



Metropolitan Council Meeting

Wednesday, April 8, 2009

Robert Street Council Chambers

4:00 P.M.

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Metropolitan Council Meeting

Wednesday, April 8, 2009

Council Chambers

4:00 P.M.

Part I - Narrative

Attendance:

Peter Bell, Chair; Roger Scherer, Tony Pistilli, Bob McFarlin, Peggy Leppik, Annette Meeks, Lynette Wittsack, Kris Sanda, Georgeanne Hilker, Sherry Broecker, Rick Aguilar, Kirstin Sersland Beach

Members absent:

Polly Bowles, Natalie Steffen, Daniel Wolter
District 16 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 4:10 p.m. It was moved by Sanda, seconded by Broecker, to approve the agenda. Motion carried.

Minutes

It was moved by Pistilli, seconded by Hilker, to approve the minutes of the Metropolitan Council Meeting of March 25, 2009. Motion carried.

Public Invitation

Several community residents spoke on the Transportation Advisory Board's (TAB) recommendation of the allocation of American Recovery and Reinvestment Act (ARRA) funds. Some said they appeared before the Council because the TAB does not provide an opportunity for public input.

Barb Thoman, Program Consultant for Transit for Livable Communities (TLC), believes the region's guiding principal for federal stimulus dollars should be "fix it first" to advance safety and job creation outcomes. TLC believes the region's primary transportation focus over the last two decades has been highway expansion. The new focus needs to be repair and new travel options. [COMMENTS](#)

Christopher Bell, Minneapolis, advocate for several disability groups, noted the American with Disabilities Act (ADA) requires Minnesota Department of Transportation (MnDOT) to provide accessible pedestrian and public right of way facilities for persons with disabilities and assist local governments that build and maintain pedestrian facilities, streets and highways, to also comply with the ADA. Mr. Bell doesn't believe many municipalities are ADA compliant and he intends to contact the U.S. Justice Department on that issue.

Joan Willsire, Executive Director of the Minnesota State Council on Disability, urged MnDOT and the Metropolitan Council to identify and correct pedestrian and transit accessibility issues, make funding decisions that contribute to the safety and mobility of all Minnesota citizens and address long standing ADA compliance issues. [COMMENTS](#)

Lynne Bly, Transportation Policy Director for Fresh Energy, expressed support for both freight and passenger service. Ms. Bly is a member of the Minnesota Intercity Passenger Rail Transportation Forum, that will provide information as the state applies for ARRA federal funding for high-speed rail. She noted the MN delegation is united in helping position the state to become more competitive to take advantage of this opportunity to provide funding rail passenger and freight service. [HANDOUT](#)

Dorian Grilley, Executive Director, Bicycle Alliance of Minnesota, supports Transportation Enhancement Programs to develop programs that increase transportation choices, bicycling in particular. He suggested planning for Active Transportation, that includes walking and bicycling and promotes good health habits. [COMMENTS](#)

Mayor Linda Loomis, City of Golden Valley, supports the “fix-it first” strategy. Highways 160, 55, 100 and 394 are in or surround their city. Golden Valley residents have spent money on these major highway projects, taking funds away from smaller local projects needed to maintain existing infrastructure. Local officials prefer to fix what already exists rather than focus on new, larger projects.

Russ Adams, Alliance for Metropolitan Stability, noted the Metropolitan Council has played a lead role in workforce development and contracting opportunities for small and disadvantages business enterprises. He encourages similar outcomes for future metro transportation projects. Adams asked for more transparency in the TAB process and expressed support for the fix it first position. [COMMENTS](#)

John Bailey, 1000 Friends of Minnesota stated the maintenance of roads, rails, and trails and redesigning roadways to offer safety, energy savings and security would be great improvements for all Minnesota travelers.

Ken Rogers, Minneapolis, member of the MN State Council on Disability, testified that, since 1992, there has not been a state-wide Transition Plan, that would have ensured maintenance, updates and installation of pedestrian ramps, accessible pedestrian signals at new and remodeled intersections and pedestrian bridge access. [COMMENTS](#)

Chair Bell thanked the citizens for their comments and for taking their time to appear before the Council.

.Part II - Exhibits

Business

Committee Consent List

[2009-103](#) - Central Corridor Light Rail Transit – Programmatic Agreement between the Metropolitan Council, the Federal Transit Administration, the Minnesota State Historic Preservation Office and the Advisory Council on Historic Preservation

It was moved by Meeks and seconded by Hilker

"That the Metropolitan Council authorize the Regional Administrator to sign the Programmatic Agreement, developed jointly between the Central Corridor Project Office, the Minnesota State Historic Preservation Office, the Federal Transit Administration and the Advisory Council on Historic Preservation pursuant to federal regulations."

Motion carried.

