



Metropolitan Council Meeting

Wednesday, February 24, 2010
Robert Street Council Chambers
4:00 P.M.

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Metropolitan Council Meeting

Wednesday, February 24, 2010

Council Chambers

4:00 P.M.

Part I - Narrative

Attendance:

Peter Bell, Chair; Robert McFarlin, Craig Peterson, 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:

Roger Scherer, Tony Pistilli, Polly Bowles

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 Sanda, seconded by Steffen, to approve the agenda. Motion carried.

Minutes

It was moved by Meeks, seconded by Broecker, to approve the minutes of the Metropolitan Council Meeting of January 27, 2010. Motion carried.

Public Invitation

Barbara Haake, Moundsvew, spoke about Business Item 2010-43, the 2030 Aviation System Technical Report, stating it is her understanding that neither Minor 1 nor Minor 2 airports will be mentioned in the final *Transportation Policy Plan* (TPP).

Part II - Exhibits

Business

Committee Consent List

2010-34 - Amendment to Trout Brook Regional Trail Master Plan, City of St. Paul (Referral Number 20658-1)

It was moved by Wittsack and seconded by McFarlin

"That the Metropolitan Council approve the amendment to Trout Brook Regional Trail Master Plan, City of St. Paul (Review No. 20658-1) and request that the City of St. Paul submit a detailed set of construction plans for the trail and nature sanctuary to Metropolitan Council Environmental Services for review to determine whether an encroachment agreement will need to be obtained from the Metropolitan Council prior to construction."

Motion carried.

2010-37 - Amending Boundary of Spring Lake Park Reserve to Acknowledge Transferring Land in the Park for a Minnesota Department of Natural Resources Wildlife Management Area, Dakota County

It was moved by Wittsack and seconded by McFarlin

"That the Metropolitan Council approve an amendment to the Spring Lake Park Reserve development master plan and its boundary to allow the Mississippi River islands depicted on Figure 3 to be owned by the Minnesota Department of Natural Resources and managed under a joint powers agreement with Dakota County for wildlife management and other uses compatible with the wildlife management area."

Motion carried.

2010-39 - Authorization to Purchase Small Buses

It was moved by Wittsack and seconded by McFarlin

"That the Metropolitan Council authorize the Regional Administrator to execute purchase agreements using the State of Minnesota Cooperative Purchasing Venture to purchase small buses with the following vendors in a total amount not to exceed \$1,600,000:

- Hogle Bus Co. Inc. for nine buses; and
- North Central Bus Sales for thirteen buses. "

Motion carried.

2010-43 - 2030 Aviation System Technical Report

It was moved by Wittsack and seconded by McFarlin

"That the Metropolitan Council adopt the 2030 Aviation System Technical Report for transmittal to the FAA and for use in future amendments of the *Transportation Policy Plan (TPP)*."

Motion carried.

2010-47 - Metro Mobility Hybrid Bus Purchase

It was moved by Wittsack and seconded by McFarlin

"That the Metropolitan Council authorize the Regional Administrator to execute a purchase agreement with Hogle Bus Company Inc. (MNDOT Contract 442667) for nine (9) buses in an amount not to exceed \$1,040,000."

Motion carried.

2010-49 - Storage Tanks at Heywood, Nicollet and Ruter Garages, Project 62710

It was moved by Wittsack and seconded by McFarlin

"That the Metropolitan Council authorize the Regional Administrator to negotiate and execute a professional services contract for Design and Construction Support services relative to the installation of above-ground storage tanks at the Heywood, Nicollet and Ruter Garages, with Stanley Consultants at a cost of \$420,000."

Motion carried.

2010-57 - Adoption of Facility Plan for Hopkins System Improvements, Resolution No. 2010-03

It was moved by Wittsack and seconded by McFarlin

"That the Metropolitan Council adopt the Facility Plan for the Hopkins System Improvements, Resolution No. 2010-03."

Motion carried.

2010-58 - Adoption of Facility Plan for Facilities Located in Mahtomedi (L7), Crystal (L30), Mounds View (L35) and Savage (L66), Project Number 805500, Resolution 2010-04

It was moved by Wittsack and seconded by McFarlin

"That the Metropolitan Council adopt the Facility Plan for the facilities located in Mahtomedi (L7), Crystal (L30), Mounds View (L35) and Savage (L66), Project Number 805500, Resolution No. 2010-04."

