



Metropolitan Council Meeting

Wednesday, June 25, 2008

Robert Street Council Chambers

4:00 P.M.

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Metropolitan Council Meeting

Wednesday, June 25, 2008

Council Chambers

4:00 P.M.

Part I - Narrative

Attendance:

Peter Bell, Chair; Roger Scherer, Craig Peterson, Polly Peterson Bowles, Peggy Leppik, Annette Meeks, Lynette Wittsack, Kris Sanda, Georgeanne Hilker, Sherry Broecker, Rick Aguilar, Kirstin Sersland Beach, Daniel Wolter, Brian McDaniel

Members absent:

Tony Pistilli, Mary Smith, Natalie Steffen

Call to Order and Approval of Agenda

A quorum being present, the Chair called the regular meeting of the Metropolitan Council to order at 4:07 p.m. Chair Bell moved item 2008-172 from the Consent List to the Report of the Management Committee. It was moved by Scherer seconded by Meeks to approve the amended agenda. Motion carried.

Administer Oath of Office – Metropolitan Council Member

Chair Bell administered the oath of office to Polly Bowles, District 4 Metropolitan Council Member, who was appointed by Governor Pawlenty, effective June 25, 2008. The term runs through January 3, 2011.

Minutes

It was moved by Wolter seconded by Hilker to approve the minutes of the Metropolitan Council Meeting of June 11, 2008. Motion carried.

Public Invitation

Mr. Petr Hansen Roess, PO Box 17091, St. Paul presented his views on environmental, energy and transportation issues. His printed remarks were distributed to Council Members.

Chair Bell recognized Apple Valley Mayor Mary Hamann-Roland, in attendance at today's meeting.

Part II - Exhibits

Other Business

Approval of Resolutions of Appreciation [Bob McFarlin \(2008-12\)](#) and [Bill Porter \(2008-13\)](#)

Chair Bell thanked Bob McFarlin for his friendship and his key role in many transportation issues involving MnDOT and the Metropolitan Council. ([Resolution 2008-12](#))

Chair Bell congratulated Bill Porter for his 40th anniversary with Metro Transit and thanked him for his contributions. ([Resolution 2008-13](#))

It was moved by Leppik and seconded by Sanda

"That the Metropolitan Council:

recognizes and commends Robert McFarlin for his many, invaluable contributions to our state and region, and wishes him well in his future endeavors;
salutes William (Bill) Porter for his four decades of service to the organization, the region and its citizens, and extends best wishes to Bill on the occasion of his retirement from active service on July 7, 2008."

Motion carried.

"Smooth sailing or choppy waters ahead? Twin Cities Compass lets us know how we fare"

Dr. Paul W. Mattessich, Executive Director, Wilder Research and Director of Twin Cities Compass and Craig Helmstetter, Ph.D. Senior Research Scientist, presented an overview of the "Key Measures", critical indicators identified by Advisory Groups, to measure community progress, identify solutions and build consensus to take productive action. The project is a partnership with the Itasca Project, Wilder Research and the Advisory Groups, including policymakers, business and community leaders, and concerned individuals who live and work in the Metro area

Additional information can be found by calling 651-280-2685 or at www.tccompass.org

Business

Joint Report from Management, Transportation and Community Development Committees

2008-154 - 2008-2013 Capital Improvement Program and Capital Program and Budget Amendment

It was moved by Scherer and seconded by Wissack

"That the Metropolitan Council:

1. amend the 2008 Authorized Capital Program (Multi-year authorization) by adding spending authority as follows:

Metro Transit	\$ 92,986,807
Metropolitan Transportation Services	\$ 40,912,284
Parks and Open Space	\$ 3,700,000

2. amend the 2008 Capital Budget (annual appropriation) by increasing spending authority as follows:

Metro Transit	\$ 19,096,502
Metropolitan Transportation Services	\$ 11,424,657
Parks and Open Space	\$ 2,200,000

3. approve new projects and transfers between capital projects as detailed in Attachment 1

Motion carried on the following roll call vote:

					Yes	No	Absent
	Scherer	Meeks	Broecker	McDaniel			Pistilli
	Peterson	Wittsack	Aguilar	Bell			Smith
	Bowles	Sanda	Sersland Beach				Steffen
	Leppik	Hilker	Wolter				
TOTAL					14		3

Committee Consent List

2008-133 - Revisions to the Grant Amendment Procedures - Extensions

It was moved by McDaniel and seconded by Hilker

"That the Metropolitan Council amend the *LCA Grant Amendment Procedures* to indicate that the attached criteria will be used to determine whether an LCA grantee may be granted a second extension, for a fourth year of grant eligibility for a Livable Communities Fund grant."

