



Metropolitan Council Meeting

Wednesday, August 26, 2009

Robert Street Council Chambers

4:00 P.M.

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Metropolitan Council Meeting

Wednesday, August 26, 2009

Council Chambers

4:00 P.M.

Part I - Narrative

Attendance:

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

Members absent: Robert McFarlin

Call to Order and Approval of Agenda

A quorum being present, the Chair called the regular meeting of the Metropolitan Council to order at 4:00 p.m. Chair Bell moved Consent Item #3, 2009-265 35W BRT Lakeville Express Service, to the Transportation Committee. It was moved by Scherer seconded by Peterson to approve the agenda as amended. Motion carried.

Minutes

Approval of the minutes of the Metropolitan Council Meeting of August 12, 2009. will be carried over to the next meeting.

Public Invitation

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

Part II - Exhibits

Business

Committee Consent List

2009-263 - American Recovery and Reinvestment Act (ARRA) Transit Security Grant

It was moved by Scherer and seconded by Wittsack

"That the Metropolitan Council authorize the Regional Administrator to approve the acceptance of the award of American Recovery and Reinvestment Act (ARRA) funds to support the Transit Security Grant awarded by the Department of Homeland Security on July 31, 2009 to the Metropolitan Council Metro Transit Police."

Motion carried.

2009-264 - Request Change to Transit Fare Policy and Procedure

It was moved by Scherer and seconded by Wittsack

"That the Metropolitan Council authorize the Regional Administrator to amend the Transit Fare Policy (3-2-6) and Transportation Service Fare Policy Changes Procedure (3-2-6a) in accordance with the attached revised policy and procedure changes."

Motion carried.

2009-276 - Authorization to Award and Execute Contract 09PO97 with Waste Management, Inc. for the Transport and Disposal of Alkaline Stabilized Material

It was moved by Scherer and seconded by Wittsack

"That the Metropolitan Council authorize its Regional Administrator to execute Contract 09P097 with Waste Management, Inc. for transport and disposal of alkaline stabilized material in an amount not to exceed \$465,500."

Motion carried.

2009-277 - Authorization to Dispose of Surplus Property in Dayton using Real Estate Broker

It was moved by Scherer and seconded by Wittsack

"That the Metropolitan Council declare its residential property at 12900 Zachary Circle North in Dayton as surplus and authorize staff to contract with a real estate broker to sell the property for no less than its appraised value."

Motion carried.

2009-278 - Authorization to Negotiate and Execute an Amendment to Professional Services Contract 02PO84 with Bonestroo for Additional Design Services for the Elko New Market Interceptor

It was moved by Scherer and seconded by Wittsack

"That the Metropolitan Council authorizes its Regional Administrator to negotiate and execute an amendment to the engineering services contract with Bonestroo for additional design services in the amount not to exceed \$160,000 for Elko New Market Interceptor."

Motion carried.

2009-279 - Authorization to Award and Execute a Construction Contract for the Lake Elmo East Sanitary Sewer Connection - Phase II, Project 806330, Contract 09P067

It was moved by Scherer and seconded by Wittsack

"That the Metropolitan Council authorize its Regional Administrator to award and execute a contract for construction of the Lake Elmo East Sanitary Sewer Connection - Phase II, Project 806330, Contract 09P067, with Rice Lake Construction for their low bid of \$1,591,072."

Motion carried.

2009-280 - Section 8 Project Based Assistance Funding Recommendations

It was moved by Scherer and seconded by Wittsack

"That the Metropolitan Council approve proposals for Section 8 Project Based Voucher 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 163 Section 8 Vouchers in four (4) projects."

Motion carried.

2009-281 - Ramsey County 2030 Comprehensive Plan Update, Review No. 20571-1

It was moved by Scherer and seconded by Wittsack

"That the Metropolitan Council adopt the attached Advisory Comments and Review Record and Authorize Ramsey County to put its 2030 Comprehensive Plan Update into effect."

Motion carried.

2009-282 - City of Pine Springs 2030 Comprehensive Plan Update, Review No. 20608-1

It was moved by Scherer and seconded by Wittsack

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

1. authorize the City of Pine Springs to put its 2030 Comprehensive Plan Update into effect;
2. revise the geographic planning area designation in the *2030 Regional Development Framework* for the City of Pine Springs from Diversified Rural to Rural Residential."