Motion carried.

2010-59 - Adoption of Facility Plan for Golden Valley - Saint Louis Park System Improvements, Resolution No. 2010-05

It was moved by Wittsack and seconded by McFarlin

"That the Metropolitan Council adopt the Facility Plan for the Golden Valley-St. Louis Park Relief Interceptor, MCES Project No. 805700, per the attached Resolution No. 2010-05."

Motion carried.

2010-60 - Adoption of Facility Plan for East Bethel Wastewater Treatment and Reuse Resolution No. 2010-06

It was moved by Wittsack and seconded by McFarlin

"That the Metropolitan Council adopt the Facility Plan for the East Bethel Water Reclamation Plant and Reclaimed Water Reuse, MCES Project No. 801620, per the attached Resolution No. 2010-06."

Motion carried.

2010-61 - Increase of Delegated Construction Contract Change Order Authority for Metro Plant Tunnel Lighting Improvements, MCES Project No. 805930, Contract No. 08P226

It was moved by Wittsack and seconded by McFarlin

"That the Metropolitan Council increases the delegated construction contract change order authority of its General Manager, Environmental Services, from \$50,000 to \$93,416 for Metro Plant Tunnel Lighting Improvements, MCES Project No. 805930, Contract No. 08P226."

Motion carried.

2010-62 - City of Anoka Comprehensive Plan Amendment, Review No. 20444-2

It was moved by Wittsack and seconded by McFarlin

"That the Metropolitan Council:

1. adopt the attached review record and allow the City of Anoka (City) to put the Transit Oriented Development (TOD) comprehensive plan amendment (CPA) into effect;
2. finds that the CPA does not change the City's forecasts;
3. advise the City to participate in the redevelopment monitoring program."

Motion carried.

2010-65 - Ratification of Declaration of Emergency for Repair of Rosemount Forcemain

It was moved by Wittsack and seconded by McFarlin

"That the Metropolitan Council ratify the attached *Justification for and Declaration of Emergency* for Rosemount Forcemain 9208 repair."

Motion carried.

Report of the Community Development Committee

2010-63 - Local Housing Incentives Account (LHIA) Funding Recommendations

It was moved by Steffen and seconded by Sanda

"That the Metropolitan Council award Local Housing Incentives Account (LHIA) grants totaling \$1,800,000 as follows:

Project	City	Number of New Units	Number of Units to be Rehabilitated	LHIA Funding Recommendation
Rental Housing Proposals				
Northgate Woods	Blaine		75	\$400,000
Dover Hill Apartments	Golden Valley		234	\$150,000
Riverside Plaza	Minneapolis		1,303	\$575,000
East Side Commons	St. Paul	2	48	\$575,000
Boulevard Apartments	Wayzata		6	\$100,000
	TOTAL:	2	1,666	\$1,800,000

This item was forwarded to the Council without Community Development Committee recommendation. Councilmember Wulff would like a review of LHIA program.

Motion carried.

2010-64 - Land Acquisition for Affordable New Development (LAAND) Loan Initiative Funding Recommendations

It was moved by Steffen and seconded by Broecker

"That the Metropolitan Council award a Land Acquisition for Affordable New Development (LAAND) initiative loan, in an amount of up to \$440,000, to the City of Hopkins for their Park Nicollet Site proposed project."

Motion carried.

Joint Report of the Community Development and Environment Committees

Single Motion – 2010-51, 2010-52, 2010-53, 2010-54, 2010-55, 2010-56

It was moved by Steffen and seconded by Leppik

"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 Carver County (2010-51) and the cities of Inver Grove Heights (2010-52), Mahtomedi (2010-53), Champlin (2010-54), North Oaks (2010-55) and Lilydale (2010-56).

Motion carried.

