



## Metropolitan Council Meeting

Wednesday, December 10, 2008

Robert Street Council Chambers

4:00 P.M.

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|   |           |
|---|-----------|
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## Metropolitan Council Meeting

Wednesday, December 10, 2008

Council Chambers

4:00 P.M.

### Part I - Narrative

#### Attendance:

Peter Bell, Chair; Roger Scherer, Tony Pistilli, Polly Bowles, Annette Meeks, Lynette Wittsack, Natalie Steffen, Kris Sanda, Georgeanne Hilker, Sherry Broecker, Rick Aguilar, Kirstin Sersland Beach, Daniel Wolter, Brian McDaniel

#### Members absent:

Mary Hill Smith, Craig Peterson, Peggy Leppik,

#### Call to Order and Approval of Agenda

A quorum being present, the Chair called the regular meeting of the Metropolitan Council to order at 4:10 p.m. It was moved by McDaniel, seconded by Sersland Beach to approve the agenda. Motion carried.

#### Minutes

It was moved by McDaniel seconded by Wolter, to approve the [November 12, 2008 minutes](#) of the Metropolitan Council Meeting and the [November 12, 2008 2009 Unified Operating Budget](#) and the 2009-2014 Capital Improvement Program and the 2009 Authorized Capital Program and Budget Public Hearings. Motion carried.

#### Public Invitation

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

### Part II - Exhibits

#### Business

##### [Certificate of Commendation – Council Member Brian McDaniel](#)

Chair Bell thanked Council Member McDaniel to his service to the Region and, particularly District 16. Bell referred to McDaniel as a voice of reason on the Council and a great source on legislative matters.

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

##### [2008-325 - 2008-2013 Capital Improvement Plan and 2008 Capital Program and Budget Amendment](#)

It was moved by Scherer and seconded by McDaniel

"That the Metropolitan Council:

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

|               |              |
|---------------|--------------|
| Metro Transit | \$ 2,942,156 |
|---------------|--------------|

- Metropolitan Transportation Services \$ 8,205,000
2. amend the 2008 Capital Budget (annual appropriation) by increasing spending authority to the Transportation Division as follows:
    - Metro Transit \$ 2,942,156
    - Metropolitan Transportation Services \$ 0
  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  | Wittsack | Broecker       | Wolter   |           |    | M. Smith |
|              | Pistilli | Steffen  | Aguilar        | McDaniel |           |    | Peterson |
|              | Bowles   | Sanda    | Sersland Beach | Bell     |           |    | Leppik   |
|              | Meeks    | Hilker   |                |          |           |    |          |
| <b>TOTAL</b> |          |          |                |          | <b>14</b> |    | <b>3</b> |

*Joint Report of the Community Development and Environment Committees*  
[2008-242](#) - City of Belle Plaine 2030 Comprehensive Plan Update, Review File No 20034-1: Tier II 2030 Comprehensive Sewer Plan

It was moved by Steffen and seconded by Bowles

"That the Metropolitan Council I adopt the attached Review Record and take the following actions from each committee

- . Recommendations of the Community Development Committee:
  1. Authorize the City to put its Comprehensive Plan Update into effect without any plan modifications.
  2. Remind the City that the Scott County Watershed Management Organization (SCWMO) is in the process of updating their watershed management plan that is scheduled to be approved and adopted in 2009. The City will then have two years to update their Surface Water Management Plan (SWMP), obtain watershed approval, and adopt this SWMP.
  3. Advise the City that for the areas currently not covered by orderly annexation (OA) agreements, when an OA is signed with St Lawrence Township, or land is annexed, the City will need to submit to the Council a comprehensive plan amendment.
  4. Remind the City to submit a copy of the City Council Resolution adopting its Update to the Council for its records;
  5. Remind the City that Minnesota Statutes 473.864 require it to formally adopt the Comprehensive Plan after the Council’s final action and require the City to submit two copies of the adopted Plan to the Council in a timely manner; and,
  6. Remind the City that it is required to submit any updated ordinances and controls intended to help implement the Plan to the Council upon adoption.
  7. Advise the City to label the Minnesota Valley State Trail as an Existing State Trail, to include the southern Scott County Regional Trail Search Corridor on the Current and Future Greenway Trail Plan Map and the Regional Parks on the Regional Park and Trail Map.
- . Recommendations of the Environment Committee:
  1. That the Metropolitan Council approve the City’s 2008 Tier II Sanitary Sewer Plan.

Motion carried.

2008-271 - City of Carver 2030 Comprehensive Plan Update, Review File No. 20325-1, Council District 4; Tier II 2030 Comprehensive Sewer Plan

It was moved by Steffen and seconded by Meeks

"That the Metropolitan Council adopts the attached Review Record and takes the following actions from each committee:

