



Metropolitan Council Meeting

Wednesday, November 12, 2008

Robert Street Council Chambers

4:00 P.M.

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Metropolitan Council Meeting

Wednesday, November 12, 2008

Council Chambers

4:00 P.M.

Part I - Narrative

Attendance:

Peter Bell, Chair; Roger Scherer, Mary Hill Smith Craig Peterson, Polly Bowles, Peggy Leppik, Lynette Wittsack, Natalie Steffen, Kris Sanda, Georgeanne Hilker, Sherry Broecker, Kirstin Sersland Beach, Daniel Wolter, Brian McDaniel

Members absent:

Tony Pistilli, Annette Meeks, Rick Aguilar

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. It was moved by McDaniel, seconded by Hilker to approve the agenda. Motion carried.

Minutes

It was moved by Wolter, seconded by Hilker, to approve the minutes of the October 22, 2008 Metropolitan Council Meeting and the Public Hearing on the Draft 2030 Transportation Policy Plan.. Motion carried.

Public Invitation

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

Part II - Exhibits

Business

[Regional Leadership Award Presentation to MN House Representative Alice Hausman](#)

Chair Bell thanked Representative Hausman for her leadership in securing transportation funding, particularly for the Central Corridor light rail transit project. Chair Bell noted that Representative Hausman has been a friend of the Metropolitan Council and he looks forward to her continued partnership.

[Intercity Passenger Rail and the Statewide Freight and Passenger Rail Plan, MnDOT Freight and Commercial Vehicle Operation](#)

(Mike Schadauer, Dave Christianson, MnDOT noted the development of the State Rail Plan is a result of a 2008 legislative directive. Minnesota projects include participation in the Midwest Regional Rail Initiative (MWRRI), a nine-state hub centered on Chicago; the Northern Lights Express from Duluth to Minneapolis; and development of a multi-modal hub at the St. Paul Union Depot.

The funding source for the Rail Plan research and development do not compete with FTA light rail transit funds.

Joint Report of the Transportation and Management Committees
2008-257 - 2008 Unified Operating Budget Amendment

It was moved by Scherer and seconded by Wittsack

"That the Metropolitan Council amend the 2008 Unified Operating Budget as indicated and in accordance with the attached table."

Motion carried on the following roll call:

	Yes			No	Absent
	Scherer	Leppik	Hilker	Sersland Beach	Pistilli Meeks Broecker Aguilar
	M. Smith	Wittsack	Wolter		
	Peterson	Steffen	McDaniel		
	Bowles	Sanda	Bell		
TOTAL	12			1	4

2008-258 - 2008-2013 Capital Improvement Program and Capital Program and Budget Amendment

It was moved by Scherer and seconded by Wittsack

"That the Metropolitan Council:

1. Amend the 2008 Authorized Capital Program (Multi-year authorization) by adding or reducing authority to the Transportation Division as follows:
Metro Transit \$ 11,787,098
Metropolitan Transportation Services (\$ 432,319)
2. Amend the 2008 Capital Budget (annual appropriation) by increasing or decreasing spending authority to the Transportation Division as follows:
Metro Transit \$ 4,611,766
Metropolitan Transportation Services (\$ 432,319)
3. Approve new projects and transfers between capital projects as detailed in Attachment 1."

Motion carried on the following roll call:

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

Committee Consent List

2008-173 - Authorization to Award and Execute a Contract for the Construction of the Point Douglas Lift Station L-12 Improvements, MCES Project No. 802200, Contract No. 07P003

It was moved by Steffen and seconded by Wolter

"That the Metropolitan Council authorize its Regional Administrator to award and execute a contract for construction of the Point Douglas Lift Station L-12 Improvements, MCES Project No. 802200 with Rochon Corporation for their low bid of \$2,557,053.80,"

Motion carried.