2010-51 - Carver County 2030 Comprehensive Plan Update, Review No. 20778-1, Tier II Comprehensive Sewer Plan

It was moved by Steffen and seconded by Leppik

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

1. authorize Carver County to put its 2030 Comprehensive Plan Update into effect;
2. authorize the following townships to put their 2030 Comprehensive Plan Updates into effect: Benton, Camden, Dahlgren, Hancock, Hollywood, Laketown, San Francisco, Waconia, Watertown and Young America;
3. adopt the advisory comments for transportation and land use presented in those sections of the review record;
4. accept the revised forecasts as shown in Table 1, 2 and 3 of this report;
5. approve Laketown Township's Tier II Comprehensive Sewer Plan."

Motion carried.

2010-52 - City of Inver Grove Heights 2030 Comprehensive Plan Update, Review No. 20614-4, Tier II Comprehensive Sewer Plan

It was moved by Steffen and seconded by Leppik

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

1. Authorize the City of Inver Grove Heights to put its 2030 Comprehensive Plan Update into effect;

2. Implement the advisory comments noted in the Review Record for Transportation and Forecasts;
3. Approve the City of Inver Grove Heights' Tier II Comprehensive Sewer Plan."

Motion carried.

2010-53 - City of Mahtomedi 2030 Comprehensive Plan Update, Review No. 20582-1, Tier II Comprehensive Sewer Plan

It was moved by Steffen and seconded by Leppik

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

1. authorize the City of Mahtomedi to put its 2030 Comprehensive Plan Update into effect;
2. advise the City to:
 - a. Implement the advisory comments in the Review Record for Transportation and Surface Water Management;
 - b. Participate in the Council's activities to monitor redevelopment in Developed communities;
3. approve the City of Mahtomedi's Tier II Comprehensive Sewer Plan."

Motion carried.

2010-54 - City of Champlin 2030 Comprehensive Plan Update, Review No. 20615-1, Tier II Comprehensive Sewer Plan

It was moved by Steffen and seconded by Leppik

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

1. authorize the City of Champlin to put its 2030 Comprehensive Plan Update into effect;
2. advise the City to implement the advisory comments in the review record for transportation;
3. accept the revised forecasts in Table I of the review record;
4. forward the Council's Critical Area plan review and recommendations to the Minnesota Department of Natural Resources and National Park Service for their records; and
5. approve the City of Champlin's Tier II Comprehensive Sewer Plan."

Motion carried.

2010-55 - City of North Oaks 2030 Comprehensive Plan Update, Review No. 20449-1, Tier II Comprehensive Sewer Plan

It was moved by Steffen and seconded by Leppik

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

1. Authorize the City of North Oaks (City) to put its 2030 Comprehensive Plan Update into effect;
2. Adopt the revised forecasts as described in the Review Record;
3. Change the geographic planning area from Developing to Developed and Rural Residential;
4. Advise the City to implement the advisory comments in the Review Record under local surface water management, land use and housing;
5. Approve the City of North Oaks' Tier II Comprehensive Sewer Plan."

Motion carried.

2010-56 - City of Lilydale 2030 Comprehensive Plan Update, Review No. 20575-1, Tier II Comprehensive Sewer Plan

It was moved by Steffen and seconded by Leppik

"That the Metropolitan Council:

1. authorize the City of Lilydale (City) to put its 2030 Comprehensive Plan Update into effect;
2. Adopt the revised forecasts for the City of Lilydale as shown in Table 2 in the Review Record, and adopt the City's revised share of the region's affordable housing need as detailed under Forecasts in the Review Record;
3. Advise the City to participate in Council activities to monitor redevelopment in developed communities; and
4. Approve the City of Lilydale's Tier II Comprehensive Sewer Plan."

Motion carried.

Report of the Environment Committee

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

Report of the Management Committee

2010-14 SW - Approval of Pay Equity Implementation Report

It was moved by Wittsack and seconded by Peterson

"That the Metropolitan Council approve the Council's 2010 Pay Equity Implementation Report." (The report will be provided at the meeting.)

Motion carried.

2010-77 SW - Authorization to Renew the Metropolitan Council's Insurance for Physical Damage to Trains with Lexington Insurance

It was moved by Wittsack and seconded by Hilker

"That the Metropolitan Council authorizes renewing its insurance policy that provides coverage for physical damage to light rail and commuter rail trains in an amount not to exceed \$272,405."