- . Recommendations of the Community Development Committee
  1. Authorize the City of Carver to put only that portion of its 2030 Comprehensive Plan Update pertaining to lands within its existing (as of the date of this action) boundaries into effect without any plan modifications;
  2. Advise the City of Carver that the Council cannot authorize the City to put the remainder of its 2030 Update into effect at this time because the City does not have the legal authority to plan and zone those portions of Dahlgren Township covered in the Update. However, the Council has reviewed the remainder of the Update and has found no regional system conformance or policy consistency issues. At such time as the City of Carver acquires jurisdiction of the lands planned for future urbanization in Dahlgren Township either through an Orderly Annexation Agreement or annexation(s), the City will need to submit appropriate plan amendments to the Council for further review and action;
  3. Advise the City that it is required to participate in the Council's plat monitoring program beginning in 2009 and must submit annual reports to the Council consistent with Council guidelines;
  4. Remind the City to submit a copy of the City Council Resolution adopting its Update to the Council for its records;
  5. Remind the City that Minnesota Statutes 473.864 require it to formally adopt the Comprehensive Plan after the Council's final action and require the City to submit two copies of the adopted Plan to the Council in a timely manner;
  6. Remind the City that it is required to submit any updated ordinances and controls intended to help implement the Plan to the Council upon adoption;
  7. Advise the City that it needs to submit to the Council the dates when the City's current Surface Water Management Plan (SWMP) is approved by the Carver County Watershed Management Organization and the Lower Minnesota River Watershed District; as well as the final adopted version of the SWMP and the date the City adopts the final version of the plan.
- . Recommendations of the Environment Committee:
  1. Approve the City's Tier II Comprehensive Sewer Plan."

Motion carried.

*Other Business*

[2008-326](#) Adopting the 2008, Payable 2009, Tax Levies for General Purposes, [Resolution 2008-40](#); Livable Communities Demonstration Account [Resolution 2008-41](#); Livable Communities Tax Base Revitalization Account [Resolution 2008-42](#); Metropolitan Right-of-Way Acquisition Loan Fund [Resolution 2008-43](#); Transit Debt Anticipation [Resolution 2008-44](#); Parks Debt Anticipation [Resolution 2008-45](#); City of Lakeville Transit Debt Anticipation, [Resolution 2008-48](#); and the 2009 Unified Operating Budget, [Resolution 2008-46](#).

It was moved by Scherer and seconded by Pistilli

"That the Metropolitan Council adopt the following resolutions:

1.
  - [2008-40](#): Adopting the Council's 2008 Tax Levy for General Purposes for Certification to the County Auditors
  - [2008-41](#): Adopting the Council's 2008 Tax Levy for the Livable Communities Demonstration Account in the Metropolitan Livable Communities Fund
  - [2008-42](#): Adopting the Council's 2008 Tax Levy for the Tax Base Revitalization Account of the Livable Communities Act
  - [2008-43](#): Adopting the Council's 2008 Tax Levy for the Metropolitan Right-Of-Way Acquisition Loan Fund for the Purposes of Minnesota Statutes Section 473.167
  - [2008-44](#): Certifying the Council's 2008 Tax Levy for Debt Service on Future Transit Bonds
  - [2008-45](#): Certifying the Council's 2008 Tax Levy for Debt Service on Future Park Bonds
  - [2008-48](#): Adopting the Council's 2008 Tax Levy for the City of Lakeville for Debt Service on Future Transit Bonds  
and
  - [2008-46](#): Adopting the Metropolitan Council's 2009 Unified Operating Budget"

Motion carried. on the following roll call vote:

| Yes          |           |          |                |        | No | Absent   |
|--------------|-----------|----------|----------------|--------|----|----------|
|              | Scherer   | Wittsack | Broecker       | Wolter |    | M. Smith |
|              | Pistilli  | Steffen  | Aguilar        | Bell   |    | Peterson |
|              | Bowles    | Sanda    | Sersland Beach |        |    | Leppik   |
|              | Meeks     | Hilker   |                |        |    | McDaniel |
| <b>TOTAL</b> | <b>13</b> |          |                |        |    | <b>4</b> |

[2008-327](#) - Adopting the 2009-2014 Capital Improvement Plan and 2009 Authorized Capital Program and Budget, [Resolution 2008-47](#)

It was moved by Scherer and seconded by Broecker

"That the Metropolitan Council adopts the following resolution:

- [2008-47](#): Adopting the Council's 2009-2014 Capital Improvement Plan and 2009 Authorized Capital Program and Budget."

Motion carried on the following roll call vote:

| Yes          |           |          |                |        | No | Absent   |
|--------------|-----------|----------|----------------|--------|----|----------|
|              | Scherer   | Wittsack | Broecker       | Wolter |    | M. Smith |
|              | Pistilli  | Steffen  | Aguilar        | Bell   |    | Peterson |
|              | Bowles    | Sanda    | Sersland Beach |        |    | Leppik   |
|              | Meeks     | Hilker   |                |        |    | McDaniel |
| <b>TOTAL</b> | <b>13</b> |          |                |        |    | <b>4</b> |

*Committee Consent List*

[2008-297](#) - Request for a Second Extension for a Tax Base Revitalization Account Grant, SG 006-024 Brooklyn Park Village Creek III

It was moved by Broecker and seconded by Wolter

"That the Metropolitan Council approve a request from the City of Brooklyn Park for a one-year, second extension of the Tax Base Revitalization Account (TBRA) grant SG006-025 for the Village Creek – III project, to December 31, 2009."

Motion carried.

[2008-300 - City of Shoreview Comprehensive Plan Amendment Southview, Review File No. 16933-9](#)

It was moved by Broecker and seconded by Wolter

"That the Metropolitan Council:

1. adopt the attached review record and allow the City of Shoreview to put the comprehensive plan amendment (CPA) into effect.
2. find that the CPA does not change the City's forecasts.

Motion carried.

[2008-301 - Housing Link Funding Request](#)

It was moved by Broecker and seconded by Wolter

"That the Metropolitan Council authorize its Regional Administrator to execute an amendment to its existing funding assistance agreement with the HousingLink to: (1) extend the agreement for an additional year; and (2) provide \$50,000 from its Section 8 program administrative fees or administrative fee reserve fund to support the nonprofit organization's regional affordable housing information and referral services in calendar year 2009; and (3) provide for up to \$20,000 of ad hoc customized housing related reports and data upon request."

