



## Metropolitan Council Meeting

Wednesday, January 27, 2010  
Robert Street Council Chambers  
4:00 P.M.

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**Metropolitan Council Meeting**  
Wednesday, January 27, 2010  
Council Chambers  
4:00 P.M.

**Part I - Narrative**

**Attendance:**

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

Members absent: Tony Pistilli, Peggy Leppik, Annette Meeks, Kris Sanda, Kirstin Sersland Beach

**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 Peterson, seconded by Wittsack, to approve the agenda. Motion carried.

**Minutes**

It was moved by Broecker, seconded by Steffen, to approve the minutes of the Metropolitan Council Meeting of January 13, 2010. Motion carried.

**Public Invitation**

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

**Part II - Exhibits**

**Business**

[2010-15](#) 2010 Unified Operating Budget Amendment

It was moved by Scherer and seconded by Steffen

"That the Metropolitan Council amend the 2010 Unified Operating Budget as indicated and in accordance with attached tables."

Motion carried on the following roll call:

	Yes			No	Absent
	Scherer	Wittsack	Aguilar		Pistilli
	McFarlin	Steffen	Wolter		Meeks
	Peterson	Hilker	Wulff		Sanda
	Bowles	Broecker	Bell		Leppik
					Sersland Beach
<b>TOTAL</b>	<b>12</b>				<b>5</b>

*Committee Consent List*

2010-08 - Authorization to Amend Contract 09P075 with Trapeze ITS for the Purchase of Bus AVL/APC Equipment

It was moved by Wolter and seconded by Hilker

"That the Metropolitan Council authorize the Regional Administrator to amend Contract 09P075 with Trapeze ITS for the Purchase of Bus AVL/APC Equipment (approved in Business Item 2008-248) in the amount of \$1,300,000."

Motion carried.

2010-13 - 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>
Lockridge Grindal	Legal Services related to Housing, Land Use, Planning, Parks Open Space and Other Matters	9/9/01-12/31/10	\$500,000	\$250,000	\$750,000
Provo-Petersen O'Neill	Legal Services related to Tort & Property Damage Contract No. 08P044B	1/31/09-1/31/12	\$125,000	\$125,000	\$250,000

Motion carried.

2010-23 - Declaration of Property No Longer Needed for MCES Purposes and Authorization to Convey Property to Minnesota Department of Natural Resources, Subject to Reservation of Sanitary Sewer Easements

It was moved by Wolter and seconded by Hilker

"That the Metropolitan Council declares that the fee title for Parcel 35, Empire Outfall Pipe, MCES Project 800920, is no longer required for accomplishment of the purposes of the Metropolitan Council and authorizes the Regional Administrator to execute the documents to convey the fee title to Parcel 35 to the Minnesota Department of Natural Resources (DNR) reserving to the Council the permanent easements necessary for the Empire Outfall Pipe Project, MCES Project 800920."

Motion carried.

2010-24 - Authorization to Negotiate and Execute Contracts for Construction Inspection Services

It was moved by Wolter and seconded by Hilker

"That the Metropolitan Council authorizes its Regional Administrator to negotiate and execute four-year contracts for construction inspection services, in an amount not to exceed \$1,500,000, with AECOM, Bonestroo, TKDA, and Foth Infrastructure & Environment."

Metropolitan Council Meeting of 01.27.10

Motion carried.

2010-25 - Authorization to Award and Execute a Contract for Construction of Elko New Market Interceptor – Eureka Lift Station L-79, Project No. 801614

It was moved by Wolter and seconded by Hilker

"That the Metropolitan Council authorize its Regional Administrator to award and execute a contract for construction of the Elko New Market Interceptor – Eureka Lift Station L-79, Project No. 801614, Contract 09P013, with Rice Lake Construction for its low bid of \$1,988,400."

Motion carried.

2010-26 - Authorization to Amend Metropolitan Council / City of Richfield Cooperation Agreement 09I004, 1-RF-491 Relief Interceptor, MCES Project 805450

It was moved by Wolter and seconded by Hilker

"That the Metropolitan Council authorize its Regional Administrator to amend Cooperation Agreement 09I004 with the City of Richfield to accommodate changes to services identified during the design phase of Project 805450 – 1-RF-491 Relief Interceptor."

Motion carried.

2010-28 - Authorization to Award Contract for Employee Assistance Program Services

It was moved by Wolter and seconded by Hilker

"That the Metropolitan Council authorize the Regional Administrator to execute a contract with DOR & Associates, Inc. to provide Employee Assistance Program Services for a term of four (4) years at a cost not to exceed \$275,000."

