



## Metropolitan Council Meeting

Wednesday, January 13, 2010  
Robert Street Council Chambers  
4:00 P.M.

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**Metropolitan Council Meeting**  
Wednesday, January 13, 2010  
Council Chambers  
4:00 P.M.

## **Part I - Narrative**

### **Attendance:**

Peter Bell, Chair; Roger Scherer, Robert McFarlin, Craig Peterson, Peggy Leppik, Lynette Wittsack, Natalie Steffen, Kris Sanda, Georgeanne Hilker, Sherry Broecker, Rick Aguilar, Kirstin Sersland Beach, Daniel Wolter, Wendy Wulff

Members absent: Tony Pistilli, Polly Bowles, Annette Meeks

### **Call to Order and Approval of Agenda**

A quorum being present, the Chair called the regular meeting of the Metropolitan Council to order at 4:06 p.m. It was moved by Peterson seconded by Wolter, to approve the agenda. Motion carried.

### **Minutes**

It was moved by Peterson, seconded by Leppik, to approve the minutes of the Metropolitan Council Meeting of December 9, 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*

#### [2009-432](#) - Authorization to Award Contract for Washington/SE Ramsey County Transit Link Service

It was moved by Wolter and seconded by Hilker

"That the Metropolitan Council authorize the Regional Administrator to execute a five year contract with Midwest Paratransit Services Inc. to provide Transit Link dial-a-ride service in Washington County and southeast Ramsey County beginning March 2010 in an amount not to exceed \$ 5,943,430."

Motion carried.

[2009-445 - HousingLink Funding Request](#)

It was moved by Wolter and seconded by Hilker

"That the Metropolitan Council authorize its Regional Administrator to execute an amendment to its existing funding assistance agreement with the HousingLink to: (1) extend the agreement for an additional year; and (2) provide \$50,000 from its Section 8 program administrative fees or administrative fee reserve fund to support the nonprofit organization's regional affordable housing information and referral services in calendar year 2010."

Motion carried.

[2009-448 - Minnesota State Retirement System Program Unclassified Retirement Plan, Resolution 2009-47](#)

It was moved by Wolter and seconded by Hilker

"That the Metropolitan Council approve changes to the position and incumbent list for the Minnesota State Retirement System Unclassified Plan, as reflected in Resolution No. [2009-47](#)."

Motion carried.

[2009-450 - Technical Amendments to Legal Services Agreements; No Budget Impacts](#)

It was moved by Wolter 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> |
|---------------------|--|-----------------------|----------------------|--------------------------|------------------|
| Fredrikson<br>Byron | Legal Services<br>related to MOAC v.<br>Metropolitan<br>Airports Commission<br>Contract No. 07P075 | 01/01/07-<br>12/31/10 | \$350,000            | \$10,000                 | \$360,000        |
| Dorsey<br>Whitney   | Legal Services<br>related to Public<br>Finance Matters<br>Contract No. C9868                       | 03/01/98-<br>12/31/10 | \$675,000            | \$125,000                | \$800,000        |

Motion carried.

[2009-451 - Sole Source for Hardware for a Data Backup System Upgrade](#)

It was moved by Wolter and seconded by Hilker

"That the Metropolitan Council authorize the Regional Administrator to designate Network Appliance (NetAPP) as the sole source manufacturer for the acquisition of a disk-based data backup system."

Motion carried.

[2009-452](#) - Authorization to Accept Federal 5311 Operating Formula Funds from MnDOT

It was moved by Wolter and seconded by Hilker

"That the Metropolitan Council authorize the Regional Administrator to accept an award of \$1,028,000 in 5311 Non-Urbanized Area formula funds for 2010 and enter into a grant agreement with the Minnesota Department of Transportation (MnDOT) to receive those funds."

Motion carried.