Motion carried.

[2008-302 - Section 8 Project Based Assistance Funding Recommendations](#)

It was moved by Broecker and seconded by Wolter

"That the Metropolitan Council approve proposals for Section 8 Project Based Assistance (PBV) and authorize staff to execute necessary documents with the U.S. Department of Housing and Urban Development and the owners of the projects to assign a total of 34 Section 8 Vouchers in two projects as follows:

| Project               | City      | Number of Units in Project | Number of PVB Units Requested | Targeted Population   |
|-----------------------|-----------|----------------------------|-------------------------------|---|
| HarMa Apartments      | Roseville | 120                        | 30                            | General Occupancy – Families and Children– long-term homeless |
| Trails Edge Townhomes | Maplewood | 48                         | 4                             | Supportive Housing – long-term homeless                       |

Motion carried.

[2008-307 - Resolutions 2008-31 through 2008-37Setting Council and Committee Dates and Authorizing Closed Committee Meetings](#)

It was moved by Broecker and seconded by Wolter



"That the Metropolitan Council adopt the attached resolutions setting days, times and locations for regular meetings of the Council and its Committees and authorizing closed Committee Meetings:

- Metropolitan Council ([Resolution 2008-31](#)),
- Committee of the Whole ([Resolution 2008-32](#)),
- Management Committee ([Resolution. 2008-33](#))
- Environment Committee ([Resolution. 2008-34](#))
- Community Development Committee ([Resolution. 2008-35](#))
- Transportation Committee ([Resolution 2008-36](#))
- Litigation Review Special Committee ([Resolution 2008-37](#)).

Motion carried.

[2008-309 - 2009 Annual Affirmation of Transaction-Based Financial Contracts](#)

It was moved by Broecker and seconded by Wolter

"That the Metropolitan Council authorize the Regional Administrator to amend the terms of the following transaction-based financial contracts, as needed, so as to provide continued service through December 31, 2009:

1. General banking services from US Bank
2. Credit card processing from Metavante.
3. Purchasing card services from Bank of American (BofA)
4. Custodian and securities lending services from Wells Fargo and/or US Bank"

Motion carried.

[2008-310 - Contract with Safe Travel Inc.](#)

It was moved by Broecker and seconded by Wolter

"That the Metropolitan Council authorize the Regional Administrator to

1. terminate the existing contract with Safe Travel, a sole proprietorship wholly owned by Deena Smith
2. execute a contract with Safe Travel Inc., a Minnesota Corporation established by Deena Smith in an amount not to exceed \$385,260. The term of the contract shall not extend beyond January 31, 2011."

Motion carried.

[2008-311 - Authorization to Award Contract for 30-Foot Transit Buses](#)

It was moved by Broecker and seconded by Wolter

"That the Metropolitan Council authorize the Regional Administrator to execute a contract with Gillig Corporation for eight 30-foot low floor transit buses, with an option for up to an additional 25 buses, in accordance with the Council's specification and Gillig Corporation's Best and Final Offer dated October 14, 2008."

Motion carried.

[2008-314 - Acquisition Opportunity Grant Request to Purchase Land for Above Falls Regional Park, Minneapolis Park and Recreation Board](#)

It was moved by Broecker and seconded by Wolter

"That the Metropolitan Council authorize a grant of \$139,670 from the State Acquisition Grant Account in the Park Acquisition Opportunity Fund to the Minneapolis Park & Recreation Board to partially finance the acquisition of 1808 and 1812 Marshall Street NE and the tax equivalency payment for the 13<sup>th</sup> Ave. NE parcels as part of Above the Falls Regional Park. The Minneapolis Park & Recreation Board must use funds other than the I-35W bridge condemnation proceeds as the 25% local match (\$ 46,557), to the Council's grant. The Council's grant will be financed with \$83,802 from the 2008 Environment and Natural Resources Trust Fund appropriation and \$55,868 of Metropolitan Council bonds."

Motion carried.

[2008-316 - Technical Amendments to Legal Services Agreements; No Budget Impacts](#)

It was moved by Broecker 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> |
|-------------------------|--|-------------|----------------------|--------------------------|------------------|
| Dorsey Whitney          | Legal Services related to Construction and Engineering Matters Contract No. 02P096         | 12/31/08    | \$210,000            | \$150,000                | \$360,000        |
| Lockridge Grindal Nauen | Legal Services related to Housing, Land Use, Planning, Parks Open Space Contract No.01P143 | 12/31/09    | \$300,000            | \$100,000                | \$400,000        |

Motion carried.

[2008-318 - Minnesota State Retirement System Program Unclassified Retirement Plan Resolution, No. 2008-38](#)

It was moved by Broecker and seconded by Wolter

"That the Metropolitan Council approve changes to the position and incumbent list for the Minnesota State Retirement System unclassified plan and adopt the attached [Resolution No. 2008-38](#)."

Motion carried.

[2008-319 - Approval of Non-Represented Plan Effective January 1, 2009](#)

It was moved by Broecker and seconded by Wolter

"That the Metropolitan Council approve the [Non-Represented Plan effective January 1, 2009](#)."

Motion carried.

[2008-321 - Authorization to Extend Contract for the Employee Assistance Program with DOR and Associates](#)

It was moved by Broecker and seconded by Wolter

"That the Metropolitan Council authorize the Regional Administrator to extend the contract for the employee assistance program with DOR and Associates (DOR) for a period of one year, increasing the total contract amount from \$225,000 to \$285,000.

