



Metropolitan Council

Metropolitan Council Meeting

Wednesday, June 24, 2009

Council Chambers

4:00 P.M.

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Metropolitan Council Meeting

Wednesday, June 24, 2009

Council Chambers

4:00 P.M.

Part I - Narrative

Members present:

Peter Bell, Chair; Roger Scherer, Tony Pistilli, Bob McFarlin, Craig Peterson, Polly Bowles, Peggy Leppik, Annette Meeks, Lynette Wittsack, Natalie Steffen, Georgeanne Hilker, Sherry Broecker, Rick Aguilar, Kirstin Sersland Beach, Daniel Wolter, Wendy Wulff

Members absent:

Kris Sanda

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 Bowles seconded by Meeks to approve the agenda as amended. Motion carried.

Minutes

It was moved by Scherer, seconded by Pistilli, to approve the minutes of the Metropolitan Council Meeting of June 10, 2009. Motion carried.

Public Invitation

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

Part II - Exhibits

Business

Committee Consent List

2009-116 - Establish Date for Public Hearing – 2010 Public Housing Agency

It was moved by McFarlin and seconded by Peterson

"That the Metropolitan Council conduct a public hearing to discuss and receive comment on the FY 2010 Public Housing Agency (PHA) Plan on September 21, 2009, at 4:00 p.m. in the Council Chambers."

Motion carried.

2009-167 - City of Oak Grove 2030 Comprehensive Plan Update

It was moved by McFarlin and seconded by Peterson

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

1. Authorize the City of Oak Grove to put its 2030 Comprehensive Plan Update into effect.

2. Revise the geographic planning designation for those areas outlined in this Review Record from Diversified Rural to Rural Residential.
3. Advise the City to:
 - a. Send the Council the date the watershed approved the Surface Water Management Plan (SWMP) as well as the date the City adopts the final SWMP.
 - b. Implement the advisory comments under Transportation, Forecasts and Water.
 - c. Work with Council staff to develop ordinances for the Urban Reserve Area that are consistent with the Council's Flexible Residential Development Ordinance Guidelines prior to approving any subdivisions of lots under 10 acres.
 - d. Participate in the Council's plat monitoring program.
 - e. Submit a Comprehensive Plan Amendment for any pre-2030 sewered development in the Urban Reserve."

Motion carried.

2009-170 - Request for Reimbursement Consideration in Future Regional Parks CIP for Mississippi River Regional Trail Projects and Signing Projects, Dakota County

It was moved by McFarlin and seconded by Peterson

"That the Metropolitan Council consider reimbursing Dakota County in future regional parks capital improvement programs up to \$2,325,665 for projects shown in Table 1. 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.

2009-171 - Acquisition Opportunity Grant request to Purchase Two Parcels for Bald Eagle-Otter Lakes Regional Park, Ramsey County

It was moved by McFarlin and seconded by Peterson

"That the Metropolitan Council:

1. authorize a grant of \$411,422 from the Metropolitan Council Acquisition Grant Account in the Park Acquisition Opportunity Fund to Ramsey County to partially finance the acquisition of 1.83 acres at 1466 East County Rd H2 as part of Bald Eagle Otter Lakes Regional Park;
2. authorize a grant of \$281,528 from the Metropolitan Council Acquisition Grant Account in the Park Acquisition Opportunity Fund to Ramsey County to partially finance the acquisition of 1.27 acres at 1700 North County Line Rd. as part of Bald Eagle Otter Lakes Regional Park.

Motion carried.

2009-172 - Acquisition Opportunity Grant Request to Purchase One Parcel for Rush Creek Regional Trail, Three Rivers Park District

It was moved by McFarlin and seconded by Peterson

"That the Metropolitan Council authorize a grant of \$407,400 from the State Acquisition Grant Account in the Park Acquisition Opportunity Fund to Three Rivers Park District to partially finance the acquisition of the 9.42 acre Ganzer parcel as part of Rush Creek Regional Trail. The grant should be financed with \$244,440 of State Environment and Natural Resources Trust Funds and \$162,960 of Metropolitan Council bonds."

Motion carried.

2009-181 - Authority to Execute Agreements with Ramsey County Regional Rail Authority

It was moved by McFarlin and seconded by Peterson

"That the Metropolitan Council authorize the Regional Administrator to execute agreements with Ramsey County Regional Rail Authority (RCRRA) for:

- \$3,195,000 for alternative analysis work related to Red Rock and Rush Line corridor transit ways and;
- \$1,000,000 for Union Depot preliminary engineering"

Motion carried.