Motion carried

2009-283 - City of Maplewood Request for An Additional Extension of Livable Communities Demonstration Account (LCDA) Grant Gh006-168-Gladstone Neighborhood Redevelopment

It was moved by Scherer and seconded by Wittsack

"That the Metropolitan Council Approve a request from the City of Maplewood for a second one-year extension of the Livable Communities Demonstration Account (LCDA) Grant #SG006-168 to December 31, 2010 contingent upon the grantee fulfilling the conditions stated below prior to December 31, 2009:

1. The City must provide the Council with documentation that a development agreement has been executed for the project, and any other documentation that can demonstrate progress on the project, as well as a schedule for completion of the senior housing in 2010;
2. The developer must begin development of the senior housing building before December 31, 2009, and complete construction in 2010;
3. Until construction begins on the senior housing building, the Council will not reimburse the city for any monies it spends on the grant-funded activities;
4. The grant agreement be amended to indicate that if these conditions are not met, the grant is considered expired on December 31, 2009 with no grant funds paid to the city, but if met, the grant is extended to December 31, 2010."

Motion carried.

Report of the Transportation Committee

2009-265 - 35W BRT Lakeville Express Service

It was moved by Meeks and seconded by Bowles

"That the Metropolitan Council, having taken into consideration the evaluation panel report of findings and conclusions, determines that:

1. It is not more advantageous to contract with a private vendor for the 35W Bus Rapid Transit Lakeville Express Service;
2. No further consideration will be given to the two private vendor proposals; and
3. The Council's transit operations division is directed to provide the 35W BRT Lakeville Express Service described in the Request for Proposals."

Councilmember Wolter indicated he will vote against the item, not because of the procurement process, but because he believes the Council could have approached the situation differently.

Motion carried.

2009-178 - Northstar Commuter Rail Fare Approval

It was moved by Meeks and seconded by Steffen

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

Introductory (temporary) and Permanent Commuter Rail Fares for Saturday, Sunday/Holiday Adult Fares (Table 1), and Saturday, Sunday/Holiday Senior, Youth, Medicare Social Fares (Table 2) and Fares for Persons with Disabilities (Table 3). An Introductory (temporary) Fare will be effective the first day of Northstar Commuter Rail Revenue Operations (up to a 12 month demonstration) in late 2009. The permanent fare will be effective 12 months after the first of Northstar Commuter Rail Revenue Operations. This permanent fare could be implemented earlier if approved by the Metropolitan Council.

The Introductory and Permanent Fare in Table 1 for Saturday, Sunday/Holiday service approximates the 25% discount fare for adult "non-peak" weekend express bus service as compared to the weekday peak rush rate. April 2009 Public Hearings stated the weekend fares would be within weekday fare rates. Bus issued Transfers will apply a \$1.00 value towards all Northstar Fares."

Table 1: Saturday, Sunday/Holiday One-Way Adult Cash Fares

Saturday, Sunday/Holiday one-way adult cash fare to/from downtown Minneapolis

	Introductory (temporary up to 12 months)	Permanent (at or within 12 months)
Big Lake	\$5.25	\$6.00
Elk River	\$4.00	\$4.50

Anoka	\$3.00	\$3.00
Coon Rapids	\$3.00	\$3.00
Fridley	\$2.50	\$2.50
Non-downtown station-station	\$2.50	\$2.50

The Introductory and Permanent Fare in **Table 2** for Senior, Youth and Medicare Social Fare customers approximates the up to 75% discount fare for "non-peak" weekend express bus service as compared to the weekday peak rush rate. These rates would apply to weekend/holiday: Seniors (65+), Youth (6-12), and Medicare Card Holders. These discounted fares are in compliance with Federal Reduced Fare Guidelines. Children ages 5 and under ride free when accompanied by a paid fare.

Table 2: Saturday, Sunday/Holiday Senior, Youth, Medicare Cash Social Fares Senior, Youth, Medicare one-way cash social fare to/from downtown Minneapolis

	Introductory (temporary up to 12 months)	Permanent (at or within 12 months)
Big Lake	\$1.75	\$2.00
Elk River	\$1.25	\$1.50
Anoka	\$1.00	\$1.00
Coon Rapids	\$1.00	\$1.00
Fridley	\$0.75	\$0.75
Non-downtown station-station	\$0.75	\$0.75

The Introductory and Permanent Fare in **Table 3** for Persons with Disabilities is for Weekday and Saturday, Sunday/Holiday Fares. These discounted fares are in compliance with Federal Reduced Fare Guidelines.