Motion carried.

2008-322 - List of Authorized Financial Institutions – Official Depositories

It was moved by Broecker and seconded by Wolter

"That the Metropolitan Council approve the attached list of Authorized Financial Institutions for 2009."

Motion carried.

2008-323 - 2009 Sole Source Procurement of Maintenance Services for Software and Hardware

It was moved by Broecker and seconded by Wolter

"That the Metropolitan Council authorize the Regional Administrator to make ongoing maintenance and support service payments on a sole-source basis for installed software and hardware, with the services to be procured from the vendors on the attached 2009 Information Services Sole Source Vendor List up to the amount listed."

Motion carried.

2008-335 - Authorization to Hold Public Hearing on Draft Facility Plan for Metropolitan Wastewater Treatment Plan Rehabilitation and Facilities Improvements, MCES Project No. 805900

It was moved by Broecker and seconded by Wolter

"That the Metropolitan Council authorize its General Manager, Environmental Services to conduct a public hearing on the draft Facility Plan for the Metropolitan WWTP Rehabilitation and Facilities Improvements, MCES Project No. 805900."

Motion carried.

2008-336 - Authorization to Negotiate and Execute Engineering Services Agreement for East Bethel Water Reclamation Facilities, MCES Project No. 801620

It was moved by Broecker and seconded by Wolter

"That the Metropolitan Council authorize its Regional Administrator to negotiate and execute an architectural / engineering services agreement with Bonestroo for East Bethel Water Reclamation Facilities Contract No. 08P119, MCES Project No. 801620, in an amount not to exceed \$397,000."

Motion carried.

2008-337 - Increase of Delegated Construction Contract Change Order Authority for Oak Street Interceptor – Miscellaneous Connections, MCES Project No. 800334, Contract No. 08P049

It was moved by Broecker and seconded by Wolter

"That the Metropolitan Council increases the delegated construction contract change order authority of its General Manager, Environmental Services, from \$327,000 to \$925,000 for

the Oak Street Interceptor-Miscellaneous Connections, MCES Project No. 800334, Contract No. 08P049.”

Motion carried.

[2008-338 - CY 2009 Counties Transit Improvement Board \(CTIB\) Grant Agreement for Central Corridor Light Rail Transit](#)

It was moved by Broecker and seconded by Wolter

”That the Metropolitan Council authorize the Regional Administrator to negotiate and execute a CY2009 grant agreement for the Central Corridor Light Rail Transit (LRT) capital project for Preliminary Engineering and Final Design in the amount of \$26,011,818 approved by the Counties Transit Improvement Board (CTIB) on October 29, 2008.”

Motion carried.

[2008-340 - Cooperative Funding Agreement for Central Corridor Light Rail Transit for Final Design and Preliminary Engineering with Ramsey County and Hennepin County Regional Rail Authorities](#)

It was moved by Broecker and seconded by Wolter

”That the Metropolitan Council: authorize the Regional Administrator to negotiate and execute a Cooperative Funding Agreement for the Central Corridor Light Rail Transit (CCLRT) Preliminary Engineering and Final Design with the Ramsey County and Hennepin County Regional Railroad Authorities (RCRRA and HCRRA).”

Motion carried.

[2008-341 - Issue Notice-to-Proceed to AECOM USA, Inc. for Professional Engineering Services Contract to Advance Preliminary Engineering for Central Corridor Light Rail Transit](#)

It was moved by Broecker and seconded by Wolter

”That the Metropolitan Council ”That the Metropolitan Council authorize the Regional Administrator to issue a Notice-To-Proceed to AECOM USA, Inc. to advance Preliminary Engineering for Central Corridor Light Rail Transit (CCLRT) in an amount not to exceed \$15.8 million for a total contract authority not to exceed \$51.3 million.”

Motion carried.

[2008-339 - Subordinate Funding Agreement No. 3 with Minnesota Department of Transportation for Central Corridor Light-Rail Project](#)

It was moved by Broecker and seconded by Wolter

”That the Metropolitan Council authorize the Regional Administrator to negotiate and execute Subordinate Funding Agreement (SFA) No. 3 to the Master Funding Agreement with the Minnesota Department of Transportation (MN/DOT) in the total amount of \$3,086,454 for the Central Corridor Light Rail Project.”

Motion carried.

[2008-342](#) - Issue Notice-to-Proceed to the Assistant Project Director Consultant for Advancing Preliminary Engineering in 2009 for Central Corridor Light Rail Transit

It was moved by Broecker and seconded by Wolter

"That the Metropolitan Council authorize the Regional Administrator to issue a Notice-To-Proceed to the Assistant Project Director Consultant, Gary Erickson for advancing Preliminary Engineering in 2009 in an amount not to exceed \$150,512."

Motion carried.

[2008-324](#) - Intergovernmental Agreement with Hennepin County for Washington Avenue Pedestrian Deck Bridge Column Retrofit Analysis for Central Corridor Light-Rail Project

It was moved by Broecker and seconded by Wolter

"That the Metropolitan Council authorize the Regional Administrator to negotiate and execute an Intergovernmental Agreement with Hennepin County in the amount of \$194,000 to allow for the transfer of funds between Hennepin County and AECOM USA, Inc. through the Met Council."

Motion carried.

[2008-343](#) - Amendment No. 1 to Northstar Subordinate Funding Agreement No. 7 – BNSF Railway Company Flagging Costs

It was moved by Broecker and seconded by Wolter

"That the Metropolitan Council authorize the Regional Administrator to negotiate and execute an amendment to the Funding Agreement with the Minnesota Department of Transportation (MnDOT), in an amount not to exceed \$385,000, for reimbursement of costs incurred by the Metropolitan Council for payments to BNSF Railway Company (BNSF) for flagging costs associated with the construction of the Northstar stations."