Motion carried.

2008-140 - Park Acquisition Opportunity Fund Grant Request to Purchase Land for Doyle-Kennefick Regional Park, Scott County

It was moved by McDaniel and seconded by Hilker

"That the Metropolitan Council authorize a grant from the Park Acquisition Opportunity Fund to Scott County of \$848,369 comprised of \$170,744 of Environment and Natural Resources Trust Fund revenue and \$113,162 of Metropolitan Council bonds in the State Acquisition Account, plus \$564,463 from the Land Acquisition Opportunity Account. The grant will partially finance the acquisition of 47.08 acres of the Adelmann parcel for Doyle-Kennefick Regional Park."

Motion carried.

2008-143 - Park Acquisition Opportunity Fund Grant Request to Purchase Land for Baker Park Reserve, Three Rivers Park District

It was moved by McDaniel and seconded by Hilker

"That the Metropolitan Council authorize a grant of \$352,050 from the Land Acquisition Opportunity Account in the Park Acquisition Opportunity Fund to Three Rivers Park District. The grant will partially finance the acquisition of the 6.46 acre Laidlaw parcel for Baker Park Reserve."

Motion carried.

2008-144 - 2008-2011 TIP Amendment: Metro Transit, include funding for Rosedale Park and Ride (TAB Action 2008-15)

It was moved by McDaniel and seconded by Hilker

"That the Metropolitan Council concur with the Transportation Advisory Board (TAB) action to amend 2008-2011 Transportation Improvement Program (TIP) to add 5307 FTA Formula Funds for the Rosedale park and ride replacement/expansion in program year 2008."

Motion carried.

2008-145 - 2008-2011 TIP Amendment: Add HPP Proj. 2771-38T21, Construction and Right-of-Way Purchase, Phase 3 TYH 610 in Brooklyn Park (TAB Action 2008-16)

It was moved by McDaniel and seconded by Hilker

"That the Metropolitan Council concur with the Transportation Advisory Board (TAB) action to amend 2008-2011 Transportation Improvement Program (TIP) to add HPP project 2771-38T21 for construction and right of way purchase for Phase 3 of TH 610 in Brooklyn Park in program year 2009."

Motion carried.

2008-147 - City of Apple Valley Request for an Additional Extension of Livable Communities Demonstration Account (LCDA) Grant SG004-127, Harmony Commons (a.k.a. The Village at Founders Circle)

It was moved by McDaniel and seconded by Hilker

"That the Metropolitan Council approve a request from the City of Apple Valley for a one-year, second extension of the Livable Communities Demonstration Account (LCDA) grant SG004-127 for the Harmony Commons project. The City has requested that the grant be extended to June 30, 2009."

Motion carried.

2008-156 - City of Inver Grove Heights – Southview Senior Living File #18495-40

It was moved by McDaniel and seconded by Hilker

"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 describe activities to identify and reduce sources of excessive inflow and infiltration as a part of the 2008 Comprehensive Plan Update."

Motion carried.

2008-157 - Right of Way Acquisition Loan Fund (RALF) 2008 Annual Program Plan

It was moved by McDaniel and seconded by Hilker

"That the Metropolitan Council approve the 2008 Annual RALF Program Plan."

Motion carried.

2008-158 - Northstar Subordinate Funding Agreement #5 - Big Lake Turnout Improvements and Intertrack Fencing Construction

It was moved by McDaniel and seconded by Hilker

"That the Metropolitan Council authorize the Regional Administrator: to negotiate and execute a funding agreement with the Minnesota Department of Transportation (MnDOT), in an amount not

to exceed \$500,000, for reimbursement of costs incurred by the Metropolitan Council for payments to BNSF Railway Company for the construction of turnout improvements at the Big Lake station platform and intertrack fencing at the Northstar stations.”

Motion carried.

2008-159 - Authorization to Purchase Light Rail Vehicle Parts

It was moved by McDaniel and seconded by Hilker

“That the Metropolitan Council authorize the Regional Administrator to purchase light rail vehicle parts in accordance with Council specifications from Vulcanite Australia in the amount of \$799,512, contingent on the Federal Transit Administration granting a waiver of the Buy America waiver provision.”