[2008-267 - Acquisition Opportunity Grand Request to Purchase Baudin Parcel for Lake Rebecca Park](#)

It was moved by Steffen and seconded by Wolter

"That the Metropolitan Council authorize a grant of \$304,725 from the Land Acquisition Opportunity Account in the Park Acquisition Opportunity Fund to Three Rivers Park District to partially finance the acquisition of the 1.59-acre Bauduin parcel for Lake Rebecca Park Reserve."

Motion carried.

[2008-268 - Acquisition Opportunity Grant request to purchase Westerlund Parcel for Lake Rebecca Park Reserve, Three Rivers Park District](#)

It was moved by Steffen and seconded by Wolter

"That the Metropolitan Council authorize a grant of \$492,750 from the Land Acquisition Opportunity Account in the Park Acquisition Opportunity Fund to Three Rivers Park District to partially finance the acquisition of the 9.5-acre Westerlund parcel for Lake Rebecca Park Reserve."

Motion carried.

[2008-272 - City of Stillwater Comprehensive Plan Update Extension Request](#)

It was moved by Steffen and seconded by Wolter

"That the Metropolitan Council extend the City of Stillwater's comprehensive plan update submission deadline from December 31, 2008, to June 30, 2009."

Motion carried.

[2008-273 - City of Maplewood CPA, Gethsemane Senior Housing Development, Review File No. 18153-4](#)

It was moved by Steffen and seconded by Wolter

"That the Metropolitan Council:

1. Adopt the attached review record and allow the City of Maplewood to put the Gethsemane Senior Housing comprehensive plan amendment (CPA) into effect;
2. Find that the comprehensive plan amendment does not change the City's forecasts;
3. Remind the City to include a description of its I/I program in its 2008 comprehensive plan update."

Motion carried.

[2008-287 - Approval of Transportation Planning MOU –Formerly Prospectus \(TAB Action 2008-11\)](#)

It was moved by Steffen and seconded by Wolter

"That the Metropolitan Council concur with the Transportation Advisory Board's (TAB) action to approve the attached Memorandum of Understanding (MOU) regarding Metropolitan Transportation Planning; recommend it to the Council Chair for signature and forward it to the Commissioner of the Minnesota Department of Transportation for signature."

Motion carried.

[2008-288 - 2008-2011 TIP Amendment, Add Southwest Transit Station and Southwest Village Transit Station Debt Payment \(TAB Action 2008-29\)](#)

It was moved by Steffen and seconded by Wolter

"That the Metropolitan Council concur with the Transportation Advisory Board (TAB) action to amend the 2008-2011 Transportation Improvement Program (TIP) to add Southwest Transit Station and Southwest Village Transit Station Debt Payment."

Motion carried.

[2008-291 - 2009 Disadvantages Business Enterprise \(DBE\) Goals](#)

It was moved by Steffen and seconded by Wolter

"That the Metropolitan Council approve the Disadvantaged Business Enterprise (DBE) Program FFY 2009 Goal of 15 % for submittal to the U.S. Department of Transportation."

Motion carried.

[2008-294 - Approval of TMSA Collective Bargaining Agreement](#)

It was moved by Steffen and seconded by Wolter

"That the Metropolitan Council authorize the Regional Administrator to enter into an agreement with the Transit Managers and Supervisors Association (TMSA) employees effective for the period January 1, 2008, through December 31, 2010."

Motion carried.

[2008-295 - Authorization for Internal Cash Flow Loan](#)[Title of Motion](#)

It was moved by Steffen and seconded by Wolter

"That the Metropolitan Council authorizes an internal loan to cover the cash flow needs of the Hiawatha Light Rail Fund and the Northstar Commuter Rail Fund."

Motion carried.

[2008-303 - Interdivisional Transfer of Vehicles](#)

It was moved by Steffen and seconded by Wolter

"That the Metropolitan Council approve the interdivisional transfer of four (4) buses that are greater than 12 years old, are fully depreciated, and are set for disposal from Metro Transit assets to Metropolitan Transportation Services regional fleet assets."

Motion carried.

Report of the Environment Committee

There was no report.