Motion carried.

[2008-344](#) - Amendment to Interagency Cooperative Agreement with Northstar Corridor Development Authority for Staff Resources

It was moved by Broecker and seconded by Wolter

"That the Metropolitan Council authorize the Regional Administrator to execute Amendment No. 5 to the Interagency Cooperative Agreement with the Northstar Corridor Development Authority relative to the provision of Council staff resources in 2009, valued at \$1,296,000."

Motion carried.

[2008-346](#) - Authorization to Execute Agreements with the Counties Transit Improvement Board (CTIB) and Dakota County Regional Rail Authority (DCRRA) to Receive Funds for AVTS Construction

It was moved by Broecker and seconded by Wolter

"That the Metropolitan Council authorize the Regional Administrator to execute agreements with the Counties Transit Improvement Board (CTIB) for \$6,950,000 and Dakota County Regional Rail Authority (DCRRA) for \$1,255,000 to receive funds for construction of the Apple Valley Transit Station (AVTS)."

Motion carried.

2008-347 - Authorization to Execute Agreements with the Counties Transit Improvement Board (CTIB) for Transit and Rail Operations Funding

It was moved by Broecker and seconded by Wolter

"That the Metropolitan Council authorize the Regional Administrator to execute agreements with the Counties Transit Improvement Board (CTIB) to receive operating funds for CY09 for the following projects

- Hiawatha LRT - \$7.5 M
- Northstar Commuter Rail - \$3.79 M
- I-35W BRT - \$62,500
- Cedar Ave. BRT - \$22,500
- Metro council Operating Assistance - \$30.783 M

Motion carried.

*Report of the Transportation Committee*

2008-290 - Contract for Bus Schedule Printing and Warehousing Services

It was moved by Meeks and seconded by Hilker

"That the Metropolitan Council That the Metropolitan Council authorize the Regional Administrator to negotiate and execute a two-year contract with an option to extend for one additional year with American Financial Printing, Inc. AFPI to print, warehouse, and deliver bus schedules in an amount not to exceed \$546,662."

Said contract combines printing, warehousing and delivery services under one contract. These services were formerly under separate contracts, with different contractual periods and sometimes different vendors.

Motion carried.

2008-292 - Urban Partnership Agreement (UPA) Telecommuting Outreach Grant Agreement

It was moved by Meeks and seconded by Steffen

"That the Metropolitan Council authorize the regional administrator to enter into a grant agreement with the Minnesota Department of Transportation (Mn/DOT) to receive up to \$500,000 to be used for UPA telecommuting outreach activities by the Council and four regional Transportation Management Organizations (TMOs) during 2009 – 2010.

Motion carried.

2008-350 SW - Amendment for Forest Lake / Columbus Peak Express Transit Service

It was moved by Meeks and seconded by Hilker

"That the Metropolitan Council authorize the Regional Administrator to amend contract number 07P210 for peak express transit service in the Forest Lake/Columbus to Downtown Minneapolis corridor. The amendment will extend the contract through December 31, 2009, and increase the contract by \$865,000 for a new total contract amount not to exceed \$1,571,128.66, contingent upon project partners finalizing funding commitments."

Motion carried.

[2008-351 SW - Authorization to Amend Contract for Diesel Fuel Supply](#)

It was moved by Meeks and seconded by Hilker

"That the Metropolitan Council authorize the Regional Administrator to amend the diesel fuel supply contract with Western Petroleum Company to increase the maximum total compensation to \$71 million."

Motion carried.

[2008-353 SW - Twin Lakes Park and Ride – Interagency Agreement with the City of Roseville](#)

It was moved by Meeks and seconded by Sanda

"That the Metropolitan Council authorize the Regional Administrator to negotiate and execute an Interagency Agreement with the City of Roseville relative to the construction of traffic mitigations and assessments associated with the Twin Lakes Park and Ride."

Motion carried.

[2008-355 SW - Kenrick Avenue Park and Ride – Interagency Agreement with the City of Lakeville](#)

It was moved by Meeks and seconded by Bowles

"That the Metropolitan Council authorize the Regional Administrator to negotiate and execute an Interagency Agreement with the City of Lakeville relative to the construction of traffic mitigations associated with the Kenrick Avenue Park and Ride."

Motion carried.

[2008-354 SW - Acquire Property at 18040 Cedar Avenue in Lakeville, Resolution 2008-51](#)

It was moved by Meeks and seconded by Bowles

"That the Metropolitan Council authorize the Regional Administrator to negotiate and acquire fee title to that portion of the property, together with temporary easements, at 18040 Cedar Avenue in Lakeville, and should negotiations fail, by eminent domain, in accordance with the attached resolution."

Motion carried.

[2008-356 SW - 2008 Americans with Disabilities Act \(ADA\) Subsidy Increase](#)

It was moved by Meeks and seconded by Steffen

"That the Metropolitan Council authorize the Regional Administrator to amend the 2008 Transit Provider Assistance Agreements and increase the maximum contract amount by \$70,000 for Human Service Inc.(08I012), \$20,000 for Scott County Transit (08I011) and \$70,000 for the Anoka County Traveler (08I013)."

(Staff noted the typo in the amounts listed on the business item was corrected in the item Report presented to the Council. The motion reflects the correction.)

Motion carried.

