



**Committee of the Whole
and
Special Metropolitan Council Meeting**

Wednesday, November 4, 2009
Robert Street Council Chambers
4:00 P.M.

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**Committee of the Whole and
Special Metropolitan Council Meeting**

Wednesday, November 4, 2009

Council Chambers

4:00 P.M.

Part I - Narrative

Attendance:

Peter Bell, Chair; Tony Pistilli, Polly Bowles, Peggy Leppik, Lynette Wittsack, Natalie Steffen, Georgeanne Hilker, Sherry Broecker, Rick Aguilar, Kirstin Sersland Beach, Daniel Wolter, Wendy Wulff

Members absent: Roger Scherer, Robert McFarlin, Craig Peterson, Annette Meeks, 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 4:04 p.m. It was moved by Steffen, seconded by Hilker to approve the agenda. Motion carried.

Minutes

It was moved by Bowles, seconded by Hilker, to approve the minutes of the Metropolitan Council Meeting of October 28, 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

[2009-326](#) - 2009 Unified Operating Budget Amendment

It was moved by Wittsack and seconded by Steffen

"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	
	Bowles	Hilker	Wolter		Scherer	Peterson
	Leppik	Broecker	Wulff		Pistilli	Meeks
	Wittsack	Aguilar	Bell		McFarlin	Sanda
	Steffen	Sersland Beach				
TOTAL	11				6	

Joint Report of the Transportation and Management Committees

[2009-327](#) - 2009-2014 Capital Improvement Plan, 2009 Authorized Capital Program and 2009 Capital Budget Amendment

It was moved by Wittsack and seconded by Steffen

"That the Metropolitan Council:

- Amend the 2009 Authorized Capital Program (multi-year authorization) by adding or removing spending authority as follows:

Metro Transit	\$ 6,856,578
Metropolitan Transportation Services	\$ 8,615,710
- Amend the 2009 Capital Budget (annual appropriation) by adding or removing the appropriation as follows:

Metro Transit	\$ 200,000
Metropolitan Transportation Services	\$ 393,750
- Amend the Central Corridor light rail project cost estimate from \$914,785,972 to \$941,316,000 and amend the 2009-2014 Capital Improvement Plan for the Central Corridor light rail project from \$882,480,618 to \$909,010,646.
- Approve new projects and transfers between capital projects as detailed in Attachment 1

Motion carried on the following roll call:

	Yes			No	Absent	
	Bowles	Hilker	Wolter		Scherer	Peterson
	Leppik	Broecker	Wulff		Pistilli	Meeks
	Wittsack	Aguilar	Bell		McFarlin	Sanda
	Steffen	Sersland Beach				
TOTAL	11				6	

Committee Consent List

[2009-354](#) - Northstar Anoka Station Ground Lease

It was moved by Leppik and seconded by Hilker

"That the Metropolitan Council authorize the Regional Administrator to negotiate and execute the Northstar Anoka Station Ground Lease with the City of Anoka to set forth responsibilities for the ownership, operation and maintenance of the Anoka Station park and ride facilities in support of the Northstar Corridor Commuter Rail Project."

Motion carried.

2009-381 - Authorization to Exercise Contract Options for Motor Coach Industries

It was moved by Leppik and seconded by Hilker

"That the Metropolitan Council authorize the Regional Administrator to exercise purchase options on contract #08P114 with Motor Coach Industries (MCI) to purchase three coach buses in an amount not to exceed \$1,641,000."

Motion carried.

2009-382 - Authorization to Execute Grant Agreements with Dakota County, Ramsey County Regional Rail Authority, SouthWest Transit, and the City of Shakopee

It was moved by Leppik and seconded by Hilker

"That the Metropolitan Council authorize the Regional Administrator to execute grants with Dakota County, Ramsey County Regional Rail Authority (RCRRA), SouthWest Transit, and the City of Shakopee for the following projects and amounts:

AGENCY	PROJECT	EXISTING AMOUNT	INITIAL OR AMENDED AMOUNT
Dakota County	Cedar Avenue 2009 State G.O. Bonds	-	\$3,287,000
RCRRA	Union Depot 2009 State G.O. Bonds	-	\$500,000
SouthWest Transit	Market Station CMAQ Match	-	\$1,393,750
City of Shakopee	Shakopee/Prior Lake-Eagle Creek Transit Station	-	\$292,000

Motion carried.

2009-385 - Authorization to Upgrade Farebox Data Software for Metro Transit and Regional Provider Fareboxes

It was moved by Leppik and seconded by Hilker

"That the Metropolitan Council authorizes the Regional Administrator to purchase upgraded data collection software and hardware from GFI Genfare, Inc. at a total cost of \$665,100."

Motion carried.

2009-387 - Authorization for the Regional Administrator to Accept Federal Transit Investment for Greenhouse Gas and Energy Reduction (TIGGER) Funds

It was moved by Leppik and seconded by Hilker

"That the Metropolitan Council authorize the Regional Administrator to accept \$1,100,000 in ARRA TIGGER Grant Funds for the purchase of up to 10 electric/hybrid buses for use in Metro Mobility service."

Motion carried.

