contractor MotivePower, Inc. for the purposes of making an upcoming milestone payment. The funds for this payment will come from closed debt service funds previously authorized (2004-287) for a grant to Northstar Corridor Development Authority (NCDA) for the purchase of the Northstar right-of-way. This payment would be contingent upon NCDA Capital Committee approval at their April 17, 2008 meeting."

Motion carried.

2008-101 - Increase of Delegated Construction Contract Change Order Authority for Meter 102 Capacity Restoration, MCES Project No. 801105, Contract No. 07P019

It was moved by Meeks and seconded by Wolter

"That the Metropolitan Council increases the delegated construction contract change order authority of its General Manager, Environmental Services, from \$50,000 to \$85,000 for Meter 102 Capacity Restoration, MCES Project No. 801105, Contract No. 07P019."

Motion carried.

2008-102 - Increase of Delegated Construction Contract Change Order Authority for Lake Elmo East Interceptor, MCES Project. No. 806300, Contract No. 06P177

It was moved by Meeks and seconded by Wolter

"That the Metropolitan Council increases the delegated construction contract change order authority of its General Manager, Environmental Services, from \$165,722 to \$ 615,722 for Lake Elmo East Interceptor, MCES Project No. 806300, Contract No. 06P177."

Motion carried.

2008-103 - Authorization to Negotiate and Execute an Agreement with Minnesota Department of Transportation for Interceptor 7015B Modifications

It was moved by Meeks and seconded by Wolter

"That the Metropolitan Council authorizes its Regional Administrator to negotiate an Agreement with the Minnesota Department of Transportation (MnDOT) for modification of interceptor 7015B facilities in the vicinity of the proposed TH 169 Triangle Improvements Project."

Motion carried.

2008-104 - Authorization to Negotiate and Execute an Agreement with the Three Rivers Park District

It was moved by Meeks and seconded by Wolter

"That the Metropolitan Council authorizes its Regional Administrator to negotiate and execute an agreement with the Three Rivers Park District for the replacement of portions of the Dakota Rail Regional Trail during reconstruction of interceptor 6-MO-650."

Motion carried.



2008-105 - 2008 Technology Hardware Replacement Procurement

It was moved by Meeks and seconded by Wolter

"That the Metropolitan Council authorize the purchase of up to \$488,000 of personal computer and related hardware in support of Information Systems' (IS) hardware replacement plan."

Motion carried.

2008-107 - Authorization to Award Contract for Hennepin County Dial-a-Ride Transit Service

It was moved by Meeks and seconded by Wolter

"That the Metropolitan Council authorize the Regional Administrator to execute a contract with Midwest Paratransit Services Inc. to provide Hennepin County Dial-a-Ride Transit Service from June 9, 2008 to June 1, 2010 in an amount not to exceed \$900,200."

Motion carried.

*Report of the Management Committee*

Items included in the Joint Report.

*Report of the Transportation Committee*

2008-108 - Central Corridor Light Rail Transit, Washington Avenue Bridge Evaluation

It was moved by Meeks and seconded by Leppik

"That the Metropolitan Council authorize the Regional Administrator to negotiate and execute a contract amendment with URS in an amount not to exceed \$200,000 for conducting additional analysis of the Washington Avenue Bridge."

Council Member Wolter recused himself from the discussion and vote on this item.

Motion carried.

2008-109 - Authorization to Acquire Fee Title and to File Condemnation Petition, Resolution 2008-08

It was moved by Meeks and seconded by Wolter

"That the Metropolitan Council pass the attached resolution, which authorizes the Council's attorney to initiate condemnation proceedings in order to obtain fee title to the land identified on Exhibit A for the construction of Cedar Grove Transit Station."

Motion carried.

*Report of the Environment Committee*

All items are included on the Consent List.

### *Report of the Community Development Committee*

All items are included on the Consent List.

### **Other Business**

#### Counties Transit Improvement Board (CTIB)

Arlene McCarthy, Director, Metropolitan Transportation Services, highlighted aspects of the Counties Transit Improvement Board (CTIB), created through a joint powers agreement in the 2008 Omnibus Transportation Funding Legislation. The CTIB includes representatives from Metro area counties, choosing to participate, and the Metropolitan Council. Revenue will be distributed among member Counties, based on sales tax revenue projections and population; updated every four years. The Board will grant awards to state and political subdivision for “transit purposes” consistent with Met Council’s Transportation Policy Plan. The CTIB will assume the roles and responsibilities of the Metro Transit Development Board (MTDB).

#### Legislative Update

Judd Schetnan, Government Affairs Director, presented updates on Council initiatives and other legislative issues of interest.

### **Reports**

#### *Chair*

Chair Bell reported he continues working on the following Council issues: Lakeville and the Transit Taxing District, Central Corridor, Transit budget, Parks Foundation, and the joint powers board.

#### *Council Members*

There were no reports today.

#### *Regional Administrator*

There was no report today.

#### *General Counsel*

There was no report today.

### **Adjournment**

Business completed, the meeting adjourned at 5:50 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 April 23, 2008.

Approved this 14<sup>th</sup> day of May, 2008

Respectfully submitted,

Pat Curtiss, Secretary