[2008-361 SW - Acquire Property at 155<sup>th</sup> and Cedar Avenue in Apple Valley, Resolution 2008-50](#)

It was moved by Meeks and seconded by Wolter

"That the Metropolitan Council authorizes the Regional Administrator to acquire fee title and temporary easements on property located at 15455, 15425, 15415, 15405 and 15350 Cedar Ave. in Apple Valley by direct negotiation or by condemnation in accordance with the attached resolution."

Motion carried.

2008-365 SW - Interdivisional Transfer of Vehicles

It was moved by Meeks and seconded by Scherer

"That the Metropolitan Council approve the interdivisional transfer of one (1) bus that is greater than 12 years old, is fully depreciated, and is set for disposal from Metro Transit assets to Metropolitan Transportation Services (MTS) regional fleet assets."

Motion carried.

*Report of the Community Development Committee*

2008-265 - Local Housing Incentives Account (LHIA) Funding Recommendations

It was moved by Steffen and seconded by Bowles

"That the Metropolitan Council award Local Housing Incentives Account (LHIA) grants totaling \$1,120,000 as follows, and with the stipulation that for the Anoka county Manufactured Housing Revitalization project, LHIA funds be used only for the purchase of new units:

| Project  | City                     | Number of New Units | Number of Units to be Rehabilitated | LHIA Funding Recommendation |
|--|--------------------------|---------------------|-------------------------------------|-----------------------------|
| <b>Ownership Housing Proposals</b>               |                          |                     |                                     |                             |
| Habitat for Humanity Foreclosure Remediation     | Minneapolis and St. Paul |                     | 20                                  | \$220,000                   |
| Anoka County Manufactured Housing Revitalization | Lexington                | 20                  | 10                                  | \$100,000                   |
| <b>Rental Housing Proposals</b>                  |                          |                     |                                     |                             |
| Granada Lake Townhomes                           | Oakdale                  |                     | 57                                  | \$300,000                   |
| Wayzata Gateway                                  | Wayzata                  | 20                  |                                     | \$200,000                   |
| Hoffman Place                                    | White Bear Lake          | 60                  |                                     | \$300,000                   |
|  | <b>TOTAL:</b>            | <b>100</b>          | <b>87</b>                           | <b>\$1,120,000</b>          |

Motion carried, with Pistilli abstaining

2008-270 - Livable Communities Demonstration Account (LCDA) Funding Recommendations

It was moved by Steffen and seconded by Sanda

"That the Metropolitan Council award twelve grants from the Livable Communities Demonstration Account, as listed below, as amended by the Community Development Committee, to include the award of an additional \$45,741, at the suggestion of the Livable Communities Advisory Committee (LCAC), to the 2700 the Avenue project and that the grant agreement for the Boat Works Square project specifically state that not less than 50 percent of the top level of the parking ramp be a green roof."



| <b>ID, Project Name</b>   | <b>Applicant</b>     | <b>Requested Amount</b> | <b>Recommended Amount</b> |
|---|----------------------|-------------------------|---------------------------|
| A.5 Salem Redevelopment   | Minneapolis          | \$850,000               | <b>\$850,000</b>          |
| A.2 Creekside Commons   | Minneapolis          | \$211,764               | <b>\$211,764</b>          |
| A.3 Jackson Street Artists Housing  | Minneapolis          | \$408,977               | <b>\$408,977</b>          |
| A. 1 Bystrom Brothers/Franklin Station  | Minneapolis          | \$550,000               | <b>\$550,000</b>          |
| A.9 Schmidt Brewery   | St. Paul             | \$575,000               | <b>\$575,000</b>          |
| B.2 Cobblestone Senior Housing  | Apple Valley         | \$556,834               | <b>\$556,834</b>          |
| C.2 The Landing   | Chaska               | \$240,636               | <b>\$240,636</b>          |
| C.4 Oak Grove Dairy Redevelopment,<br>Norwood Young America   | Carver County<br>CDA | \$708,153               | <b>\$708,153</b>          |
| C.3 Forest Oak Apartments   | Forest Lake          | \$500,000               | <b>\$500,000</b>          |
| A.10 2700 the Avenue  | St. Paul             | \$1,986,250             | <b>\$250,000</b>          |
| C.1 Redevelopment of Block 8  | Centerville          | \$763,100               | <b>\$763,100</b>          |
| B.5 Boat Works Square   | White Bear Lake      | \$1,500,000             | <b>\$1,385,036</b>        |
| A – Center Cities, B – Developed Cities,<br>C – Developing Cities<br><b>Projects are listed in point rank order</b> |                      | <b>Total</b>            | <b>\$6,999,500</b>        |

Motion carried.

Chair Bell acknowledged Livable Communities Advisory Committee Chair Ruth Grandahl and Council staff Joanne Barron, for their leadership in this very detailed selection process.

The following four items were presented as a single motion:

[2008-328 - City of Chaska Comprehensive Plan Update Extension Request](#)

It was moved by Steffen and seconded by Meeks

"That the Metropolitan Council extends City of Chaska's comprehensive plan update submission deadline from December 31, 2008 to August 31, 2009."

[2008-331 - City of Minnetonka Beach Comprehensive Plan Update Extension Request](#)

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

[2008-333 - City of Orono Comprehensive Plan Update Extension Request](#)

"That the Metropolitan Council extends City of Orono's comprehensive plan update submission deadline from December 31, 2008 to July 31, 2009."

[2008-334 - City of Vadnais Heights Comprehensive Plan Update Extension Request](#)

"That the Metropolitan Council extend the comprehensive plan update submission deadline from for the City of Vadnais Heights from December 31, 2008, to October 13, 2009."