2009-389 - Technical Amendments to Legal Services Agreement

It was moved by Leppik and seconded by Hilker

"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 Public Finance Matters Contract No. C9868	03/01/98- 12/31/10	\$575,000	\$100,000	\$675,000
Landrum Dobbins	Legal Services related to Housing, Diversity, Administrative Proceedings Contract No. 02P073	06/01/02- 12/31/10	\$100,000	\$50,000	\$150,000
Nikolai Mersereau	Legal Services related to Intellectual Property Rights, General Litigation	05/01/08- 12/31/09	\$125,000	\$75,000	\$200,000

Motion carried.

2009-390 - 2010 Sole Source Procurement of Maintenance Services for Software and Hardware

It was moved by Leppik and seconded by Hilker

"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 2010 Information Services Sole Source Vendor List up to the amount listed."

Motion carried.

Report of the Transportation Committee

2009-383 - Authorization to Award Contract for Fuel Supply for Northstar Commuter Rail Service

It was moved by Leppik and seconded by Broecker

"That the Metropolitan Council authorize the Regional Administrator to execute a contract with Yocum Oil Company, Inc. to supply diesel fuel in accordance with

Council specifications and Yocum Oil Company's bid price for a two-year term, with options to extend the contract term up to an additional twenty-four months."

Motion carried.

Report of the Community Development Committee

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

Report of the Environment Committee

There was no Environment Committee Report.

Report of the Management Committee

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

Other Business

[2009-391](#) - Appointment of Reserve Capacity / Service Availability Charge (SAC) Task Force and Chair

It was moved by Bowles and seconded by Wittsack

"That the Metropolitan Council approve Chair Bell's recommendation to establish a Reserve Capacity/Service Availability Charge (SAC) task force, appoint Peggy Leppik as the chair of the task force, and appoint the following members:

	Community or Organization	Name	Title
1.	Metropolitan Council	Peggy Leppik	Council Member
2.	Metropolitan Council	Roger Scherer	Council Member
3.	City of Blaine	Joe Huss	Finance Director
4.	City of Bloomington	Karl Keel	Public Works Director
5.	City of Chaska	Noel Graczyk	Administrative Services Director
6.	City of Hugo	Bryan Bear	Community Development Director
7.	City of Maple Grove	Harlan Van Wyhe	Civil Engineer
8.	City of Minneapolis	Lisa Cerney	Director of Surface Water and Sewers
9.	City of Rosemount	Andy Brotzler	Public Works Director

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10.	City of Saint Paul	Mike Kassan	Civil Engineer IV
11.	City of Shakopee	Bruce Loney	Public Works Director
12.	Ecolab	Christine Renne	Environmental Health and Safety Analyst
13.	Metro Cities	Patricia Nauman	Executive Director
14.	Metropolitan Airport Commission	Rick Breezee	Building Official
15.	Restaurant Association	Dave Siegel	Executive Vice President
16.	Summit Brewing	Mark Stutrud	President and Founder
17.	Vision-Ease Lens	George Anderson	Environmental Health and Safety Engineer
18.	Westwood Professional Services	Jason McCarty	Director, Residential Development

Motion carried.

[ADA Long-Term Planning](#)

Paul Colton, Metro Mobility Senior Manager and Andrew Krueger, Manager of Metro Mobility Customer Service, presented a history of the Metro Mobility program. Metro Mobility is Minnesota's third largest provider of public transportation for certified riders who are unable to use a fixed-route bus at least some times due to a disability or health condition. The mandated service area, required by state law, exceeds minimum Federal requirements. Metro Mobility ridership has increased in direct correlation with the aging population. Future plans include improved technology to help increase productivity of the program.

[Pension / Other Post Employment Benefit \(OPEB\) Update](#)

Mary Bogie, Deputy Chief Financial Officer, presented a summary of the General Employee Retirement Plan, the largest retirement plan administered by the Minnesota State Retirement System. It covers most state employees, civil service employees of the University of Minnesota, and employees of the Metropolitan Council. Membership in the General Plan is mandatory and the Council has no authority to determine benefits or contribution rates. The Unclassified Plan is a defined contribution plan which covers many of the Governor's appointed staff, legislative staff, elected offices who first were elected after July 1, 1997 and others described in MN Statutes, 352D.02. Council employees hired prior to benefit sunset dates who meet age and service criteria are eligible for employer paid retiree health insurance benefits for life. The Council has taken actions that have resulted in a \$93 reduction in OPEB liability, actions that are recognized by the MN State Auditor.

Reports

Chair

Chair Bell reported he

- Regional Administrator Weaver and Arlene McCarthy met with SW Transit officials to discuss suburban transit provider issues;
- Council Members Hilker and Broecker and staff participated in a Washington County District Dialogue in Woodbury;
- and staff continue to face challenges in their negotiations with the University of Minnesota regarding the CCLRT project.

Council Members

Council Member Broecker thanked Chair Bell, Regional Administrator Weaver and Council staff for their work with Washington County residents that resulted in a successful District Dialogue.

Regional Administrator

Regional Administrator Weaver reminded Council Members about the Northstar Commuter Rail grand opening event on November 13.

General Counsel

General Counsel Mueting reported three new lawsuits in the last week.

Adjournment

Business completed, the meeting adjourned at 5:21 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 November 4, 2009.

Approved this 18th day of November, 2009.

Respectfully submitted,

Pat Curtiss
Secretary