Motion carried.

2010-29 - Authorization to Award Contract for Drug and Alcohol Testing Services

It was moved by Wolter and seconded by Hilker

"That the Metropolitan Council authorize the Regional Administrator to execute a contract with MEDTOX Scientific, Inc. to provide Drug and Alcohol Testing Services for a term of five (5) years at a cost not to exceed \$1,000,000."

Motion carried.

2010-30 - Authorization to Award Contract for Occupational Health and Medical Services

It was moved by Wolter and seconded by Hilker

"That the Metropolitan Council authorize the Regional Administrator to execute a contract with Health Activation Services to provide Occupational Health and Medical Services for a term of three (3) years at a cost not to exceed \$600,000."

Motion carried.

[2010-31](#) - Authorization to Purchase Polymer for the Blue Lake and Seneca Wastewater Treatment Plants

It was moved by Wolter and seconded by Hilker

"That the Metropolitan Council authorize the Regional Administrator to issue purchase orders to Polydyne, Inc. to provide Clarifloc CE-1421, CE 1422 and CE-1423 polymers at a unit price of \$0.71/lb each to the Blue Lake WWTP and Clarifloc CE-1428, CE-1429 and CE-1430 polymers at a unit price of \$0.76/lb each to the Seneca WWTP."

Motion carried.

[2010-32](#) - Authorization to Purchase Polymer for the Metropolitan Wastewater Treatment Plant

It was moved by Wolter and seconded by Hilker

"That the Metropolitan Council authorize the Regional Administrator issue a Purchase Order to Polydyne Inc. to provide Clarifloc CE-817, CE-818 & CE-819 Polymers to the Metro Wastewater Treatment Plant at a unit price of \$0.145, \$0.145 & \$1.21 per pound respectively."

Motion carried.

[2010-33](#) - Authorization to Award General Obligation Revenue Bonds Within Established Parameters (Resolutions 2010 -01, 2010-02)

It was moved by Wolter and seconded by Hilker

"That the Metropolitan Council adopt Resolutions [2010-01](#) and [2010-02](#), authorizing the issuance, sale and award of general obligation waste water revenue bonds primarily for refunding, and asset acquisition and betterment purposes, and execution of other necessary documents to complete these events."

Motion carried.

[2010-35](#) - Amend Scope of FY 2010 Parks and Trails Fund Grant SG-2009-043, Carver County

It was moved by Wolter and seconded by Hilker

"That the Metropolitan Council authorize an amendment to grant SG-2009-043 to: (1) allow up to \$120,000 to be used to partially finance the match to a \$1 million Federal Transportation Enhancement grant to design and construct a trail in Lake Minnewashta Regional Park and a trail underpass of Trunk Highway 41 that links to a City of Chanhassen trail, (2) allow the remaining funds in the grant to match \$1,729,000 of a Federal Transportation Enhancement grant, Transportation Enhancement ARRA funds and Carver County Regional Rail Authority funds to construct a 6.9 mile segment and a trailhead facility for the Dakota Rail Regional Trail, and (3) extend the grant's duration to March 31, 2012."

Motion carried.

*Report of the Transportation Committee*

2010-09 - Master Cooperative and Funding Agreement for the Central Corridor Light Rail Transit Project with the City of Minneapolis

It was moved by McFarlin and seconded by Steffen

"That the Metropolitan Council authorize the Regional Administrator to negotiate and execute a Master Cooperative and Funding Agreement for the Central Corridor Light Rail Transit Project with the City of Minneapolis. Metropolitan Council execution of this Agreement is contingent on a Letter of No Prejudice (LONP) from the Federal Transit Administration (FTA)."

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

Motion carried.

2010-11 - Amendment to Titan Outdoor, LLC Advertising Sales Contract

It was moved by McFarlin and seconded by Peterson

"That the Metropolitan Council:

1. find that the current economic climate has had a significant and adverse effect on advertising and the advertising industry;
2. determine that the best alternative for maximizing its advertising revenue under prevailing circumstances is to renegotiate and amend its current contract with Titan; and
3. authorize its Regional Administrator to negotiate and execute amendments to the Titan Outdoor, LLC., contract substantially in compliance with the attached term sheet."

Motion carried.

2010-38 SW - Authorization to Submit Grant Application for Federal Transit Administration 5309 Livability Funds

It was moved by McFarlin and seconded by Peterson

"That the Metropolitan Council authorize the Regional Administrator to submit a grant application for Federal Transit Administration (FTA) Section 5309 Bus and Bus Facilities Livability Initiative Program Grants in the amount of \$6,000,000."