Motion carried.

The following four items were presented as a single motion:

[2008-329 - City of Corcoran Comprehensive Plan Update Extension Request](#)

It was moved by Steffen and seconded by Bowles

"That the Metropolitan Council extend the City's "decennial" comprehensive plan update (Update) submission deadline to May 29, 2009, subject to the following terms and conditions

1. If the City submits the Update to the Council by May 29, 2009 that is "complete" for review as defined in the Council's *Local Planning Handbook* and the adjacent review requirements have been completed by May 29, 2009, the City will be eligible to receive the second disbursement of grant funds described in the grant agreement;
2. If the adjacent review requirements have not been completed by May 29, 2009, but the City submits the Update to the Council by May 29, 2009 that otherwise is "complete" as defined in the Council's *Local Planning Handbook*, the City will be eligible to receive the second disbursement of grant funds described in the grant agreement;
3. If the City has not submitted the Update by May 29, 2009 that is "complete" as defined in the Council's *Local Planning Handbook*, the City must repay by July 30, 2009 all grant funds paid to the City under the grant agreement;
4. The grant agreement should be amended to: (a) extend the December 31, 2008 plan update submission deadline to May, 29, 2009; (b) reflect these terms and conditions; (c) make the execution of the grant amendment expressly conditioned on the City's acceptance of these terms and conditions; (d) require a written bi-monthly progress report that describes in reasonable detail the City's progress toward meeting the May 29, 2009 deadline; and (e) in order to accommodate the statutory 6-month adjacent and special jurisdiction review period, the community must submit its final Update no later than December 31, 2009, and notify the Council of any changes made to the Update from the May 29, 2009 submission."

#### 2008-330 - City of Lake Elmo Comprehensive Plan Update Extension Request

"That the Metropolitan Council extend the City's "decennial" comprehensive plan update (Update) submission deadline to May 29, 2009, subject to the following terms and conditions:

1. If the City submits the Update to the Council by May 29, 2009 that is "complete" for review as defined in the Council's *Local Planning Handbook* and the adjacent review requirements have been completed by May 29, 2009, the City will be eligible to receive the second disbursement of grant funds described in the grant agreement.
2. If the adjacent review requirements have not been completed by May 29, 2009, but the City submits the Update to the Council by May 29, 2009 that otherwise is "complete" as defined in the Council's *Local Planning Handbook*, the City will be eligible to receive the second disbursement of grant funds described in the grant agreement.
3. If the City has not submitted the Update by May 29, 2009 that is "complete" as defined in the Council's *Local Planning Handbook*, the City must repay by July 30, 2009 all grant funds paid to the City under the grant agreement.
4. The grant agreement should be amended to: (a) extend the December 31, 2008 plan update submission deadline to May, 29, 2009; (b) reflect these terms and conditions; (c) make the execution of the grant amendment

expressly conditioned on the City's acceptance of these terms and conditions; and (d) require a written bi-monthly progress report that describes in reasonable detail the City's progress toward meeting the May 29, 2009 deadline; and (e) in order to accommodate the statutory 6-month adjacent and special jurisdiction review period, the community must submit its final Update no later than December 31, 2009, and notify the Council of any changes made to the Update from the May 29, 2009 submission..”

2008-332 - City of Nowthen Comprehensive Plan Update Extension Request

"That the Metropolitan Council extend the City's "decennial" comprehensive plan update (Update) submission deadline to May 29, 2009, subject to the following terms and conditions

1. If the City submits the Update to the Council by May 29, 2009 that is "complete" for review as defined in the Council's *Local Planning Handbook* and the adjacent review requirements have been completed by May 29, 2009, the City will be eligible to receive the second disbursement of grant funds described in the grant agreement;
2. If the adjacent review requirements have not been completed by May 29, 2009, but the City submits the Update to the Council by May 29, 2009 that otherwise is "complete" as defined in the Council's *Local Planning Handbook*, the City will be eligible to receive the second disbursement of grant funds described in the grant agreement;
3. If the City has not submitted the Update by May 29, 2009 that is "complete" as defined in the Council's *Local Planning Handbook*, the City must repay by July 30, 2009 all grant funds paid to the City under the grant agreement;
4. The grant agreement should be amended to: (a) extend the December 31, 2008 plan update submission deadline to May, 29, 2009; (b) reflect these terms and conditions; (c) make the execution of the grant amendment expressly conditioned on the City's acceptance of these terms and conditions; (d) require a written bi-monthly progress report that describes in reasonable detail the City's progress toward meeting the May 29, 2009 deadline; and (e) in order to accommodate the statutory 6-month adjacent and special jurisdiction review period, the community must submit its final Update no later than December 31, 2009, and notify the Council of any changes made to the Update from the May 29, 2009 submission."

Motion carried, with Meeks abstaining.

*Report of the Management Committee*

The following four items were presented as a single motion:

2008-368 SW - Authorization to Enter into a Labor Agreement with the International Association of Machinists and Aerospace Workers, District Lodge No. 77, AFL-CIO

It was moved by Scherer and seconded by Pistilli

"That the Metropolitan Council authorize the Regional Administrator to enter in an agreement with the International Association of Machinists and Aerospace Workers, District Lodge No. 77, AFL-CIO, (IAM) effective for the period August 1, 2008, through December 31, 2009."