Table 3: Persons with Disabilities Weekday and Saturday, Sunday/Holiday Cash Fares Persons with Disabilities Weekday and Saturday, Sunday/Holiday one-way cash social fare to/from downtown Minneapolis

	Introductory (temporary up to 12 months)	Permanent (at or within 12 months)
Big Lake	\$1.75	\$2.00
Elk River	\$1.25	\$1.50
Anoka	\$1.00	\$1.00
Coon Rapids	\$1.00	\$1.00
Fridley	\$0.75	\$0.75
Non-downtown station-station	\$0.75	\$0.75

Motion carried.

2009-284 SW - Central Corridor Light Rail Transit Finale Environmental Impact Statement (FEIS) Adequacy Determination

It was moved by Meeks and seconded by Leppik

"That the Metropolitan Council approve the adequacy of the environmental process completed as part of development of the Central Corridor LRT project, and that the Regional Administrator be authorized to sign the Final Environmental Impact Statement Adequacy Determination."

Councilmember Wolter recused himself from any discussion and vote on this item.

Motion carried.

2009-286 SW - Central Corridor Light Rail Transit 4th Street Utility Construction Contract

It was moved by Meeks and seconded by Steffen

"That the Metropolitan Council authorize the Regional Administrator to award and execute a contract with the lowest responsive and responsible bidder, Carl Bolander & Sons, for the Central Corridor Light Rail Transit (CCLRT) 4th Street Advanced Utility Construction Contract in St. Paul, Minnesota at a base cost of \$12,049,675.20. An additive alternate will be accepted at a cost of \$451,486.00, resulting in the total contract amount of \$12,501,161.20. The additive alternate is fully reimbursable to the Council by District Energy/District Cooling (DE/DC). Award of this contract is contingent upon receipt of a Letter of No Prejudice (LONP) from the Federal Transit Administration (FTA). Staff will report on the current status of the LONP at the meeting."

Councilmember Wolter recused himself from any discussion and vote on this item.

Motion carried.

2009-287 SW - Central Corridor Light Rail Transit Project Scope and Project Budget Adjustments

It was moved by Meeks and seconded by Broecker

"That the Metropolitan Council approve adjusting the Central Corridor Light Rail Transit overall project budget from \$913.9 million to between \$937.3 million and \$941.3 million and Cost Effectiveness Index to between \$24.88 and \$24.99 and authorize staff to submit the annual New Starts application to the Federal Transit Administration (FTA) by September 9, 2009."

Councilmember Wolter recused himself from any discussion and vote on this item.

Motion carried.

2009-294 SW - 2009-2012 TIP Amendment to add a rail crossing safety project in Cottage Grove (TAB Action 2009-44)

It was moved by Meeks and seconded by Bowles

"That the Metropolitan Council concur with the Transportation Advisory Board (TAB) action to amend the 2009-2009-2012 Transportation Improvement Program (TIP) to

include the rail crossing safety project at the crossing of Belden Boulevard and the Canadian Pacific railroad in Cottage Grove."

Motion carried.

2009-297 SW - Urban Partnership Agreement ((UPA) Kenrick Avenue Park and Ride - Construction of Transit-Only Access Ramps, Change Order Allowance

It was moved by Meeks and seconded by Leppik

"That the Metropolitan Council authorize the Regional Administrator to increase the Contract Price for contract number 09P094, for the construction of Transit-Only Access Ramps to and from I-35 to the Kenrick Avenue Park and Ride, a cumulative amount of 10% of the original Contract Price."

Motion carried.

Report of the Environment Committee

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

Joint Report of the Community Development and Environment Committees

2009-237 - City of Dayton 2030 Comprehensive Plan Update, Review No. 20411-1, Tier II Comprehensive Sewer Plan

It was moved by Steffen and seconded by Broecker

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

1. Authorize the City of Dayton to put its 2030 Comprehensive Plan Update into effect;
2. Adopt the revised forecasts for population, households, and employment for the City, as detailed in Table 2 of the attached Review Record;
3. Find the Critical Area plan consistent with Executive Order 79-19 and in conformance with regional systems plans and compatible with the plans of adjacent jurisdictions;
4. Forward the Council's Critical Area plan review, findings and recommendations to the Minnesota Department of Natural Resources for final approval according to Minn.Stat.116G and to the National Park Service;
5. Advise the City
 - a. It is required to participate in the Council's plat monitoring program beginning in 2010 and must submit annual reports to the Council consistent with Council guidelines;
 - b. It is required to submit comprehensive plan amendments as discussed in the Land Use section of the attached Review Record;
 - c. It is required to submit its final park dedication ordinance;
 - d. To implement the advisory comments in the Review Record, including those in the transportation, wastewater, and water supply sections; and
6. Approve the City of Dayton's Tier II Comprehensive Sewer Plan."