Motion carried.

2009-41 SW - 2010-2013 TIP Amendment to Add State Project SP #2776-03, I-494/TH169 Interchange Reconstruction, Stimulus II Project (TAB Action 2010-7)

It was moved by McFarlin and seconded by Bowles

"That the Metropolitan Council concur with the Transportation Advisory Board (TAB) action to amend the 2010-2013 Transportation Improvement Program (TIP) to add the I-494/TH169 Interchange Reconstruction to be funded by Stimulus II."

Motion carried.

*Report of the Community Development Committee*

Community Developments are listed as Other Business and on the Consent List

*Joint Report of the Community Development and Environment Committees*

Single Motion – 2010-16, 2010-17, 2010-18, 2010-19, 2010-20, 2010-21, 2010-22

It was moved by Steffen and seconded by Broecker

"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 Deephaven (2010-16), Excelsior (2010-17), Elko New Market (2010-18), Ramsey (2010-19), St. Paul Park (2010-20), Bayport (2010-21), and Mendota (2010-22)

Motion carried.

[2010-16](#) - City of Deephaven 2030 Comprehensive Plan Update, Review No. 20552-1, 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 Deephaven to put its 2030 Comprehensive Plan Update into effect without any plan modifications;
2. adopt the advisory comments for transportation and surface water management presented in those sections of the review record;
3. advise the City of Deephaven to participate in the Council's Redevelopment Monitoring program;
4. accept the revised forecasts as shown in Table 1 of this report;
5. approve the City of Deephaven's Tier II Comprehensive Sewer Plan."

Motion carried.

[2010-17](#) - City of Excelsior 2008 Comprehensive Plan Update, Review File No. 20565-1, 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 Excelsior to put its 2008 Comprehensive Plan Update into effect;
2. adopt the advisory comments for transportation and surface water management presented in the review record;
3. advise the City of Excelsior to participate in the Council's Redevelopment Monitoring program;
4. accept the revised forecasts as shown in Table 1 of the attached review record;
5. approve the City of Excelsior's Tier II Comprehensive Sewer Plan."

Motion carried.



2010-18 - City of Elko New Market 2030 Comprehensive Plan Update, Review File No. 20433-1, 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 Elko New Market to put its 2030 Comprehensive Plan Update into effect;
2. advise the City that it must submit Comprehensive Plan Amendments as it annexes property, or when it enters into an Orderly Annexation Agreement with the surrounding township;
3. advise the City that 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;
4. approve the City of Elko New Market's Tier II Comprehensive Sewer Plan."

Motion carried.

2010-19 - City of Ramsey 2030 Comprehensive Plan Update, Review No. 20652-1, 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 Ramsey to put its 2030 Comprehensive Plan Update into effect;
2. accept the forecast identified in the Review Record;
3. advise the City to implement the advisory comments noted in the Review Record for ISTS, water supply and documents submitted for review;
4. approve the City of Ramsey's Tier II Comprehensive Sewer Plan."

Motion carried.

2010-20 - City of St. Paul Park 2030 Comprehensive Plan Update, Review No. 20448-1, 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 take the following actions:

1. authorize the City of St. Paul Park to put its 2030 Comprehensive Plan Update into effect;
2. adopt the revised forecasts for the City of St. Paul Park, as shown in Table in the Review Record, and the City's proportionate revised share of the region's affordable housing need as detailed under Forecasts in the Review Record;
3. forward the Review Record and the Council's final actions to the Minnesota Department of Natural Resources and National Park Service for their records;

4. advise the City:
  - a. to revised the Update, prior to final adoption of the Update, to reflect the City's revised share of the region's affordable housing need as 438 units rather than 401 units;
  - b. to send to the Council the date that the South Washington Watershed District approves the Surface Water Management Plan (SMP), the date that the City adopts the final plan, and a copy of the final adopted SMP;
  - c. to participate in the Council's activities to monitor redevelopment in Developed communities;
5. approve the City of St. Paul Park's Tier II Comprehensive Sewer Plan."

Motion carried.

[2010-21](#) - City of Bayport 2030 Comprehensive Plan Update, Review No. 20308-1, 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 take the following actions:

1. authorize the City of Bayport to put its 2030 Comprehensive Plan Update into effect;
2. change the planning area designation for the City of Bayport from Developing to Developed in the *2030 Regional Development Framework*;
3. adopt the revised forecasts for the City of Bayport, as shown in Table I in the Review Record;
4. advise the City to:
  - a. implement the advisory comments in the Review Record for Aviation, Wastewater Service, Land Use, and Water Supply;
  - b. participate in the Council's activities to monitor redevelopment in Developed communities;
5. approve the City of Bayport's Tier II Comprehensive Sewer Plan."