[2009-453](#) - Authorization to Accept Federal 5311 ARRA Capital Funds from MnDOT

It was moved by Wolter and seconded by Hilker

"That the Metropolitan Council authorize the Regional Administrator to accept an award of \$1,600,000 in 5311 American Recovery and Reinvestment Act (ARRA) funds to purchase twenty-two replacement buses and to enter into a grant agreement with the Minnesota Department of Transportation (MnDOT) to receive those funds."

Motion carried.

[2009-454](#) - Authorization to Execute Purchase Order Change with Polydyne for Polymer at Empire Wastewater Treatment Plant

It was moved by Wolter and seconded by Hilker

"That the Metropolitan Council authorize its Regional Administrator to execute a purchase order change to increase the amount of the polymer purchase order by \$200,000 to cover polymer purchases at the Empire Wastewater Treatment Plant through September 2010."

Motion carried.

[2009-455](#) - Authorization to Negotiate and Execute a Cooperative Agreement with Dakota County for Inclusion of 3-LV-610 Interceptor Improvements in the Cedar Avenue Bus Rapid Transit (BRT) Improvements Project

It was moved by Wolter and seconded by Hilker

"That the Metropolitan Council authorize the Regional Administrator to negotiate and execute a cooperative agreement with Dakota County for inclusion of 3-LV-610 interceptor improvements in the Cedar Avenue BRT Improvements Project."

Motion carried.

[2009-456](#) - City of Little Canada Reconveyance Determinations

It was moved by Wolter and seconded by Hilker

"That the Metropolitan Council authorizes its Regional Administrator to negotiate and execute a reconveyance agreement with the City of Little Canada, and makes the following determinations pursuant to Minnesota State Statute 473.5111 related to reconveyance of the following facilities in the City of Little Canada:

LC-420 and portions of Interceptors LC-421 and VH-422 are no longer needed to implement the Council's Comprehensive Plan for the collection, treatment and disposal of sewage in the metropolitan area. These facilities are of benefit for use by the City of Little Canada and are in good operating condition;  
L-10 is no longer needed by the Metropolitan Council, but is of benefit to the City of Little Canada and will be replaced prior to transfer."

Motion carried.

2009-457 - City of Vadnais Heights Reconveyance Determinations

It was moved by Wolter and seconded by Hilker

"That the Metropolitan Council authorizes its Regional Administrator to negotiate and execute a reconveyance agreement with the City of Vadnais Heights, and makes the following determinations pursuant to Minnesota State Statute 473.5111 related to reconveyance of VH-423 in the City of Vadnais Heights:

Portions of Interceptor VH-423 are no longer needed to implement the Council's Comprehensive Plan for the collection, treatment and disposal of sewage in the metropolitan area. This facility continues to be of benefit for use as a local facility for the City of Vadnais Heights, and is in good operating condition."

Motion carried

2010-01 - Amendment to Lilydale / Harriet Island Regional Park Master Plan Regarding Development at Lilydale Portion of Park, City of St. Paul (Referral Number 50001-1)

It was moved by Wolter and seconded by Hilker

"That the Metropolitan Council approve the amendment to Lilydale/Harriet Island Regional Park master plan regarding development at Lilydale portion of the park, City of St. Paul (Referral Number 50001-1)."

Motion carried.

2010-12 - Authorize LCA Grantees to Use LCDA and TBRA Grants Funds a Loans for LCA-Funded Projects

It was moved by Wolter and seconded by Hilker

"That the Metropolitan Council authorize LCA grantees to use Livable Communities Demonstration Account (LCDA) and Tax Base Revitalization Account (TBRA) grant funds as loans for LCA-funded project components, provided that: grantees accept responsibility for administering the grant funds as loans; and, subject to Council approval, grantees use any grant funds returned in the form of loan repayments to extend the affordability of the same project for which the grant was awarded, or returned to the Council."

Motion carried.

*Report of the Environment Committee*

All Environment Committee business items are on the Consent List.