Report of the Community Development Committee

2008-269 - Land Acquisition for Affordable New Development (LAAND) Loan Initiative Funding Recommendation

It was moved by Steffen and seconded by Bowles

"That the Metropolitan Council award Land Acquisition for Affordable New Development (LAAND) initiative loans from the Livable Communities Demonstration Account to the four projects listed below, totaling \$3,560,000. Each award amount is a maximum dollar amount and subject to an independent appraisal of properties prior to loan disbursement.

The loan to the Washington County Housing and Redevelopment Authority (HRA) is for the Forest Lake and Woodbury sites. Before processing or executing loan documents for the Washington County HRA, staff shall confirm the status of the Forest Lake property. If the Forest Lake site does not meet the Metropolitan Council’s LAAND criteria, the maximum award amount to the Washington County HRA will be up to \$440,000 for the Woodbury site that meets the criteria.”

Applicant City	Project Name	Recommended Amount
Minneapolis	Franklin Station/Bystrom Bros. Redevelopment Land Acquisition II	\$500,000
St. Paul	Saint Paul Central Corridor LAAND Program	\$1,000,000
Dakota County CDA	Lakeville Cedar Transit	\$1,000,000
Washington County HRA	Washington Co. Strategic Land Acquisition Project	\$1,060,000
Total		\$3,560,000

Motion carried.

Report of the Management Committee

Management Committee Items are on the Consent List and Joint Committee Report.

Report of the Transportation Committee

2008-280R - Authorization to Execute Amended Agreement with Dakota County

It was moved by Smith and seconded by Peterson

"That the Metropolitan Council authorize the Regional Administrator to execute an amended agreement with Dakota County Regional Rail Authority (DCRRA) for \$5,507,350 for the final purchase of Watson’s property adjacent to the Apple Valley Transit Station, -contingent upon state G.O. bonds being eligible for the purchase.”

Motion carried.

2008-289 - 2009 Transit Provider Assistance Agreements for ADA Service

It was moved by Smith and seconded by Broecker

"That the Metropolitan Council authorize the Regional Administrator to negotiate and execute contracts for Americans with Disabilities Act (ADA) paratransit service with ADA transit providers, not to exceed the amounts listed in Attachment A. The agreements shall be effective for the period January 1, 2009 through December 31, 2009.”

Motion carried.

2008-296 - University of Minnesota U-Pass and Metropass Agreements

It was moved by Smith and seconded by Leppik

"That the Metropolitan Council authorize the Regional Administrator to

1. execute a renewal of a U-Pass Agreement with the University of Minnesota for student participants for the period of December 1, 2008 to August 25, 2013, and;
2. execute a renewal of a Metropass Agreement with the University of Minnesota for staff and faculty participants for the period of December 1, 2008 to September 30, 2013."

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

Motion carried.

2008-298 - Northstar Fridley Station

It was moved by Smith and seconded by Steffen

"That the Metropolitan Council authorize the Regional Administrator to execute with BNSF Railway a Platform Lease Agreement and Underpass Easement Agreement for Fridley Station and furthermore negotiate and execute an interagency cooperation, delegation and funding agreement with the Anoka County Regional Rail Authority (ACRRA) and MnDOT to enable Metropolitan Council to be fully reimbursed for costs incurred of \$100 for a 100 year term for the BNSF agreements and fully reimbursed for Met Council incurred capital related expenses valued at \$331,000 during 2008 and 2009 in support of the Fridley Station Project."

Motion carried.

2008-299 - Northstar Contingency Budget; Option for One Additional Commuter Rail Passenger Car with Bombardier

It was moved by Smith and seconded by Steffen

"That the Metropolitan Council authorize the Regional Administrator

1. to expend \$871,200 of Met Council Regional Transit Capital funds reserved in the last \$10.1 million of the Northstar contingency budget;
2. to negotiate and execute an amendment to the existing funding agreement with the Minnesota Department of Transportation (MnDOT) for reimbursement of costs incurred by the Metropolitan Council in procuring commuter rail passenger cars; and
3. to exercise an option for one additional passenger coach cab car with Bombardier Mass Transit Corporation, contingent upon execution of an amended funding agreement for reimbursement of costs from MnDOT, in the amount of \$2,587,985 for the Northstar Corridor Commuter Rail Project."