2009-182 - 2009-2012 TIP Amendment: Include Funding for Southwest Corridor Alternatives Analysis, TAB Action 2009-31

It was moved by McFarlin and seconded by Peterson

"That the Metropolitan Council concur with Transportation Advisory Board (TAB) action to amend the 2009-2012 Transportation Improvement Program (TIP) to include a total of \$667,969 for the Southwest Corridor Alternatives Analysis."

Motion carried.

2009-186 - 2009-2010 TIP Amendment: Include MnDOT SP#90-080-34 Erosion Control Project, TAB Action 2009-36

It was moved by McFarlin and seconded by Peterson

"That the Metropolitan Council concur with Transportation Advisory Board (TAB) action to amend the 2009-2012 Transportation Improvement Program (TIP) to include SP#90-080-34, Newport North Ravine – Sterling to Hastings Avenue; erosion and rate control."

Motion carried.

2009-190 - Adoption of rules for Park Acquisition Opportunity Grants

It was moved by McFarlin and seconded by Peterson

"That the Metropolitan Council adopt the following rules for awarding Park Acquisition Opportunity Grants:

1. 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;
2. 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;
3. 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:
 - i. 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.
 - ii. 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 Regional Parks CIP 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 is eligible for Regional Parks CIP reimbursement consideration by the Metropolitan Council.
4. The maximum amount of Park Acquisition Opportunity Grant funds available to a park agency is \$1.7 million per State Fiscal Year (July 1 to June 30)."

Motion carried.

2009-192 - Baytown Township 2030 Comprehensive Plan Update, Review File No. 20447-1

It was moved by McFarlin and seconded by Peterson

"That the Metropolitan Council adopt the attached Advisory Comments and Review Record and take the following recommended actions:

1. authorize Baytown Township to put its 2030 Comprehensive Plan Update into effect;
2. change the geographic planning area designation for those areas outlined in Figure 6 of this report from Diversified Rural to Rural Residential;
3. advise the Township:
 - a. To provide the Council with the dates that the watershed organizations approved the SWMP and the date that the

Township adopts the final SWMP. The Township also needs to send a copy of the final adopted SWMP to the Council if it differs from the plan submitted in March 2009.

- b. That the ordinances for the Flexible Development Overlay District need to be consistent with the Council's Flexible Residential Development Ordinance Guidelines.
- c. To work with Council staff in the development of the ordinances for the Flexible Development Overlay District."

Motion carried.

2009-195 - Northstar Fridley Station Ground Lease

It was moved by McFarlin and seconded by Peterson

"That the Metropolitan Council authorize the Regional Administrator to execute the Northstar Fridley Station Ground Lease with the Fridley Housing and Redevelopment Authority and the Anoka County Regional Railroad Authority to set forth the responsibilities for the design, construction, ownership, operation and maintenance of the Fridley Station eastside park and ride and headhouse facilities in support of the Northstar Corridor Commuter Rail Project."

Motion carried.

2009-197 - Authorization to Negotiate and Execute Wastewater Treatment Plant Acquisition Agreement with City of New Germany

It was moved by McFarlin and seconded by Peterson

"That the Metropolitan Council authorizes its Regional Administrator to negotiate and execute a wastewater treatment plant acquisition agreement with the City of New Germany."

Motion carried.

2009-198 - Authorization for Sole Source Procurement to Border States Electric for Programmable Logic Controllers at the Metropolitan Wastewater Treatment Plant

It was moved by McFarlin and seconded by Peterson

"That the Metropolitan Council authorize its Regional Administrator to procure Programmable Logic Controllers (PLC) for the Metropolitan Wastewater Treatment Plant (WWTP) from Border States Electric, Inc., at a cost not to exceed \$960,000."

Motion carried.

2009-199 - Ratification of Declaration of Emergency for Smithtown Road Odor Control

It was moved by McFarlin and seconded by Peterson

"That the Metropolitan Council ratify the attached *Justification for and Declaration of Emergency* for Smithtown Road Odor Control."

Motion carried.

2009-200 - Authorization to Award and Execute an Engineering Contract for Metering and Alarm System Support Services, Contract No. 09P035

It was moved by McFarlin and seconded by Peterson

"That the Metropolitan Council authorizes its Regional Administrator to negotiate and execute a contract with Arden Environmental Engineering Inc. for Metering & Alarm System support for an amount not to exceed \$375,000, Contract No. 09P035."