Motion carried.

2008-164 - Authorization to Reject all Proposals for Metropolitan Council Environmental Services (MCES) Fridley Liquid Waste Receiving Facility Operation and Maintenance Services, Project No. 08P027

It was moved by McDaniel and seconded by Hilker

“That the Metropolitan Council authorize the rejection of all proposals for Metropolitan Council Environmental Services (MCES) Fridley Liquid Waste Receiving Facility Operation and Maintenance Services, Contract Number 08P027.”

Motion carried.

2008-161 - Technical Amendments to Legal Services Agreement

It was moved by McDaniel and seconded by Hilker

“That the Metropolitan Council authorizes the General Counsel to amend legal services agreements to increase the maximum contract prices as attached.”

Motion carried.

Report of the Management Committee

2008-172 - Technical Amendments to Legal Services Agreement

It was moved by Scherer and seconded by Sanda

“That the Metropolitan Council authorizes the General Counsel to amend legal services agreements to increase the maximum contract prices as attached.”

Motion carried, with Council Member McDaniel recusing himself from discussion and vote on the item.

2008-162 - Amendment to “Accountability” Paragraph in Council Investment Policy

It was moved by Scherer and seconded by Wittsack

“That the Metropolitan Council approve a revised section of the Investment Policy, section “IV. Implementation/Accountability” as attached.”

Motion carried.

Report of the Transportation Committee

2008-163 - Authorization to Execute Agreements with SouthWest Transit, MVTA and NCDA

It was moved by Meeks and seconded by Sersland Beach

"That the Metropolitan Council authorize the Regional Administrator to execute agreements with the following agencies for the amounts and purposes listed:

Agency	Purpose	Existing Agreement	New Agreement
NCDA	Northstar Commuter Coach Lease	\$295,732	\$363,922
SouthWest Transit	Certificate of Participation – Station	- New -	\$400,000
MVTA	Certificate of Participation – Garage	- New -	\$400,000

Motion carried.

2008-166 SW - Urban Partnership Agreement (UPA) Park-and-Ride Design Services, Project 63740

It was moved by Meeks and seconded by Broecker

"That the Metropolitan Council authorize the Regional Administrator to negotiate and execute a professional services contract for design and construction support services relative to the two Urban Partnership Agreements (UPA) Park-and-Ride structures in Lakeville and Roseville."

Motion carried.

2008-167 SW - Approval of Public Hearing Content for Potential Fare Adjustments

It was moved by Meeks and seconded by Leppik

"That the Metropolitan Council: approve information scheduled to be presented at public hearings for the purpose of public comment and input prior to adoption of any required regional fare adjustments."

Motion carried.

Report of the Environment Committee

2008-165 - Authorization to Award a Construction Contract for the Brooklyn Park Interceptor Improvements Phase 3, MCES Project No. 803420

It was moved by Leppik and seconded by Wittsack

"That the Metropolitan Council authorize its Regional Administrator to award and execute a contract for construction of the Brooklyn Park Interceptor Improvements Phase 3, MCES Project Number 803420 with Lametti & Sons, Inc. for their low bid of \$9,537,072."

Motion carried.

Report of the Community Development Committee
2008-123 - Comprehensive Plan Extensions Update

It was moved by Meeks and seconded by Scherer

"That the Metropolitan Council adopts the following guidelines applicable to local units of government that are granted requests to extend the deadline for comprehensive plan update:

1. Staff may administratively grant an extension to May 29, 2009 for submittal of the 2008 comprehensive plan update if (a) a community submits the extension request and required materials by November 1, 2008; and (b) the request includes a reasonably detailed timetable and plan for completing the review and amendment of the comprehensive plan update, the community's fiscal devices, and the community's official controls. The mandatory 6-month adjacent jurisdiction review process must be completed by that submittal date;
2. Communities identifying conflicts in forecasts or obstacles to plan completion may be asked to meet with Metropolitan Council staff and/or Metropolitan Council member(s) for their district to resolve outstanding issues;
3. If a comprehensive plan update cannot be submitted by May 29, 2009, with the mandatory 6-month adjacent community review complete, an extension of the submittal date will require action by the Metropolitan Council's governing body. A request for an extension of submittal beyond May 29, 2009 will require submittal of the extension request documents and must be made by November 1, 2008. In addition to the required extension materials, the local government unit must also submit in a letter addressed to the Council an explanation of the obstacles that prevent the community from completing the plan by the decennial deadline;
4. After December 31, 2008, a community should not submit comprehensive plan amendments until the Metropolitan Council has acted on the community's 2008 comprehensive plan update;
5. An extension of the comprehensive plan completion deadline does not change any due dates for surface water plans or Critical Area/MNRRRA plan funding agreements;
6. For LCA grants awarded after December 31, 2008, the Metropolitan Council will not execute an LCA grant agreement with an applicant for any project located within the jurisdiction of a governmental unit that is responsible for fulfilling the "decennial" review obligation but has not submitted to the Council a comprehensive plan update that is complete for review. This policy applies whether a governmental unit has requested and has been granted an extension to submit its 2008 comprehensive plan update. This policy: (a) does not affect the grant award decision (only the execution of the grant agreement); and (b) does not apply to the Fall 2008 Tax Base Revitalization Account Funding Cycle, for which the Council is scheduled to make grant awards at its first meeting in January 2009.