Motion carried.

Single Motion - 2009-268, 2009-269, 2009-270, 2009-271, 2009-272, 2009-273, 2009-274, and 2009-275

It was moved by Steffen and seconded by Bowles

"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 Maple Grove (2009-268), West St. Paul (2009-269), Roseville (2009-270), Circle Pines (2009-271), New Hope (2009-272), Savage (2009-273), Norwood Young America (2009-274) and Victoria (2009-275)."

Motion carried.

2009-268 - City of Maple Grove 2030 Comprehensive Plan Update, Review No. 20416-1, 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 Maple Grove to put its 2030 Comprehensive Plan Update into effect;
2. Adopt the revised forecasts for the City, as detailed in Table 1 of the attached Review Record;
3. Advise the City it will need to submit a comprehensive plan amendment at the time one of the two scenarios in the Northwest related to the 105th Avenue interchange is determined;
4. Approve the City of Maple Grove's Tier II Comprehensive Sewer Plan."

Motion carried.

2009-269 - City of West St. Paul 2030 Comprehensive Plan Update, Review No. 20348-1, Tier II Comprehensive Sewer Plan

It was moved by Steffen and seconded by Bowles

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

1. Authorize the City of West St. Paul to put its 2030 Comprehensive Plan Update into effect;
2. Advise the City to
 - a. Participate in Council activities to monitor redevelopment in developed communities;
 - b. Implement the advisory comments noted in the Review Record for Forecasts, Land Use and Plan Implementation;
3. Approve the City of West St. Paul's Tier II Comprehensive Sewer Plan."

Motion carried.

2009-270 - City of Roseville 2030 Comprehensive Plan Update, Review No. 20416-1, 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 Roseville to put its 2030 Comprehensive Plan Update into effect;
2. Implement the advisory comments noted in the Review Record;
3. Update the comprehensive surface water management plan (CSWMP) within two years of the date that the Rice Creek and Capitol Regional Watershed Districts update the watershed management plans, and the plans are approved by the Board of Water and Soil Resources. The CSWMP should be submitted to the Council for review concurrent with its submittal to the watersheds;
4. Approve the City of Roseville's Tier II Comprehensive Sewer Plan."

Motion carried.

2009-271 - City of Circle Pines 2030 Comprehensive Plan Update, Review No. 20435-1, 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 Circle Pines to put its 2030 Comprehensive Plan Update into effect;
2. Advise the City to:
 - a. Participate in Council activities to monitor redevelopment and infill in developed communities;
 - b. Implement the advisory comments in the Review;
 - c. Update the comprehensive stormwater management plan within two years from the date that the new Rice Creek Watershed District (RCWD) watershed management plan is approved by BWSR, and submit to the Council for review concurrent with its submittal to the RCWD for approval;
 - d. Review the *Water Emergency and Conservation Plan* to reflect the Update's 2010 population forecast;
3. Approve the City of Circle Pines' Tier II Comprehensive Sewer Plan."

Motion carried.

2009-272 - City of New Hope 2030 Comprehensive Plan Update, Review No. 20469-1, Tier II Comprehensive Sewer Plan

It was moved by Steffen and seconded by Bowles

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

1. Authorize the City of New Hope to put its 2030 Comprehensive Plan Update into effect;
2. Adopt the revised forecasts as shown in Table 2 of the Review Record; and
3. Advise the City to:
 - a. participate in Council activities to monitor redevelopment in developed

- communities;
- b. implement the advisory comments noted in the Review Record for Land Use, Water Supply and Plan Implementation;
- 4. Approve the City of West St. Paul's Tier II Comprehensive Sewer Plan."

Motion carried.

2009-273 - City of Savage 2030 Comprehensive Plan Update, Review No. 20473-1, 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 Savage to puts its 2030 Comprehensive Plan Update into effect;
2. Accept the forecasts as revised in the Update; and
3. Approve the City of Savage's Tier II Comprehensive Sewer Plan."