Motion carried.

[2010-22](#) - City of Mendota 2030 Comprehensive Plan Update, Review No. 20574-1, 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 Mendota 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 Parks, Wastewater and Forecasts;
3. Approve the City of Mendota's Tier II Comprehensive Sewer Plan."

Motion carried.

### *Report of the Environment Committee*

Environment Committee Items are on Consent List and Joint Report.

### *Report of the Management Committee*

Management Committee Items are on the Consent List.

## **Other Business**

### Statewide Passenger Rail Plan

Dan Krom, Director of Minnesota Department of Transportation Office of Passenger Rail presented the MN Comprehensive Statewide Freight and Passenger Rail Plan, that was developed in response to a 2008 Legislative mandate, the U.S. Passenger Rail Improvement and Investment Act (PRIIA) of 2008, and the Governor's directives to prepare a data-driven, federally compliant State Rail Plan, to be amended to the State Transportation Plan upon adoption, in order to qualify MN for significant new sources of federal passenger and freight funding contained in PRIIA, the Stimulus act and the expected federal transportation re-authorization. The planning process extended over nine months with an unprecedented level of public outreach, involvement and transparency incorporated.

State Rail Plan Fact Sheet:

<http://www.dot.state.mn.us/planning/railplan/files/railplanonepager.pdf>

### 2010 Legislative Initiatives

Judd Schetnan, Director of Government Affairs, reported the 2010 Minnesota Legislative Session will convene Thursday, February 4, 2010. Schetnan outlined the following Council initiatives:

#### **State Bonding Bill**

Governor Recommendations:

- Regional Parks - \$3 million
- Metro Transitway Improvements - \$10 million (\$3 million for Cedar Avenue BRT and \$7 million for the Southwest Corridor)

#### **State Budget Deficit in Current Biennium**

- Projected \$1.2 billion deficit in Fiscal Year (FY) 2010-11 state budget cycle
- Council and other agencies will participate in budget balancing solutions

### **\$2 Million Clean Water Account Funding Request**

- Seek legislation making the Inflow/Infiltration (I/I) grant program eligible for funds from the Clean Water Account (part of Mn Legacy Funds)
- Seek \$2 million for grants to private property owners for I/I remediation

### **Clean Water Account Funding Request of \$500K for Regional Drinking Water Supply**

- Seek \$500K in FY 11 to continue studies and data collection work on regional drinking water supply
- Remove 12/31/10 sunset date for the Regional Water Supply Advisory Committee

Additional information on the initiatives will be presented to the Council throughout the Legislative session.

## **Reports**

### *Chair*

Chair Bell reported he:

- is preparing for the State of the Region event on Monday, February 1 at the St. Anthony Silverwood Regional Park;
- Spoke to the Midway Chamber of Commerce, focusing on the Central Corridor LRT project;
- and Regional Administrator Weaver will participate in the Metropolitan Highway System Investment Study (MHSIS) on January 28 at the University of Minnesota

### *Council Members*

Council Member Scherer reported that to comply with IRS regulations, reimbursement requests must be submitted within 60 days of incurring the expense. Expenses that are submitted later than the 60 day deadline are reported as taxable income. Scherer shared his solution to meeting the required deadline is to keep an expense form in his Council folder and insert information when he comes in for meetings.

Councilmember Bowles reported she attended a breakfast meeting of the Municipal Legislative Commission to review their legislative agenda.

### *Regional Administrator*

Regional Administrator Weaver reported

- all Council members are welcome to participate in the MHSIS on January 28;
- the Council did not add additional funds for the three infill stations that were added to the Central Corridor LRT project this past week. The City of St. Paul agreed to put in \$5.2 million for one station; the FTA matched the \$5.2 for a second station; the City of St. Paul, Ramsey County and Funders Collaborative contributed to make the third

station possible.

*General Counsel*

General Counsel Don Mueting reported the Council has yet to be served with the lawsuit filed on January 19 against the Metropolitan Council and the FTA. It is a challenge in federal court to the adequacy of the CCLRT environmental documents and the FTA's Record of Decision.

**Adjournment**

Business completed, the meeting adjourned at 5:44 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 27, 2010.

Approved this \_\_\_\_\_ day of February, 2010.

Respectfully submitted,

Pat Curtiss  
Secretary