[2008-369 SW - Authorization to Enter into a Labor Agreement with the Law Enforcement Labor Services \(LELS\), Inc., Local 192, Part Time Police Officers](#)

"That the Metropolitan Council authorize the Regional Administrator to enter in an agreement with the Law Enforcement Labor Services (LELS), Inc., Local 192, Part Time Police Officers effective for the period May 1, 2008, through April 30, 2010."

[2008-370 SW - Authorization to Implement the Effect of the Metropolitan Council Management Association \(MAN\) Interest Arbitration Outcome](#)

It was moved by \_\_\_\_ and seconded by

"That the Metropolitan Council authorize the Regional Administrator to implement the effect of the interest arbitration outcome effective for the period July 1, 2007, through December 31, 2010."

[2008-371 SW - Authorization to Enter into a Labor Agreement with the United Association of Pipefitters Local Union No. 445](#)

"That the Metropolitan Council authorize the Regional Administrator to enter in an agreement with the United Association of Pipefitters, Local Union No. 455, effective for the period May 1, 2008, through April 30, 2011."

Motion carried.

*Report of the Environment Committee*

[2008-357 SW - Authorization to Award and Execute a Contract for Waste Incinerator Ash Disposal Services at the Metropolitan and Seneca Wastewater Treatment Plants](#)

It was moved by Wolter and seconded by Sersland Beach

"That the Metropolitan Council authorize the Regional Administrator to award and execute a contract with SKB Environmental for \$745,900 to provide waste incinerator ash disposal services at the Metropolitan and Seneca Wastewater Treatment Plants for the period January 1, 2009 through December 31, 2010."

Motion carried.

[2008-358 SW - Authorization to Negotiate and Execute a Cooperation Agreement with the City of St. Louis Park for Replacement of a Portion of MSB 7026 Forcemain](#)

It was moved by Wolter and seconded by Sersland Beach

"That the Metropolitan Council authorizes its Regional Administrator to negotiate and execute a Cooperative Agreement with the City of St. Louis Park for the design and construction of replacement of approximately 3,500 lineal feet of the MSB 7026 forcemain."

Motion carried.

[2008-359 SW - Authorization to Acquire Fee Title, Permanent and Temporary Easements and to File a Condemnation Petition, Hopkins System Improvements, MCES Projects 800210/804100, Resolution 2008-49](#)

It was moved by Wolter and seconded by Sersland Beach

"That the Metropolitan Council pass Resolution 2008-49 which authorizes acquisition of the fee title, permanent and temporary easements necessary for the Hopkins System Improvements, MCES Project Nos. 800210 and 804100, and which authorizes the Council's legal staff to initiate condemnation proceedings for those parcels which staff cannot acquire by negotiation."

Motion carried.

[2008-366 SW - Authorization to Award a Sole Source to Hawkins and Execute a Purchase Order for Liquid Alum for Eagles Point Wastewater Treatment Plant](#)

It was moved by Wolter and seconded by Sersland Beach

"That the Metropolitan Council authorize the Regional Administrator to award and execute a Sole Source Purchase Order with Hawkins in an amount not to exceed \$327,549 to provide liquid alum in 330 gallon totes to Eagles Point Wastewater Treatment Plant for the period of December 15, 2008 through December 31, 2009."

Motion carried.

**Other Business**

[2008-363 - Appointments to the Metropolitan Parks and Open Space Commission](#)

It was moved by McDaniel and seconded by Wolter

"That the Metropolitan Council approve the following appointments to the Metropolitan Parks and Open Space Commission: **MARK PETERSON**—District D; **WILLIAM DINKEL**—District G."

Motion carried.

[2008-364 - Appointments to the Transportation Advisory Board](#)

It was moved by Steffen and seconded by Sersland Bech

"That the Metropolitan Council approve the following reappointments to the Transportation Advisory Board: **BART WARD**—Precinct E; **DONN WISKI**—Precinct F and TAB chair; **JILL SMITH**—Precinct G; and **KEN JOHNSON**—Precinct H."

Motion carried.

[Transportation Policy Plan \(TPP\) Public Comment Results and Proposed Responses](#)

Arlene McCarthy distributed updated Transportation Policy Plan Comments and Proposed Responses. Chair Bell thanked Ms. McCarthy and staff for their work on the TPP. His hope is the communities will recognize their comments were taken seriously and some components of the plan were adjust to reflect comments. Feedback from communities is that the TPP is a strong document.

## **Reports**

### *Chair*

Chair Bell reported:

- he is focused on the budget shortfall and noted the November forecast is probably the single most significant challenge he has faced during his tenure as Chair. The three greatest considerations are the general fund, decline of MVST funds, and growing the Council's transportation system.
- the completion of this round of district dialogues. Communities indicated approval and support of continuing the meeting format. Discussions of "lessons learned" will precede the scheduling of another round in mid-2009.
- the MVTA issues with Apple Valley have been resolved.
- the newly-created Parks Foundation will be showcased at a reception for implementing agencies on Thursday, December 11.

### *Council Members*

Council Member Bowles thanked Chair Bell and staff for participating in the District 5 district dialogue. She suggested the possibility of hosting a Council-orientation meeting for newly elected local officials.

### *Regional Administrator*

Regional Administrator Weaver reported:

- Council staff has talked with the League of MN Cities about their newly elected officials program. Judd Schetnan will be presenting at one of their forums.
- The Council's charitable giving campaign netted \$81,750.

### *General Counsel*

Assistant General Counsel Mark Thompson had no report.

## **Adjournment**

Business completed, the meeting adjourned at 5:45 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 December 10, 2008.

Approved this 14th day of January 2009.

Respectfully submitted,

Pat Curtiss  
Secretary