



Metropolitan Council Meeting

Wednesday, April 14, 2010

Robert Street Council Chambers

4:00 P.M.

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Metropolitan Council Meeting

Wednesday, April 14, 2010

Council Chambers

4:00 P.M.

Part I - Narrative

Attendance:

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

Members absent: Tony Pistilli, Daniel Wolter,

Call to Order and Approval of Agenda

A quorum being present, the Chair called the regular meeting of the Metropolitan Council to order at 4:10 p.m. It was moved by Sanda, seconded by Hilker, to approve the agenda. Motion carried.

Minutes

It was moved by Steffen, seconded by Hilker, to approve the minutes of the Metropolitan Council Meeting of March 24, 2010. 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

2010-98 - Central Corridor Light Rail Transit Construction Contract Price Change Orders

Delegated Authority

It was moved by Leppik and seconded by Hilker

"That the Metropolitan Council delegate the approval of construction contract change orders for certain Central Corridor Light Rail Transit (CCLRT) construction contracts for individual change orders that do not exceed \$1 million each and do not exceed a cumulative total of \$4.5 million per contract or 5% of the Contract value, whichever is less in accordance with the revised attached Metropolitan Council Procedure 3-3c."

Motion carried.

2010-99 - 2010-2013 TIP Amendment: State Project Number 141-090-26, Construct 18th Avenue NE Trail Phase 2, TAB Action 2010-14

It was moved by Leppik and seconded by Hilker

"That the Metropolitan Council concur with the Transportation Advisory Board (TAB) action to approve a scope change for SP#141-090-26: 18th Avenue NE Trail Phase II allowing roughly half of the bikeway to be on road and reducing the federal funding to \$535,000 as well as approve an amendment to the 2010-2013 Transportation Improvement Program (TIP) reflecting the changed scope and cost."

Motion carried.

2010-100 - 2010-2013 TIP Amendment to include Central Corridor LRT PE/FD Activities, TAB Action 2010-17

It was moved by Leppik and seconded by Hilker

"That the Metropolitan Council concur with the Transportation Advisory Board (TAB) action to amend the 2010-2013 Transportation Improvement Program (TIP) to include State Project Number CCLRT-03, Central Corridor Light Rail Transit Project Preliminary Engineering and Final Design."

Motion carried.

2010-101 - 2010-2013 TIP Amendment: to include I-94 / Brockton Interchange Preliminary Engineering, TAB Action 2010-18

It was moved by Leppik and seconded by Hilker

"That the Metropolitan Council concur with the Transportation Advisory Board (TAB) action to amend the 2010-2013 Transportation Improvement Program (TIP) to include State Project Number 229-020-03, Interstate 94/Brockton Lane Interchange Preliminary Engineering."

Motion carried.

2010-102 - 2010-2013 TIP Amendment: to include State Project 62-649-27 Rice St / TH36 Interchange Reconstruction, TAB Action 2010-16

It was moved by Leppik and seconded by Hilker

"That the Metropolitan Council concur with the Transportation Advisory Board (TAB) action to amend the 2010-2013 Transportation Improvement Program (TIP) to include State Project Number 62-649-27, Rice St./TH 36 Interchange Reconstruction."

Motion carried.

2010-109 - Technical Amendment to Legal Services Agreement; No Budget Impacts

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 price as follows:

<u>Law Firm</u>	<u>Services</u>	<u>Term</u>	<u>Current Price</u>	<u>Proposed Increase</u>	<u>New Price</u>
Heacox	Legal Services	06/30/08	\$625,000	\$125,000	\$750,000
Hartman	related to Workers Compensation Contract 05P044B	06/30/11			

Motion carried.

2010-111 - Anoka County-Blaine Airport Long-term Comprehensive Plan, TAB Action 2010-23

It was moved by Leppik and seconded by Hilker

"That the Metropolitan Council:

- Approve the Metropolitan Airport Commission's (MAC) Anoka County-Blaine Airport 2025 Long-term Comprehensive Plan (LTCP);
- Recommend that MAC complete efforts in establishing a joint airport zoning board with affected communities of Blaine, Lexington, Circle Pines, Mounds View and Spring Lake Park to prepare an airport zoning ordinance that reflects the airport's LTCP and system role as defined under state requirements;
- Recommend amendment of the LTCP and review by the Council when nonaviation development of parcels on airport property is implemented."

Motion carried.

2010-112 - Flying Cloud Airport Long-term Comprehensive Plan, TAB Action 2010-22

It was moved by Leppik and seconded by Hilker

"That the Metropolitan Council:

- Approve the Metropolitan Airport Commission's (MAC) Flying Cloud Airport 2025 Long-term Comprehensive Plan (LTCP);
- Recommend that MAC continue efforts of the joint airport zoning board, with Bloomington, Eden Prairie, Chanhassen, and Shakopee, to prepare an airport zoning ordinance, as defined under state requirements, that reflects the airport's system role;
- Recommend amendment of the LTCP and review by the Council when nonaviation development of parcels on airport property is implemented."

Motion carried.

2010-113 - St. Paul Downtown Airport Long-term Comprehensive Plan, TAB Action 2010-21

It was moved by Leppik and seconded by Hilker

"That the Metropolitan Council:

- Approve the Metropolitan Airport Commission's (MAC) St. Paul Downtown Airport 2025 Long-term Comprehensive Plan (LTCP);

- Recommend MAC complete efforts in establishing a joint airport zoning board with St. Paul, So. St. Paul and West St. Paul to prepare an airport zoning ordinance as defined under state requirements that reflects the airport's LTCP and system role;
- Recommend amendment of the LTCP and review by the Council when nonaviation development parcels on-airport are implemented."

Motion carried.

Report of the Environment Committee

There was no report of the Environment Committee.