In response to questions on Item 3, Chair Bell said he and staff will review the mandatory 6-month adjacent community review and report back.

Motion carried.

2008-127 - Proposed Park Acquisition Opportunity Grant Rules to be Effective from July 1, 2008 to June 30, 2009

It was moved by Meeks and seconded by McDaniel

"That the Metropolitan Council:

1. Drop Option 1 rules for distributing Park Acquisition Opportunity Fund Grants because it eliminates different acquisition financing schemes and thus treats all acquisitions funded under one set of rules;
2. Adopt the following rules for distributing grants from the Acquisition Opportunity Fund effective from July 1, 2008 to June 30, 2009:
 - a. Grants from the Park Acquisition Opportunity Fund may only be awarded to finance a portion of the cost to acquire land within Metropolitan Council-approved master plan boundaries, and only after the requesting regional park implementing agency has used available acquisition grant funds previously provided by the Metropolitan Council..
 - b. Any interest cost on a contract for deed or other timed payment plan is not eligible for grant funding. The value of a discounted sale (i.e. the difference between the appraised value and a reduced sale price) is not counted as part of the cost to acquire land and is not included as part of a local match to the grant.
 - c. Grants from the Park Acquisition Opportunity Fund may finance a portion of the actual cost to acquire land after deducting any Metropolitan Council grants and other grants used to finance a portion of the cost as follows:
 - The Park Acquisition Opportunity Fund Grant finances 75% of the net cost of acquiring the land which is defined as the purchase price—not the appraised value; legal fees, appraisal costs and other closing costs incurred by the park agency; the property tax equivalency payment due to the city or township; and stewardship costs.
 - A contribution of 25% of the net cost of acquiring the land up to \$567,000 that is financed by regional park implementing agency funds or other sources is not eligible for reimbursement consideration by the Metropolitan Council. Seventy-five percent (75%) of a contribution above \$567,000 that is financed with regional park implementing agency funds only is eligible for reimbursement consideration by the Metropolitan Council.
 - The maximum grant(s) available to a park agency is \$1.7 million during this time period.”

Motion carried.

Chair Bell noted that some Park Districts and Implementing Agencies have varying views about this funding scenario.

[2008-74 - Clarifying Non-Reimbursement Local Match Requirement for Park Acquisition Opportunity Grants Awarded to Dakota County for Empire Wetlands Regional Park](#)

It was moved by McDaniel and seconded by Wolter

"That the Metropolitan Council

1. clarify the match requirements for the Option 2-Revised Rules of the Park Acquisition Opportunity Fund as follows:
 - A maximum contribution of 25% of the net cost of acquiring the land up to \$567,000 that is financed by regional park implementing agency funds or other sources is not eligible for reimbursement consideration by the Metropolitan Council. ~~Any~~ 75% of a contribution above 25% \$567,000 that is financed with regional park implementing agency funds is eligible for reimbursement consideration by the Metropolitan Council.
2. notify Dakota County, that if the County has to finance \$2,873,334 needed after counting State funds, Metro Council grants and the County's \$567,000 match to the Metro Council's \$1.7 million Park Acquisition Opportunity Fund grant for the Empire Wetlands Regional Park acquisition, that the Metropolitan Council would consider reimbursing the County in a future regional parks CIP \$2,155,000 to be consistent with the clarified policy shown in recommendation 1 above. 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.