Motion carried.

2009-274 - City of Norwood Young America 2030 Comprehensive Plan Update, Review No. 20442-1, 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 Norwood Young America to put its 2030 Comprehensive Plan Update into effect for the areas within the existing city limits and for areas identified in the City's Orderly Annexation Agreement with Young America Township when those areas are annexed to the City;
2. Officially revise Council forecasts to reflect the City's forecasts found on page 7 of this report;
3. Advise the City of Norwood Young America that is it required to participate in the Council's plan monitoring program beginning in 2009 and must submit annual reports to the Council consistent with Council guidelines;
4. Implement the advisory comments noted in the Review Record sections for Surface Water Management and 2030 Regional Development Framework and Land Use;
5. Approve the City of Norwood Young America's Tier II Comprehensive Sewer Plan."

Motion carried.

2009-275 - City of Victoria 2030 Comprehensive Plan Update, Review No. 29594-1, 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 Victoria to put its 2030 Comprehensive Plan Update into effect;
2. Approve the City of Victoria's Tier II Comprehensive Sewer Plan."

Motion carried.

Report of the Community Development Committee

Community Development Committee Items are on the Consent List and Joint Report.

Report of the Management Committee

Management Committee Items are listed as Other Business.

Other Business

2009-261 - Adopting Resolutions 2009-14, 2009-15, 2009-16, 2009-17, 2009-18, 2009-19, 2009-20, 2009-21, and 2009-22, for the Metropolitan Council's Preliminary 2010 Unified Operating Budget and the Proposed 2009, Payable 2010, Tax Levies

It was moved by Scherer and seconded by Pistilli

"That the Metropolitan Council adopts the following resolutions:

- 2009-14 Adopting the Metropolitan Council's Preliminary 2010 Unified Operating Budget;
- 2009-15 Adopting the Metropolitan Council's Proposed 2009 Tax Levy for General Purposes for Certification to the County Auditors;
- 2009-16 Adopting the Metropolitan Council's Proposed 2009 Tax Levy for General Purposes for Certification to the Minnesota Commissioner of Revenue;
- 2009-17 Adopting a Proposed 2009 Tax Levy for the Metropolitan Right-Of-Way Acquisition Loan Fund for the Purposes of Minnesota Statutes Section 473.167 for Certification to the County Auditors;
- 2009-18 Adopting a Proposed 2009 Tax Levy for the Metropolitan Right-Of-Way Acquisition Loan Fund for the Purposes of Minnesota Statutes Section 473.167 for Certification to the Minnesota Commissioner of Revenue;
- 2009-19 Adopting a Proposed 2009 Tax Levy for the Livable Communities Demonstration Account in the Metropolitan Livable Communities Fund;
- 2009-20 Adopting a Proposed 2009 Tax Levy for the Tax Base Revitalization Account of the Livable Communities Act;
- 2009-21 Resolution Certifying a Tax Levy for 2009 for Debt Service on Future Transit Bonds;
- 2009-22 Resolution Certifying a Tax Levy for 2009 for Debt Service on Future Parks Bonds."

Motion carried.

2009-296 - Establish Demand Charge Task Force and Appoint Members

It was moved by Leppik and seconded by Wittsack

"That the Metropolitan Council approve Chair Bell's recommendation to establish a demand charge task force to develop specific recommendations for a demand charge for excessive inflow and infiltration into the metropolitan sewer system, and further to appoint the following members, and Council Member Wendy Wulff as the Chair of the Task Force:

	Community	Name	Title
1.	Apple Valley	Hedberg, Ron	Finance Director
2.	Bloomington	Cockriel, Bob	Utilities Superintendent
3.	Brooklyn Park	Watson, Jon	Public Utilities Superintendent
4.	Chanhassen	Oehme, Paul	Public Works Director
5.	Eagan	Colbert, Tom	Public Works Director
6.	Edina	Struve, Jesse	Utility Engineer
7.	Fridley	Kosluchar, Jim	Director of Public Works
8.	Golden Valley	Clancy, Jeannine	Director of Public Works
9.	Lakeville	Petree, Christopher	Operations & Maintenance Director
10.	Little Canada	Rueckert, Shelly	Finance Director
11.	Maple Plain	Ziemer, Jason	City Administrator
12.	MetroCities	Nauman, Patty	Executive Director
13.	Metropolitan Council	Wulff, Wendy	Council Member, District 16
14.	Minneapolis	Cerney, Lisa	Public Works
15.	Richfield	Hintgen, Robert	Public Works Utility Superintendent
16.	Roseville	Schwartz, Duane	Public Works Director
17.	Saint Paul	Elder, Bruce	Sewer Utility Manager
18.	Waconia	Schwinn, Jennifer	Director of Finance
19.	West Saint Paul	Lewis, Darlene	City Council Member"

Motion carried.