Report of the Community Development Committee

2010-108 - 2010 Annual Livable Communities Fund Distribution Plan

It was moved by Steffen and seconded by Broecker

"That the Metropolitan Council approve the 2010 Annual Livable Communities Fund Distribution Plan."

The Fund Distribution Plan for 2010 includes:

- \$5 million in the Tax Base Revitalization Account (TBRA) for Cleanup grants, including up to \$.5 million in TBRA Cleanup-Site Investigation grants;
- \$6.5 million in the Livable Communities Demonstration Account (LCDA), including up to \$1 million for Pre-Development grants;
- \$1 million in Land Acquisition for Affordable New Development (LAAND) loan awards; and
- \$1.5 million in the Local Housing Incentives Account (LHIA).

Motion carried.

Report of the Management Committee

There was no report of the Management Committee.

Report of the Transportation Committee

2010-96 SW - Delegation of Authority Policy for Central Corridor Light Rail Transit Right of Way Acquisition

It was moved by Leppik and seconded by Hilker

"That the Metropolitan Council authorize modifications to Metropolitan Council Policy 3-3 I. D., Expenditures for the Acquisition of Real Property, by inserting a category outlining the Metropolitan Council's oversight authority in relation to

Minnesota Department of Transportation acquisition of right-of-way for the Central Corridor Light Rail Transit Project.”

Motion carried, with Meeks and Sersland Beach dissenting

2010-128 SW - Rejection of Bid on 09P045B – MTS Camera System Installation

It was moved by Meeks and seconded by Leppik

“That the Metropolitan Council authorize the Regional Administrator to reject the bid on 09P045B – MTS Camera System Installation solicitation from ColliSys in the amount of \$3,783,407.00.

Motion carried.

Other Business

2010-125 - Land Use Advisory Committee (LUAC) Appointment

It was moved by Meeks and seconded by

“That the Metropolitan Council approve the appointment of Andrew Hestness to the Land Use Advisory Committee representing District 7.”

Motion carried.

Update – Twins Target Field Opening Day

Bob Gibbons, Director Metro Transit Customer Services, reviewed the Metro Transit service during this first week of MN Twins baseball played at the new Target Field. More than 15,000 Twins fans rode Metro Transit to the team's first two games at Target Field this week. Transit riders accounted for 17% of attendees on opening day Monday, and 20% of attendees at the second game on Tuesday. Customers Relations staff fielded not a single complaint from Twins fans on Day One.

Chair Bell said he attended the April 12 opening day game, observed Metro Transit staff, and said he was never prouder of Met Council staff. Chair Bell complimented Gibbons and Metro Transit staff for their tireless work in coordinating opening day activities.

Joint MC / U of M CCLRT Mediation

Motion to Close the Meeting

It was moved by Scherer and seconded by McFarlin

“That the Metropolitan Council meeting be closed to the public to discuss with our legal counsel a confidential setting attorney-client privileged matters relating to Regents of the University of Minnesota v. Metropolitan Council.”

Motion carried.

The Chair stated that discussions at this closed meeting must be limited to discussions related to anticipated or threatened litigation, pending litigation or other adversarial legal proceedings, legal strategies, settlements and resolutions and legal consequences of

specific acts. No other public business may be discussed or transacted at this closed meeting.

The meeting was then closed to the public at 4:40 pm

Those present during the closed portion of the meeting included Council Members: Bell, Pistilli, McFarlin, Peterson, Bowles, Leppik, Meeks, Wittsack, Steffen, Sanda, Hilker, Broecker, Aguilar, Sersland Beach, and Wulff. Staff presented included: Tom Weaver, Don Mueting, Steve Dornfeld, Dave Theisen, Ann Bloodhart, Mark Fuhrmann, Rich Rovang, Guy Peterson and Pat Curtiss.

Following discussion in the closed portion of the meeting, a motion was made, seconded and carried to reopen the meeting at 5:51 pm

Motion to Open the Meeting

It was moved by McFarlin and seconded by Peterson

"That the Metropolitan Council meeting be open to the public to continue with the regular business agenda."

Motion carried.

2010-156 - Regents of the University of Minnesota v. Metropolitan Council

It was moved by McFarlin and seconded by Wulff

"That the Metropolitan Council authorize the Council Chair in his discretion to sign an interim agreement with the University of Minnesota committing the Council to contract remedies as are arrived at through the court-ordered mediation process. The Chair will present a copy of the interim agreement to the Council at the first meeting following execution of the interim agreement."

Motion carried.

Legislative Update

Judd Schetnan, Director of Government Affairs, presented a summary of legislative action on Council initiatives.

- Supplemental Budget Bill makes general fund reductions to most state agencies, including a \$12.5 million cut from transit bus operations for FY2011;
- The SAC bill, providing an additional tool for debt payment of the regional wastewater treatment infrastructure costs has been signed into law by the Governor;
- Senate has given final approval to the Best Value Bill, allowing use of the best value procurement alternative for certain transit purchases;
- Council's request to increase regional bonding authorization for transit capital purchases may be included in an omnibus tax bill being developed.

Reports

Chair

Chair Bell did not have a report.

Council Members

Council member Wulff reported she spoke at the ribbon cutting ceremony of the Spring Lake Wildlife Management Area. The Council donated land to Dakota County for an expansion of the Spring Lake Regional Park, where the property would be placed under jurisdiction of DNR who will manage the property.

Council members Peterson, Bowles and Aguilar sat for their Senate Committee confirmation hearings.

Regional Administrator

Regional Administrator Weaver did not have a report.

General Counsel

General Counsel Mueeting did not have a report.

Adjournment

Business completed, the meeting adjourned at 6 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 April 14, 2010.

Approved this 28th day of April 2010.

Respectfully submitted,



Pat Curtiss
Secretary