Motion carried.

2009-201 - Authorization to Award Contract for Security Guard Services for MCES Facilities and 390 North Robert Street

It was moved by McFarlin and seconded by Peterson

"That the Metropolitan Council authorize the Regional Administrator to execute a contract with Allied-Barton Security Services to provide security guard services for MCES Facilities and 390 North Robert Street in the amount of \$2,261,814."

Motion carried.

2009-203 - City of Miesville 2030 Comprehensive Plan Update, Review File No. 20460-1

It was moved by McFarlin and seconded by Peterson

"That the Metropolitan Council: adopt the attached Advisory Comments and Review Record, and authorize the City of Miesville to put its 2030 Comprehensive Plan Update into effect."

Motion carried.

2009-204 - Dakota County Rural Collaborative 2030 Comprehensive Plan Update

It was moved by McFarlin and seconded by Peterson

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

1. authorize the following townships of the Rural Collaborative to put their Comprehensive Plan Update into effect:
 - Castle Rock Township
 - Douglas Township
 - Greenvale Township
 - Hampton Township
 - Marshan Township
 - Nininger Township

Randolph Township
Ravenna Township
Waterford Township

2. advise the Rural Collaborative of the advisory comments for water resource management and forecasts."

Motion carried.

2009-205 - City of Coates 2030 Comprehensive Plan Update, Review File No. 20459-1

It was moved by McFarlin and seconded by Peterson

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

1. authorize the City of Coates to put its 2030 Comprehensive Plan Update into effect;
2. revise the geographic planning designation for those areas outlined in this Review Record from Developing to Diversified Rural."

Motion carried.

2009-206 - Authorization for Forest Lake and Columbus Transit Service Expansion Agreements

It was moved by McFarlin and seconded by Peterson

"That the Metropolitan Council authorize the Regional Administrator to execute an agreement with the City of Forest Lake and with the City of Columbus providing for transit service and the extension of the Council's transit levy to the City of Forest Lake and the City of Columbus."

Motion carried.

Report of the Transportation Committee

2009-178 - Northstar Commuter Rail Fares

It was moved by Scherer and seconded by Pistilli

"That the Metropolitan Council approves the recommended Northstar Commuter Rail Fares as set forth below.

After reviewing public comment and commuter [market factors](#), staff recommended fares to the Joint Policy Group on May 27 representing the NCDA and the Council. Northstar Commuter Rail Operating revenues for the recommended fare set are estimated to cover 21% of expenses in 2010, and 28% in 2011. This is less than a 1% variance from either previous proposal. By majority, the Group approved the cash fares as recommended below:

<u>One-way Weekday</u>	
Big Lake	\$7.00
Elk River	\$5.50

Anoka	\$4.00
Coon Rapids	\$4.00
Fridley	\$3.25
Non-downtown station-station	\$3.25

<u>One-way Saturday and Sunday/Holiday</u>	
All-station service	\$3.25

Limited promotional fare upon start of service (discount up to \$.50, duration to be determined)."

The One-way Weekday fare discussion centered on two pricing models from the Northstar Commuter Rail Passenger Fare Model, identified as Option A and Option D. The Transportation Committee recommendation included Option A as the preferred one-way weekday fare. Northstar Commuter Rail Operating revenues for the recommended fare sets are estimated to cover 21% of expenses in 2010, and 28% in 2011.

	Option A	Option D
Big Lake	\$ 7.00	\$ 8.00
Elk River	\$ 5.50	\$ 6.00
Anoka	\$ 4.00	\$ 4.00
Coon Rapids	\$ 4.00	\$ 4.00
Fridley	\$ 3.25	\$ 3.25

Chair Bell noted the difference between the Federal Transit Administration (FTA) and the Metropolitan Council policies regarding public hearings on fare changes. The FTA requires public hearings to raise fares; the Council requires public hearings to raise or lower fares. Chair Bell will work with staff to amend Council policy and make it consistent with FTA policy. The item will come before Council for approval.

During discussion, it became apparent there were two separate issues of concern: the one-way weekday fare and the weekend all-station service fare. Chair Bell chose to divide the question of adopting the committee recommendation into two votes --- the first on the one-way weekday fare and the second on the one-way Saturday and the Sunday/Holiday all-station fare.