Reports

Chair

Chair Bell reported on the Proposed Agreement in Principle from today's Central Corridor Management Committee. The agreement is a result of several negotiation sessions involving Chair Bell, Mayor Coleman's staff, Hennepin and Ramsey County Commissioners, Tom Weaver and Mark Fuhrmann. As part of the agreement, the City of Saint Paul intends to commit \$5.2 million to the CCLRT project budget for the purpose of building one of the three infill LRT stations identified in the Final EIS, upon completion of FTA-required ridership and environmental documentation and subsequent approval of the FTA. The City will provide a City Council-adopted budget resolution identifying the source of funds by November 15, 2009 and will place the funds in a Metropolitan Council escrow account when requested by the Metropolitan Council. City funds in the escrow account not used for construction of the station will be returned to the City.

Council Members

There were no reports.

Regional Administrator

Regional Administrator Weaver reported a subcommittee of Council members has interviewed candidates for General Counsel and a decision will be forthcoming.

General Counsel

Interim General Counsel Dave Theisen had no report.

Adjournment

Business completed, the meeting adjourned at 5:13 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 August 26, 2009.

Approved this 9th day of September 2009.

Respectfully submitted,



Pat Curtiss
Secretary

Central Corridor Management Committee
Proposed Agreement in Principle
August 26, 2009 Revised

1. The City of Saint Paul intends to commit \$5.2 million to the CCLRT project budget for the purpose of building one of the three infill LRT stations identified in the Final EIS, upon completion of FTA-required ridership and environmental documentation and subsequent approval of the FTA. The City will provide a City Council-adopted budget resolution identifying the source of funds by November 15, 2009 and will place the funds in a Metropolitan Council escrow account when requested by the Metropolitan Council. City funds in the escrow account not used for construction of the station will be returned to the City.
2. The Central Corridor Management Committee and the Metropolitan Council agree that contingency funds will be managed consistent with the Project Execution Plan and FTA guidelines as follows:
 - a. Any essential project element addressing the approved scope will have first call on any contingency funds throughout project delivery;
 - b. Any contingency balance available at the 20% contingency hold point will be concurrently allocated 70 percent to East Metro identified priorities and 30 percent to West Metro identified priorities. Metropolitan Council decisions to commit available contingency balances to East and West Metro will be made in consultation with the CCMC;
 - c. At or after the 50% hold point for the release of contingency the first claim will be the incremental purchase of additional cars;
 - d. For purposes of the 70/30 split, East Metro priorities include build-out of the two remaining infill stations identified in the Final EIS for station infrastructure construction and streetscape betterments on University Avenue and downtown;
 - e. For purposes of the 70/30 split, West Metro priorities include streetscape improvements along the length of the line in Hennepin County from the County line through downtown Minneapolis, excluding the portion of the line running through the University of Minnesota; and
 - f. Project investments to mitigate the direct impacts of the CCLRT shall be considered "essential project elements" and, thus, are not to be used in the calculation of the 70/30 split.
3. The Metropolitan Council agrees to conduct all ridership and environmental documentation for the stations at Western, Victoria and Hamline, as required by the FTA, in the near term, with the cost of the documentation being locally financed.
4. The Metropolitan Council agrees to include stations at Western, Victoria and Hamline as additive alternates in the construction bid packages for the "Civil East" contract to be awarded after the Full Funding Grant Agreement is executed.

5. The Central Corridor Management Committee and the Metropolitan Council support the allocation of the increased CEI capacity created by a change in the FTA New Starts Guidance issued in August 2009, as follows: (1) the agreed upon façade improvements for the Lowertown Operations and Maintenance Facility, (b) the acquisition of the 4th and Cedar Diagonal Right of Way, (c) mitigation of EMI at the University of Minnesota and (d) mitigation of vibration at the University of Minnesota.