*Report of the Community Development Committee*

2010-04 - Livable Communities Demonstration Account (LCDA) Funding Recommendations

It was moved by Steffen and seconded by Aguilar

"That the Metropolitan Council award eight Livable Communities Demonstration Account (LCDA) grants as follows:

| ID, Project Name  | Applicant    | Eligible Request | Recommendation     |
|---|--------------|------------------|--------------------|
| A.2 Gateway Lofts *   | Minneapolis  | \$74,000         | \$74,000           |
| A.4 The Penfield  | St. Paul     | \$610,000        | \$610,000          |
| C.3 South Lewis Avenue Redevelopment  | Watertown    | \$366,318        | \$366,318          |
| B.2 Sienna Green Phase II   | Roseville    | \$202,100        | \$202,100          |
| C.1 Presbyterian Homes  | Eden Prairie | \$848,300        | \$848,300          |
| A.1 Capri Block   | Minneapolis  | \$869,000        | \$869,000          |
| A.3 Harriet Island Boulevard / West Side Flats  | St. Paul     | \$750,000        | \$750,000          |
| A.5 2700 the Avenue   | St. Paul     | \$800,000        | \$280,282          |
| <b>Total</b>  |              |                  | <b>\$4,000,000</b> |
| A - Center Cities, B - Developed Cities, C - Developing Cities  |              |                  |                    |
| Projects are listed in order of evaluation ranking.   |              |                  |                    |
| * The applicant has requested to use the grant as a loan to a sub-recipient. The grant agreement will include required provisions to allow this practice. |              |                  |                    |

Chair Bell acknowledged LCAC Committee Chair Ruth Grendahl for her consistent dedication in shepherding the work of this committee for the past five years. Chair Bell acknowledged Livable Communities Planning Analyst Joanne Barron for supporting the LCAC Committee through the complex process of reviewing, evaluating and selecting applications for these grant awards.

Motion carried.

2010-05 - Tax Base Revitalization Account (TBRA) Funding Recommendations

It was moved by Steffen and seconded by Broecker

"That the Metropolitan Council award two (2) Tax Base Revitalization Account (TBRA) grants as follows:

| Projects recommended for Fall 2009 TBRA funding | Recommended amount |
|---|--------------------|
| Minneapolis – Lyndale Green                     | \$170,000          |
| Saint Paul – Renaissance Box II                 | \$21,500           |
| Total   | \$191,500          |

Motion carried.

*Report of the Management Committee*

All Management Committee business items are on the Consent List.

*Report of the Transportation Committee*

[2010-03 SW](#) - 2010-2013 TIP Amendment: Purchase 25 Vehicles (TRF-0036-10) and 2010 Rural Transit Operating Assistance (TRF-0031-10) (TAB Action 2009-53)

It was moved by McFarlin and seconded by Steffen

"That the Metropolitan Council concur with the Transportation Advisory Board (TAB) action to amend the 2010-2013 Transportation Improvement Program (TIP) to include:

TRF-0036-10: Purchase 22 Class 400 and Class 500 vehicles (ARRA); and

TRF-0031-10: Metropolitan Council rural transit operating assistance for 2010."

Motion carried.

[2010-06 SW](#) - Adopt Amended [Resolution 2009-11R](#), Authorizing an Interagency Agreement with MnDOT to Fund the TBI

It was moved by McFarlin and seconded by Peterson

"That the Metropolitan Council adopt amended Resolution 2009-11R authorizing the execution of an Interagency Agreement with MnDOT to accept Federal Funds for the Travel Behavior Inventory (TBI) and authorize the Regional Administrator to execute said agreement with MnDOT."

Motion carried.

[2010-07 SW](#) - Maplewood Mall Parking Structure Design, Project 62911

It was moved by McFarlin and seconded by Hilker

"That the Metropolitan Council authorize the Regional Administrator to execute a professional services contract for design and construction support services relative to the Maplewood Mall Transit Center Expansion in Maplewood, at a cost of \$939,363."

Motion carried.