2009-178 Amendment

With respect to the weekday fare structure: It was moved by Bowles and seconded by Leppik

“to amend the original motion to say: accept the one-way weekday fares presented in Option D, with an introductory promotional one-way weekday

fare in accordance with Option A, that, within the first year, shall change to the fares listed in Option D.”

Motion carried by a show of hands.

Discussion then followed with respect to the weekend/holiday all-station fares, wherein a suggestion was made to return the entire item (as amended) to the Transportation Committee for further consideration.

2009-178R - Northstar Commuter Rail Fares

It was moved by Scherer and seconded by Steffen to amend the motion as follows:

“That the Metropolitan Council return the entire item, as amended by the Bowles motion, to the Transportation Committee for further discussion, and encourage the Transportation Committee to

1. take into account the vote on the one-way weekday fare (i.e. accept the one-way weekday fares presented in Option D, with an introductory promotional one-way weekday fare (in accordance with Option A), that, within the first year, shall change to fares listed in Option D); and
2. focus on the One-way Saturday and Sunday/Holiday all-station service fare.”

	Option A	Option D
Big Lake	\$ 7.00	\$ 8.00
Elk River	\$ 5.50	\$ 6.00
Anoka	\$ 4.00	\$ 4.00
Coon Rapids	\$ 4.00	\$ 4.00
Fridley	\$ 3.25	\$ 3.25

Motion carried by a show of hands.

2009-207 SW - Construction of Bus-Only Access Ramps in Lakeville, Urban Partnership Agreement (UPA), Project 63740

It was moved by Meeks and seconded by Wittsack

“That the Metropolitan Council Authorize the Regional Administrator to award and execute a contract with the lowest responsive and responsible bidder, Friedges Contracting LLC, for the construction of the Transit-Only Access Ramps in Lakeville, Minnesota at a cost of \$1,274,995.04.”

Motion carried.

2009-210 SW - 2009-2012 TIP Amendment: I-94 and TH 77 Managed Lanes, TAB Action 2009-40

It was moved by Meeks and seconded by Peterson

"That the Metropolitan Council Concur with Transportation Advisory Board (TAB) action to amend the 2009-2012 Transportation Improvement Program (TIP) to include the I-94 and TH 77 Managed Lane Studies in the TIP."

Motion carried.

Report of the Management Committee

T2009-193 - Authorization for Internal Cash Flow Loan

It was moved by Scherer and seconded by Broecker

"That the Metropolitan Council authorize internal loans to cover the cash flow needs of:

- Capital Projects Funds for Environmental Services and Parks, and
- Metro Transit: Hiawatha Light Rail, Northstar Commuter Rail and BAPTA Project Funds."

Motion carried.

Report of the Environment Committee

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

Report of the Community Development and Environment Committees

Single Motion for 2009-123, 2009-157, 2009-166

It was moved by Steffen and seconded by Leppik

"That the Metropolitan Council adopt the advisory comments, review records and the recommendations of the Community Development and Environment Committees for the Comprehensive Plan Updates for the cities of Shakopee (2009-123), Waconia (2009-157) and St. Francis (2009-166)."

Motion carried.

2009-123 - City of Shakopee 2030 Comprehensive Plan Update, Review File No. 20434-1. Tier II Comprehensive Sewer Plan

It was moved by Steffen and seconded by Bowles

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

1. authorize the City of Shakopee to put its 2030 Comprehensive Plan Update into effect;
2. advise the City to provide the Council with the dates that Prior Lake Spring Lake and Lower Minnesota Watershed Districts approved the Comprehensive Surface Water Management Plan;

3. approve the City of Shakopee's Tier II Comprehensive Sewer Plan."

Motion carried.

2009-157 - City of Waconia 2030 Comprehensive Plan Update, Review File No. 20423-1, Tier II Comprehensive Sewer Plan

It was moved by Steffen and seconded by Bowles

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

1. authorize the City of Waconia to put the portion of its Comprehensive Plan Update pertaining to areas within the City's boundaries as of April 16, 2009 and those portions of Laketown and Waconia Townships for which the City has existing Orderly Annexation Agreements (OAA) into effect.
2. advise the City of Waconia that the Council has reviewed the remainder of the Update and has found no regional system conformance or policy consistency issues. Because the City does not have the legal authority to plan and zone those portions of Waconia Township that are not also covered by an OAA with the Township, the City may not put those portions of the Update into effect at this time. At such time as the City of Waconia acquires jurisdiction of the lands planned for future urbanization in Waconia 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. approve the City of Waconia's Tier II Comprehensive Sewer Plan."