2009-104 - Technical Amendments to Legal Services Agreements; No Budget Impact

It was moved by Meeks and seconded by Hilker

"That the Metropolitan Council:

| <u>Law Firm</u> | <u>Services</u> | <u>Term</u> | <u>Current Price</u> | <u>Proposed Increase</u> | <u>New Price</u> |
|-------------------|---|-----------------------|----------------------|--------------------------|------------------|
| Best Flanagan | Legal Services related to Eminent Domain and other Real Property Matters Contract No. 06P154 | 1/1/07- 12/31/09 | \$350,000 | \$125,000 | \$ 475,000 |
| Dorsey Whitney | Legal Services related to Construction and Engineering Matters Contract No. 02P096 | 10/10/02- 12/31/10 | \$750,000 | \$500,000 | \$1,250,000 |
| Parker Rosen | Legal Services related to Transit Employment, RA and Planning Contract No. 06P153A | 1/1/07- 12/31/09 | \$875,000 | \$500,000 | \$1,375,000 |

Motion carried.

2009-105 - Authorization to Implement the Effect of the Law Enforcement Labor Services (LELS) Local #203 (Police Supervisors) Interest Arbitration Outcome

It was moved by Meeks and seconded by Hilker

"That the Metropolitan Council authorize the Regional Administrator to implement the effect of the interest arbitration outcome effective for the period January 1, 2008 through December 31, 2009."

Motion carried.

2009-112 - Authorization to Negotiate and Execute Engineering Services Agreement for General Wastewater Treatment Plant Engineering Services

It was moved by Meeks and seconded by Hilker

"That the Metropolitan Council authorizes its Regional Administrator to negotiate and execute an engineering services agreement for general wastewater treatment plant engineering services with Howard R. Green for an amount not to exceed \$500,000."

Motion carried.

2009-113 - Authorization to Negotiate and Execute Engineering Services Agreement for Specialized Process Engineering Services

It was moved by Meeks and seconded by Hilker

"That the Metropolitan Council authorizes its Regional Administrator to negotiate and execute an engineering services agreement for specialized process engineering services with Brown & Caldwell for an amount not to exceed \$500,000."

Motion carried.

2009-114 - Authorization to Negotiate and Execute Engineering Services Agreement for Electrical and HVAC Engineering Services

It was moved by Meeks and seconded by Hilker

"That the Metropolitan Council authorizes its Regional Administrator to negotiate and execute an engineering services agreement for electrical and HVAC engineering services with Sebesta Blomberg for an amount not to exceed \$500,000."

Motion carried.

Report of the Transportation Committee

2009-106 - 2009 Regional Solicitation

It was moved by Meeks and seconded by Leppik

"That the Metropolitan Council concur with the Transportation Advisory Board (TAB) action to adopt the 2009 Regional Solicitation Package, including the schedule of events, for release to the public for solicitation of project applications."

Motion carried.

2009-107 - 2009-2012 TIP Amendment to Allocate American Recovery and Reinvestment Act (ARRA) Funds, TAB Action 2009-19

It was moved by Meeks and seconded by Scherer

"That the Metropolitan Council concur with the Transportation Advisory Board (TAB) action to amend the 2009-2012 Transportation Improvement Program (TIP) to include 22 MnDOT projects on metro area trunk highways that may be funded using American Recovery and Reinvestment Act (ARRA) funds."

Councilmember McFarlin informed the Council that following discussion on this item, he intends to offer a motion to table the original motion. McFarlin believes more time is needed for MnDOT and Federal Highway Administration discussions on whether or not to allow construction of one phase of the TH169/I-494 project. Delaying the motion does not impact the Council's support of TH610, or cause delay to the TH610 project schedule.

Eligible projects are those that can be ready to have contracts let quickly to meet the 120-day obligation deadline for 50% of state American Recovery and Reinvestment Act (ARRA) funds. At question is whether the priority should be large projects or several small projects on metro area trunk highways.

TAB will meet April 15 and may forward another recommendation for the Council's April 22 meeting. Chair Bell noted that the Council can accept or reject TAB recommendations, but cannot modify them.

Councilmember Leppik will ask TAB to resolve the Valley View issue, clarify the local match for TH610, and request TH610 have a separate TIP amendment.

Chair Bell assured the Council that further action will, in no way, jeopardize Council support for TH 610. The issue is whether to support TH169-I-494 or 22 smaller projects.

TABLE 2009-107

It was moved by McFarlin and seconded by Pistilli

"That the Metropolitan Council table business item 2009-107, and ask TAB that at their April 15 meeting, they send forth two separate TIP amendments: one for the TH 610 project and one for the other recommendation.

Motion carried.

