



Metropolitan Council Meeting

Wednesday, September 9, 2009

Robert Street Council Chambers

4:00 P.M.

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Metropolitan Council Meeting

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Council Chambers

4:00 P.M.

Part I - Narrative

Attendance:

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

Members absent: Rick Aguilar

Call to Order and Approval of Agenda

A quorum being present, the Chair called the regular meeting of the Metropolitan Council to order at 4:07 p.m. It was moved by Steffen, seconded by Leppik, to approve the agenda. Motion carried.

Minutes

It was moved by Wittsack, seconded by Meeks to approve the minutes of the Metropolitan Council Meeting of August 12 and August 26, 2009. Motion carried.

Public Invitation

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

Part II - Exhibits

Business

Joint Report of the Community Development, Transportation and Management Committees

2009-252 - 2009 Unified Operating Budget Amendment

It was moved by Scherer and seconded by Pistilli

"That the Metropolitan Council amend the 2009 Unified Operating Budget as indicated and in accordance with attached tables."

Motion carried on the following roll call:

	Yes				No	Absent
	Scherer	Bowles	Steffen	Sersland Beach		Aguilar
	Pistilli	Leppik	Sanda	Wulff		Wolter
	McFarlin	Meeks	Hilker	Bell		
	Peterson	Wittsack	Broecker			
TOTAL	15					2

Joint Report of the Management and Transportation Committees

2009-253 - 2009-2014 Capital Improvement Plan and 2009 Capital Program and Budget Amendment

It was moved by Scherer and seconded by Hilker

"That the Metropolitan Council

- Amend the 2009 Authorized Capital Program (Multi-year authorization) by adding or removing spending authority as follows:
 - Metro Transit \$ 12,843,267
 - Metropolitan Transportation Services \$ 8,290,707
- Amend the 2009 Capital Budget (annual appropriation) by increasing spending authority as follows:
 - Metro Transit \$ 7,355,008
 - Metropolitan Transportation Services \$ 3,007,677
- Approve new projects and transfers between capital projects as detailed in Attachment 1."

Motion carried on the following roll call:

					Yes	No	Absent
	Scherer	Bowles	Steffen	Sersland Beach			Aguilar
	Pistilli	Leppik	Sanda	Wulff			Wolter
	McFarlin	Meeks	Hilker	Bell			
	Peterson	Wittsack	Broecker				
TOTAL					15		2

Consent List

2009-288 - State Safety Oversight Intergovernmental Agreement

It was moved by Meeks and seconded by Hilker

"That the Metropolitan Council Authorize the Regional Administrator to execute an intergovernmental agreement with the Minnesota Department of Public Safety, which provides for the transfer of funds for the purpose of contracted safety oversight of the Light Rail System (LRT) system, including Hiawatha and Central Corridor Light Rail Transit. The agreement would govern the time from fall 2009 until June 30, 2013, and specifies \$240,000 of funding for the State Safety Oversight Agency (SSOA)."

Motion carried.

2009-289 - Urban Partnership Agreement (UPA)

It was moved by Meeks and seconded by Hilker

"That the Metropolitan Council Authorize the Regional Administrator to execute an amendment with Egan Company for installation of Transit Signal Priority (TSP) equipment on up to an additional 272 buses plus 16 spares at a cost of up to \$1,100,000."

Motion carried.

2009-293 - 2010 Capital and Operating Grant Applications to Counties Transit Improvement Board (CTIB)

It was moved by Meeks and seconded by Hilker

"That the Metropolitan Council authorize the Regional Administrator to apply for 2010 grants from the Counties Transit Improvement Board (CTIB) for the following capital and operating projects:

1. Central Corridor Light Rail Transit (LRT) Capital for Advanced Preliminary Engineering, Final Design, and Construction: Est. \$66 million;
2. Cedar Avenue BRT Operating for BRT Express Service to Cedar Grove (Eagan) and Lakeville Park-and-Rides: Est. \$150,000;
3. Hiawatha LRT Operating: Est. \$7.4 million;
4. Northstar Commuter Rail Operating: Est. \$5.7 million;
5. I-35W BRT Capital for offline station improvements and station-to-station service buses: Est. \$2.75 million;
6. I-35W BRT Operating for Lakeville BRT Express service: Est. \$131,000."

Motion carried.

2009-295 - 2009-2012 TIP Amendment to add three ADA compliance upgrade projects
TAB Action 2009-43

It was moved by Meeks and seconded by Hilker

"That the Metropolitan Council concur with the Transportation Advisory Board (TAB) action to amend the 2009-2012 Transportation Improvement Program (TIP) to include three ADA compliance upgrade projects."

Motion carried.

2009-298 - Ratification of Declaration of Emergency to Repair Water Leak at Hastings Wastewater

It was moved by Meeks and seconded by Hilker

"That the Metropolitan Council ratify the attached *Justification for and Declaration of Emergency* for repair of water leak at Hastings Wastewater Treatment Plant."

Motion carried

2009-306 - Authorization to Award Contract fro Construction of Lift Station Improvements (L-3, L-6,L-10, L-56), Project 805510, Contract 09PO53

It was moved by Meeks and seconded by Hilker

"That the Metropolitan Council authorize its Regional Administrator to award and execute a construction contract for the Lift Station Improvements Project (L-3, L-6, L-10, L-56), MCES Project 805510, Contract 09P053, with Gridor Construction for their low bid of \$1,669,349."