2008-132 - Tax Base Revitalization Account Funding Recommendations

It was moved by Meeks and seconded by Bowles

"That the Metropolitan Council award nine (9) Tax Base Revitalization Account (TBRA) grants totaling \$3,950,000 to redevelopment projects in the cities of Minneapolis, Roseville, New Brighton and Saint Paul identified in the staff recommendation memo."

Motion carried.

Other Business

2008-176 SW - Central Corridor Light Rail Project Memorandum of Understanding

It was moved by Scherer and seconded by Leppik

"That the Metropolitan Council approve the attached Central Corridor Light Rail Transit Project Memorandum of Understanding (MOU) between the Council, Regents of the University of Minnesota, the city of Minneapolis, the Hennepin County Regional Railroad Authority and Hennepin County dealing with mitigation of traffic and other environmental impacts in and around the University's Twin Cities Campus due to the construction of the Central Corridor LRT Project."

Chair Bell noted the commitment to Mitigation Measures is not in addition to previous Project budget commitments.

Chair Bell singled out the following:

Article 5: All partners acknowledge and accept that Metro Transit shall maintain final control and authority over bus and rail system operations;

Article 5: Mark Fuhrman will be the point person for a second MOU, regarding detailed design, construction, ownership, right-of-way, operational issues and Project maintenance, to be completed and approved prior to a New Starts Application for Final Design;

Article 3: Betterments are improvements outside of the Project scope and budget that enhance, but are not required to ensure the functionality of the CCLRT line. East River Road and Granary Road are two projects described as crucial. None of these Betterments will be included in future Council bonding bills.

Chair Bell said that Hennepin County Rail Authority and City of Minneapolis have approved the MOU and the University Regents will be meeting within two weeks.

Motion carried, with Council Member Wolter recusing himself from discussion and vote on the item.

Northstar Project Update

Mark Fuhrman, Rich Rovang and Chris Weyer, Northstar Commuter Rail Project staff, offered a construction/budget update and identified schedule milestones. The project is on track for a January 2010 completion/opening.

Effectiveness of Rail Lubricators

Vince Pellegrin and Andy Lukaszewicz, Rail Systems staff, explained the benefits of the Hiawatha rail lubricator program. In addition to an energy savings, the lubrication reduces noise and vibration resulting in a smoother, quieter ride for passengers. This process will be implemented on all rails.

2008-148 - 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 July 1.

Chair – term is at the pleasure of the Council	Ruth Grendahl , Apple Valley (Reappointment)
The following persons are recommended to be appointed to three-year terms in the listed expertise categories:	
Local government – planning, economic or community development	Janet Jeremiah , Community Development Director, City of Eden Prairie (New appointment)
Development finance – private finance	Glen Hardin , Village Bank, Ramsey (Reappointment)
Environment – integration of natural and water resources in development	Doug Snyder , Executive Director, Mississippi Watershed Management Organization (Reappointment)
Site design – architecture and land planning	Dan Marckel , Center For Sustainable Building Research/Metropolitan Design Center, University of Minnesota (Reappointment)
The following person is recommended to be appointed to a two-year term , to serve the remaining term of a member who was appointed in 2007.	
Transportation and development relationship.	Charleen Zimmer , Independent consultant, Zan Associates, specializing in the integration of transportation infrastructure and development (New appointment)

Motion carried.

2008-177 - Approval of Audit Committee Member Sherry Broecker

It was moved by Sanda and seconded by Broecker

"That the Metropolitan Council approve the appointment of Council Member Sherry Broecker, effective immediately, as a member to the Audit Committee for an unspecified term."

Motion carried, with Council Member McDaniel abstaining.

Reports

Chair

Chair Bell reported he worked with University, Hennepin County and City of Minneapolis officials to develop the MOU, adopted today.

Council Members

Council Members Broecker and Hilker reported on the recent successful District 4 Dialogue. They thanked Chair Bell for participating and reported participants appreciated the visit from Council staff and look forward to more interactions. District Dialogues are scheduled this year in each of the Council districts.

Regional Administrator

Regional Administrator Weaver reported

- that the Council's interests are well protected by having Chair Bell at the table for the CCLRT MOU deliberations, which have taken many hours during the past few weeks;
- the July 9 Council meeting is canceled and the next meeting will be July 23.

General Counsel

Mr. Grossman reported there are no new lawsuits.

Adjournment

Business completed, the meeting adjourned at 6:25 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 June 25, 2008.

Approved this 23rd day of July 2008.

Respectfully submitted,

Pat Curtiss
Secretary