Motion carried.

2008-305 SW Facility Lease at Hoover Street NE, Minneapolis

It was moved by Smith and seconded by Steffen

"That the Metropolitan Council authorize the Regional Administrator to negotiate and execute a lease agreement with Industrial Equities, LLC for the industrial warehouse space located at 630 Hoover Street NE, Minneapolis, for a five-year term, with one optional five-year extension."

Motion carried.

2008-315 SW - Acquire Property at I-35W and County Road C in Roseville, Resolution 2008-39

It was moved by Smith and seconded by Steffen

"That the Metropolitan Council authorize the Regional Administrator to acquire fee title to that portion of the property, together with temporary easements, at 2750 Cleveland Avenue in Roseville by eminent domain in accordance with the attached resolution. "

Motion carried.

Recess - Council Meeting

It was moved by Steffen

"That the Metropolitan Council recess at 5:00 PM to convene the 2009 Unified Operating Budget Public Hearing."

Motion carried.

Convene - 2009 Unified Operating Budget Public Hearing

Chair Bell convened the 2009 Unified Operating Budget Public Hearing. No witnesses appeared to testify.

Recess - 2009 Unified Operating Budget Public Hearing

It was moved by Smith

"That the 2009 Unified Operating Budget Public hearing recess at 5:03 p.m. or until any person wishes to speak on the 2009 Unified Operating Budget."

Motion carried.

Convene - Proposed 2009 -2014 Capital Improvement Program and 2009 Authorized Capital Program and Budget Public Hearing

Chair Bell convened the 2009-2014 Capital Improvement Program and 2009 Authorized Capital Program and Budget Public Hearing. No witnesses appeared to testify.

Recess - Proposed 2009 -2014 Capital Improvement Program and 2009 Authorized Capital Program and Budget Public Hearing

It was moved by Scherer

"That the public hearing recess at 5:05 p.m. or until any person wishes to speak on the Proposed 2009 -2014 Capital Improvement Program and 2009 Authorized Capital Program and Budget."

Motion carried.

Reconvene - Council Meeting

Chair Bell reconvened the Council Meeting at 5:06 pm and continued with the Transportation Committee Report.

Certificate of Commendation – Council Member Mary Hill Smith

Council Member Mary Smith is resigning from the Metropolitan Council, effective December 31, 2008. Chair Bell presented a certificate from Governor Tim Pawlenty, recognizing Smith's fifteen years of service to the Metropolitan Council.

Chair Bell thanked Council Member Smith for her dedication to the Council, acknowledging all have benefited from Smith's expertise and commitment to her work in behalf of the citizens of the Metropolitan Region.

Other Business

2008-304 - Approval of Audit Committee Member Matt Smith

It was moved by Peterson and seconded by Sanda

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

Motion carried.

Reports

Chair

Chair Bell reported he and staff participated in the Districts 10 and 11 Dialogue in Maplewood. Chair Bell noted the state of the economy raises serious budget consideration for the next Legislative Session. The Governor's economic forecast briefing is scheduled for early December.

Council Members

- Council Member Brian McDaniel announced he will resign his District 16 seat at the end of the year, or until a replacement is named.
- Council Members Sanda and Hilker thanked staff for their work with Districts 10 and 11 officials, citing the large attendance at their district dialogue.
- Council Member Bowles reported she has regular breakfast meeting with city of Bloomington staff, who complimented Environmental Services staff for their work on the sewer line issue.

Regional Administrator

There was no report.

General Counsel

Assistant General Counsel Mark Thompson had no report.

Adjournment

Business completed, the two public hearings and the Council meeting adjourned at 5:15 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 November 12, 2008.

Approved this 10th day of December, 2008.

Respectfully submitted,

Pat Curtiss
Secretary