[2009-428](#) - Contract Amendment for Central Corridor Light Rail Transit Public Artists

It was moved by McFarlin and seconded by Milker

"That the Metropolitan Council authorize the Regional Administrator to execute an amendment to each of the contracts with the five public artists to advance preliminary design work for public art for the CCLRT project through February 2010."

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

Motion carried.

[2009-434](#) - Contract Amendment for Central Corridor Light Rail Transit Engineering Services Contract

It was moved by McFarlin and seconded by Peterson

"That the Metropolitan Council authorize the Regional Administrator:



to negotiate and execute an amendment to the professional services contract with AECOM USA, Inc. to increase the contract spending authority to an amount not-to-exceed \$65.2 million to continue the advancement of Preliminary Engineering and;  
to issue a Notice-To-Proceed (NTP) to AECOM USA, Inc. in an amount not-to-exceed \$7.0 million to continue advancing Preliminary Engineering. The total contract spending authority with this NTP shall not exceed \$65.2 million.”

Councilmember Steffen stated she will vote against additional Central Corridor LRT spending until the FTA “final design status” is announced.

Motion carried, with Steffen and Wulff dissenting.

[2009-447 - Contract Amendment for Central Corridor Light Rail Transit Assistant Project](#)

It was moved by McFarlin and seconded by Peterson

“That the Metropolitan Council authorize the Regional Administrator:

to negotiate and execute an amendment to the Assistant Project Director consultant contract with Gary Erickson to increase the contract amount by a not-to-exceed \$40,000 for a total amended contract amount not-to-exceed \$552,000 to continue to support the advancement of Preliminary Engineering and;

to issue a Notice-To-Proceed (NTP) to Gary Erickson in an amount not-to-exceed \$40,000 for services related to the continued advancement of Preliminary Engineering.”

Councilmember Steffen stated she will vote against additional Central Corridor LRT spending until the FTA “final design status” is announced.

Motion carried, with Steffen and Wulff dissenting.

**Other Business**

[Metropolitan Highway System Investment Strategy \(MHSIS\)](#)

Arlene McCarthy, Director of Metropolitan Transportation Services, briefed the Council on the Metro Highway System Investment Study that will be presented at a January 28 policymaker workshop. The Metropolitan Council and Mn Department of Transportation (MnDOT) staff are collaborating on a new investment strategy for managing the Region’s congestion needs. In addition to the January 28 workshop, the “Metro Invest” study includes a public outreach plan, report and plan amendments to be adopted by the Council and MnDOT in November, 2010.

[Land Use and Planning Resources Report](#)

Mark Vander Schaaf, Director of Planning and Growth Development, provided an update on a study to identify and assess local and regional land use and transportation strategies to reduce air pollution, mitigate congestion, and reduce costs for operation, maintenance, or improvement of infrastructure. The MN Legislature directed the Metropolitan Council to develop the report by January, 2011.

## **Reports**

### *Chair*

Chair Bell reported

- CCLRT negotiations with the University of MN are continuing;
- the FTA today proposed that new funding guidelines for major transit projects, be based on livability issues, in addition to cost and time saved, which are currently the primary criteria. Adding elements to the CCLRT would require more funds from federal, state and local governments. More details will be provided as they become available.
- The 2010 State of the Region is scheduled for Monday, February 1 at the Silverwood Regional Park in St. Anthony;
- Council initiatives for the 2010 Legislature will be presented at an upcoming meeting.

### *Council Members*

There were no reports.

### *Regional Administrator*

Regional Administrator Weaver reported the Committee of the Whole will meet Wednesday, January 20. Two agenda items include the Southwest Transitway Locally Preferred Alternative, and a CCLRT Project Update.

### *General Counsel*

General Counsel Mueting reported the Legal Department is fully staffed, with the addition of Ann Bloodhart, Associate General Counsel.

## **Adjournment**

Business completed, the meeting adjourned at 5:40 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 January 13, 2010.

Metropolitan Council Meeting of 10.13.10

Approved this 27th day of January, 2010.

Respectfully submitted,

Pat Curtiss  
Secretary