Motion carried.

2009-166 - City of St. Francis 2030 Comprehensive Plan Update, Review File No. 20464-1, Tier II Comprehensive Sewer Plan

It was moved by Steffen and seconded by Bowles

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

1. authorize the City of St. Francis to put its 2030 Comprehensive Plan Update into effect.
2. advise the City that it:
 - a. needs to send the Council a final copy of the Surface Water Management Plan (SWMP) once it is approved by the URRWMO and adopted by the City, provide the dates that the URRWMO approved the plan and that the City adopted the final plan;
 - b. must demonstrate that it has met or can meet the Council's minimum residential density policy of 3 units/net developable acre if the City requests that the Council purchase its wastewater facilities and/or wants regional wastewater service;
 - c. participate in the Council's plat monitoring program;

- d. implement the advisory comments in the Review Record for Transportation, Water Supply and Aggregate;
- 3. approve the City of St. Francis's Tier II Comprehensive Sewer Plan."

Motion carried.

Report of the Community Development Committee

2009-109R - 2009 Annual Livable Communities Fund Distribution Plan

It was moved by Steffen and seconded by Bowles to amend the motion as follows:

"That the Metropolitan Council approve the 2009 Annual Livable Communities Fund Distribution Plan, with grant terms of 24 months with the possibility of a one year extension approved by the Community Development Committee (CDC) and the Council."

Motion carried.

Chair Bell directed staff to modify the 2009 Livable Communities Fund Distribution Plan consistent with the changes made by the Council in adopting the plan.

Other Business

2009-221 - Appointments to the Livable Community Advisory Committee (LCAC)

It was moved by Steffen and seconded by Hilker

That the Metropolitan Council appoint the following persons to the Livable Communities Advisory Committee (LCAC), to terms as noted:

Chair	Ruth Grendahl , Apple Valley (Reappointment, serves at pleasure of the Council)
The following persons are recommended for appointment to three-year terms in the listed expertise categories, effective July 1, 2009:	
Development finance – public finance	Kenneth Johnson Former President and CEO, St. Paul Port Authority (retired Nov. 2008) (New appointment)
Development – new development	Donald Jensen DM Breckenridge Properties, LLC (Reappointment)
Transportation and development relationship	James Barton Consultant, transportation and land use (Reappointment)
Environment – integration of natural and water resources in development	Regina Bonsignore Gina Bonsignore Landscape Architecture, LLC; specialty in integrating development with natural systems (Reappointment)

Motion carried.

Legislative Session Results and Implications

Wes Kooistra, Chief Financial Officer, presented factors to consider for the 2010 budget planning schedule. He summarized the Council's Transportation provisions

and agreements as they relate to the Governor's Transit Proposal. The 2010 Metropolitan Council Budget Schedule is:

- | | |
|--------------|---|
| July 22 | • Presentation of Preliminary Unified Operating Budgets, Rates and Levies |
| August 26 | • Adopt Preliminary Operating Budget, Rates and Levies |
| | • Set Public Hearing Dates |
| September 9 | • Presentation of Preliminary Capital Program |
| September 23 | • Set Budget and Levies for Public Hearing |
| November 4 | • Hold Public Hearing (Subject to Change) |
| December 9 | • Adopt Final Budget and Levies |

Staff will offer budget workshops to interested Council Members. Information will be forthcoming.

The Legislative Bonding Update and the CCLRT Project Update were canceled due to time constraints.

Reports

Chair

Chair Bell reported:

- he met with University of Minnesota officials on CCLRT issues;
- he presented at the Transportation Long-Range Solutions Symposium
- read a message from Councilmember Meeks inviting / encouraging all Council Members attend the July 13 Transportation Committee meeting to discuss the Northstar weekend rates. The item will be first on the Committee meeting agenda.

Council Members

There were no reports.

Regional Administrator

Regional Administrator asked Council Members to advise him or the CFO of their interest in attending a Budget workshop.

General Counsel

Acting General Counsel Mark Thompson had nothing to report.

Adjournment

Business completed, the meeting adjourned at 6:10 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 24, 2009.

Approved this 8th day of July, 2009.

Respectfully submitted,

Pat Curtiss
Secretary