2009-108 - Northstar Locomotive Spare Parts

It was moved by Meeks and seconded by Sanda

"That the Metropolitan Council authorize the Regional Administrator:

- to negotiate and execute a subordinate funding agreement with the Minnesota Department of Transportation (MnDOT) for reimbursement of costs incurred by the Metropolitan Council in procuring locomotive spare parts.

- To negotiate and execute a contract amendment with Motive Power Incorporated (MPI) for acquisition of spare parts for the five Northstar locomotives contingent upon execution of a funding agreement for reimbursement of costs from MnDOT, in the amount of \$1,000,000."

Motion carried.

Report of the Management Committee

Items were on the Consent List.

Report of the Environment Committee

Items were on the Consent List and Joint Report.

Report of the Community Development Committee

Items were on the Joint Report

Report of the Community Development and Environment Committees

2009-64 - City of Plymouth 2030 Comprehensive Plan Update Tier II Comprehensive Sewer Plan

It was moved by Pistilli, and seconded by Scherer

"That the Metropolitan Council adopt the attached Advisory Comments and Review Record, and the following

Recommendation of the Community Development Committee:

1. Authorize the City of Plymouth to put its 2030 Comprehensive Plan Update into effect;
2. Advise the City:
 - a. that it will be required to participate in the Metropolitan Council's (Council) plat monitoring program beginning in 2009 and submit annual reports to the Council.
 - b. that before wastewater service is provided any parcels within Living Area-Rural Transition (LA-RT) land use area, the City will need to submit a comprehensive plan amendment and updated citywide density calculation to the Council to ensure the City is meeting the Council's policy of 3+ units per

net developable acre for sewerred areas.

Recommendation of the Environment Committee:

1. Approve the City of Plymouth's Tier II Comprehensive Sewer Plan.
2. Advise the City:
 - a. that it will need to maintain their long term flow levels within the allocated capacity of 1.78 Million Gallons per Day for the Elm Creek Interceptor.
 - b. that before development and direct connection to interceptor 9004 can occur, the City will need to enter into a cost sharing agreement with the Metropolitan Council for the over sizing costs of the interceptor."

Motion carried.

2009-81 - City of Osseo 2030 Comprehensive Plan Update Tier II Comprehensive Sewer Plan

It was moved by Pistilli 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 Osseo to put its 2030 Comprehensive Plan Update into effect.
2. Advise the City to:
 - a) Submit the City's local surface water management plan's (WMP) adoption date.
 - b) Correct the Update's transportation information regarding the Bottineau Alternatives Analysis and the 2030 Average Daily Traffic forecasts.

Recommendations of the Environment Committee:

1. Approve the City's Tier II Comprehensive Sewer Plan."

Motion carried.

2009-87 - City of Hamburg 2030 Comprehensive Plan 20426-1 Tier II Comprehensive Sewer Plan

It was moved by Pistilli and seconded by Hilker

"That the Metropolitan Council adopt the attached Advisory Comments and Review Record, and the following

Recommendations of the Community Development Committee

1. Authorize the City of Hamburg to put only that portion of its 2030 Comprehensive Plan Update pertaining to lands within its boundaries into effect and not areas located in Young America Township;
2. The Council has reviewed the City of Hamburg's entire Update including that portion shown in adjacent Young America Township. It has found no regional system conformance or policy consistency issues. At such time as the City of Hamburg acquires jurisdiction of the lands planned for future urbanization in Young America 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:
 - a. to submit comprehensive plan amendments to the Council for review and action for areas that are annexed from Young America at such time as annexation occurs;
 - b. to send the Council a copy of the final Surface Water Management Plan dated December 2004.

Recommendation of the Environment Committee:

1. Approve the City of Hamburg's Tier II Comprehensive Sewer Plan."

Motion carried.

Other Business

Reports

Chair

Chair Bell reported:

- the Metropolitan Council and Minnesota Public Radio (MPR) entered into an agreement to mitigate the impact of light rail transit (LRT) on the MPR Broadcast Center on Cedar Street. The agreement followed more than three months of discussion, research and testing. Chair Bell acknowledged the detailed commitment of Mark Fuhrman, CCLRT Project Manager and Regional Administrator Weaver in negotiating the agreement;
- the City of St. Paul and Ramsey County Municipal Consent agreements allow the re-location of the CCLRT O&M Facility at the Diamond Products site;
- time spent on community concerns has eliminated room for error if the CCLRT project is to remain on schedule;
- he has been meeting with Council staff and state officials on a possible bonding bill for this Session
- he testified before Senate committees about the Council's request for a temporary (until 2011) use of Council's levies to help offset the Transit deficit.

Council Members

There was no report.

Regional Administrator

There was no report.

General Counsel

There was no report.

Adjournment

Business completed, the meeting adjourned at 5:35 pm.

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 8, 2009.

Approved this 22nd day of April 2009.

Respectfully submitted,

Pat Curtiss, Secretary