Motion carried.

Report of the Transportation Committee

2010-42 - 2010 Metropolitan Airports Commission (MAC) Capital Improvement Program (CIP) Review

It was moved by Meeks and seconded by Sanda

"That the Metropolitan Council:

1. find that the Metropolitan Airports Commission (MAC) has an adequate public participation process for development and review of its 2010 Capital Improvement Program (CIP), including preparation of an assessment of environmental effects (AOEE) for 2010 projects with potential environmental effects;
2. find that the 2010 CIP projects have adequate funding and are in conformance with the region's Aviation System Plan and consistent with Council policy; and,
3. recommend approval of the following project: *MSP Taxiway C/D Complex.*"

Motion carried.

2010-46 - Authorization to Amend Contract for Diesel Fuel Supply

It was moved by Meeks and seconded by Leppik

"That the Metropolitan Council authorize the Regional Administrator to amend the diesel fuel supply contract with Western Petroleum Company to increase the maximum total compensation from \$71 million to \$100 million and extend the term through June 2011."

Motion carried.

Central Corridor Update

Mark Fuhrmann presented a update related to the following business items:

2010-68 SW - Central Corridor Light Rail Transit Project Scope and Budget Adjustments

It was moved by Meeks and seconded by Leppik

"That the Metropolitan Council adopt changes to the Central Corridor Light Rail Transit (LRT) Project scope and budget, specifically, to add construction of above-grade elements of LRT stations at Hamline Avenue, Victoria Street, and Western Avenue into the Project and to increase the Project budget to \$956.9 million."

Motion carried, with Councilmember Wolter recusing himself from any discussion and the vote.

2010-70 SW - Contract Amendment for Central Corridor Light Rail Transit Engineering Services Consultant

It was moved by Meeks and seconded by Hilker

"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 \$71.2 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 \$6 million to continue advancing Preliminary Engineering. The total contract spending authority with this NTP shall not exceed \$71.2 million.

Motion carried, with Councilmember Wolter recusing himself from any discussion and the vote.

2010-71 SW - Contract Amendment for Central Corridor Light Rail Transit Assistant Project Director Consultant

It was moved by Wolter 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 \$60,000 for a total amended contract amount not-to-exceed \$612,000 to continue to support the advancing Preliminary Engineering and Final Design Activities;
- to issue separate Notices-To-Proceed (NTP) to Gary Erickson for services related to the advancement of Preliminary Engineering and Final Design. The initial NTP would authorize the continuation of advancing Preliminary Engineering activities until approval by FTA to enter Final Design. A subsequent NTP would be issued for Final Design Activities upon approval by FTA to enter Final Design.

Motion carried, with Councilmember Wolter recusing himself from any discussion and the vote.

2010-72 SW - Contract Amendment for Central Corridor Light Rail Transit Public Artists

It was moved by Meeks and seconded by Hilker

"That the Metropolitan Council authorize the Regional Administrator to issue a Notice-to-Proceed for the five public artists to continue to advance preliminary design work for public art for the Central Corridor Light Rail Transit (CCLRT) project."

Motion carried, with Councilmember Wolter recusing himself from any discussion and the vote.

2010-74 SW - 2010-2013 TIP Amendment Include Potential Stimulus Funds for Local Projects, TAB Action 2010-12

It was moved by Meeks and seconded by Peterson

"That the Metropolitan Council concur with the Transportation Advisory Board (TAB) action to amend the 2010-2013 Transportation Improvement Program (TIP) to include a set-aside of one-half of the Metro share of the estimated \$35 million in new Federal Economic Stimulus STP funds, to be distributed equally among each of the seven counties for STP eligible projects that do not require environmental review, right-of-way or temporary easements, acquisition, or have trunk highway impacts."

Motion carried.

2010-75 SW - Authorization to Set Date for Public Hearing on 2030 Transportation Policy Plan (TPP) Amendment I-94 - TAB Action 2010-08

It was moved by Meeks and seconded by Sersland Beach

"That the Metropolitan Council:

- adopt the proposed 2030 Transportation Policy Plan (TPP) amendment that includes modification to I-94 from St. Paul/5th Street to the Lowry Tunnel, for the purpose of holding a public hearing; and
- authorize a public hearing on the proposed amendments to the 2030 Transportation Policy Plan to be held on April 12, 2010 at 5:00 p.m."