Motion carried.

Report of the Environment Committee

2009-304 - Approve Service Availability Charge (SAC) Criteria for Outdoor Spaces

It was moved by Leppik and seconded by Wulff

"That the Metropolitan Council approves a 75% discount for the Service Availability Charge (SAC) for any outdoor spaces that will be exposed to wet weather conditions, with an implementation date of October 1, 2009."

Motion carried.

2009-305 - Adoption of 2010 Municipal Wastewater Rates and Charges

It was moved by Leppik and seconded by Wittsack

"That the Metropolitan Council adopts the following wastewater rates and charges to be effective January 1, 2010:

- Municipal Wastewater Charge (annual) total of \$167,410,000;
- Sewer Service Availability Charge (SAC): \$2,100 per unit;
- Add-on Service Charge (for temporary capacity use): \$1.05 per thousand gallons;
- Industrial Strength Charge: \$.158 per excess pound of TSS (total suspended solids);
- Industrial Strength Charge: \$.079 per excess pound of COD (chemical oxygen demand);
- Standard (septage) Load Charge: \$48.05 per thousand gallons;
- Holding Tank Load Charge: \$3.01 per thousand gallons;
- Portable Toilet Waste Load Charge: \$61.18, per thousand gallons;
- Collar County Load Charge: \$58.05 per thousand gallons;
- Strength component of Industrial Load Charge \$.3150 per excess pound of TSS;
- Strength component of Industrial Load Charge \$.1575 per excess pound of COD;
- Inflow & Infiltration (I/I) Surcharge Exceedance Rate: \$379,000 per mgd, and
- Industrial Permit Fees as shown on Attachment A (these increase 6.1% on average).

Further, that the Metropolitan Council authorizes the SAC reserve fund minimum exception for an economic downturn as stated in Council policy 3-2-5 allowing the balance to go as much as \$9 million below the minimum balance during 2009 and through calendar year 2010."

Chair Bell noted this MCES rate proposal was modified by the Council's request to minimize the impact on the SAC fund reserve balance in 2010. Staff responded by coming up with a change in the methodology for calculating the reserve capacity in the system. Several communities requested an opportunity to look at other alternatives including possible changes to SAC legislation. Chair Bell will convene a task force of customers to review SAC issues and make recommendations to the Council.

Motion carried.

Report of the Management Committee

Items are listed on the Joint Report.

Report of the Transportation Committee

2009-290 - Joint Powers Agreement with the Minnesota Department of Transportation for the Central Corridor Light Rail Transit Vehicle Procurement

It was moved by Meeks and seconded by Leppik

"That the Metropolitan Council authorize the Regional Administrator to execute a Joint Powers Agreement with the Minnesota Department of Transportation (MnDOT) for the Council's procurement of Central Corridor Light Vehicles."

Motion carried.

2009-291 - Master Funding Agreement for the Central Corridor Light Rail Project with the City of Saint Paul

It was moved by Meeks and seconded by Peterson

"That the Metropolitan Council authorize the Regional Administrator to negotiate and execute a Master Funding Agreement for the Central Corridor Light Rail Transit Project with the City of Saint Paul. Metropolitan Council execution of this Agreement 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."

Motion carried.

2009-292 - Master Funding Agreement for the Central Corridor Light Rail Transit Project with the St. Paul Water Board of Commissioners

It was moved by Meeks and seconded by Hilker

"That the Metropolitan Council authorize the Regional Administrator to negotiate and execute a Master Funding Agreement for the Central Corridor Light Rail Transit Project with the St. Paul Board of Water Commissioners. Metropolitan Council execution of this Agreement 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."

Motion carried.

Other Business

Statewide Transportation Policy Plan and Statewide Highway Investment Plan

Peggy Reichert, Director, Statewide Planning, Minnesota Department of Transportation, presented an overview of the Statewide Transportation Policy Plan and the Statewide Highway Investment Plan. This plan is the result of extensive collaboration during the past two years between the Minnesota Department of Transportation and citizens, stakeholders and partners throughout Minnesota.

Link: <http://www.dot.state.mn.us/planning/stateplan/download.html>

Reports

Chair

Chair Bell reported

- he was out of the office last week;
- House and Senate members joined Council staff on a tour of Northstar facilities and a ride on the commuter rail service from Big Lake to downtown Minneapolis.

Council Members

Council member Steffen reported:

- the Ham Lake City Council approved the city's comp plan updates;
- she spoke at the North Metro Chamber of Commerce meeting.

Regional Administrator

Acting Regional Administrator Wes Kooistra reported

- the Council is hosting seven Dial-A-Ride public meetings informing communities how the restructuring plan will affect riders;
- the Metropolitan Council reached a favorable settlement with Wells Fargo over a failed investment in its securities lending program.

General Counsel

Interim General Counsel Dave Theisen reported the DeLaSalle High School played their first football game at their new athletic field.

Adjournment

Business completed, the meeting adjourned at 5:50.

Part III - Certification

I hereby certify that the foregoing narrative and exhibits constitute a true and accurate record of the Metropolitan Council Meeting of September 9, 2009.

Approved this 23rd day of September, 2009.

Respectfully submitted,



Pat Curtiss, Secretary