Motion carried.

2010-78 SW - Transitway LPA for Purposes of TPP Amendment and Authorizing TPP Amendment Public Hearing - TAB Action 2010-09

It was moved by Meeks and seconded by Leppik

"That the Metropolitan Council:

- select light rail transit (LRT) on the Kenilworth-Opus-Golden Triangle alignment (Alternative 3A) as the locally preferred alternative (LPA) for the Southwest Transitway and adopt the proposed amendments to the 2030 Transportation Policy Plan (TPP) for the purposes of holding a public hearing and receiving public comment; and
- authorize a public hearing on the proposed amendments to the 2030 Transportation Policy Plan to be held on April 12, 2010 at 5:00 p.m."

Chair Bell recognized Hennepin County Commissioner Gail Dorfman for her dedication and leadership of the Southwest Transitway process.

Motion carried.

Other Business

2010-45A SW - 2010 Unified Capital Program Amendment

It was moved by Wittsack and seconded by Peterson

"That the Metropolitan Council:

- Amend the 2010 Authorized Capital Program (Multi-year authorization) by adding spending authority as follows:
Metro Transit \$ 10,183,600
- Amend the 2010 Capital Budget (annual appropriation) by increasing appropriation to the Transportation Division as follows:
Metro Transit \$ 10,183,600
- Amend the total project cost for the Central Corridor Light Rail Project from \$941,316,000 to \$956,916,000 and amended the 2010-2015 Capital Improvement Plan for the Central Corridor Light Rail Project from \$870,478,821 to \$886,078,821.
- Approve the changes to capital projects as detailed in Attachment 1

Motion carried on the following roll call vote:

	Yes			No	Abstain	Absent
	McFarlin	Steffen	Aguilar		Wolter	Scherer
	Peterson	Sanda	Sersland Beach			Pistilli
	Leppik	Hilker	Wulff			Bowles
	Meeks	Broecker	Bell			
	Wittsack					
TOTAL	13				1	3

2010-79 - Appointment to the Metropolitan Parks and Open Space Commission

It was moved by Wolter and seconded by Leppik

"That the Metropolitan Council approve the appointment of JEFFREY LEE to the Metropolitan Parks and Open Space Commission (MPOSC) representing District D."

Motion carried.

Metro Residents Survey

Mark Vander Schaaf summarized the 2009 Metropolitan Survey, noting that transportation continues to be the top issue facing the region and the regional parks remain the top feature. The Twin Cities region residents strongly agree this is a great place to live and the Council's approval rating continues to rank high.

Reports

Chair

Chair Bell reported he has:

- testified before legislative committees;
- met with representatives of the Governor's office regarding the current bonding bill;
- continues negotiations with the University of Minnesota on CCLRT-related issues

Council Members

Councilmember Wittsack reported the February 9, 2010 bond sales were at interest rates of 4.25% and 3.25%, and Moody's and Standard and Poors reconfirmed the Council's AAA rating.

Councilmember Sersland Beach invited members to the second-to-last Central Corridor Community Advisory Committee (CAC) meeting on March 18. The CAC will sunset in April, and be replaced by more site-specific Construction Coordinating Committees for each segment of the corridor. Chair Bell thanks Sersland Beach for her commitment and leadership on the Central Corridor CAC.

Regional Administrator

Regional Administrator Weaver reported

- the Council anticipates another lawsuit could be filed by the University against the Council and FTA under the Federal Environmental Protection Act. Deadline for filing is March 1.
- the Council expects a March 10 District Court ruling on the Council's motion to dismiss the first University lawsuit.

General Counsel

General Counsel Mueting reported MN Public Radio has filed a state lawsuit relating to the April 8, 2009 CCLRT Mitigation Agreement, alleging breach of contract or anticipatory breach of contract.

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 February 24, 2010

Approved this 24th day of March, 2010.

Respectfully submitted,



Pat Curtiss
Secretary

