



Metropolitan Council Meeting

Wednesday, May 26, 2010

Robert Street Council Chambers

4:00 P.M.

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Metropolitan Council Meeting

Wednesday, May 26, 2010

Council Chambers

4:00 P.M.

Part I - Narrative

Attendance:

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

Members absent: Tony Pistilli, Robert McFarlin, Natalie Steffen, 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 4:05 p.m. It was moved by Broecker seconded by Wittsack, to approve the agenda. Motion carried.

Minutes

It was moved by Sanda seconded by Broecker to approve the minutes of the Metropolitan Council Meeting of May 26, 2010. Motion carried.

Public Invitation

Billy Fitzgerald, President of Operating Engineers Local 35, spoke on behalf of the Represented Labor Coalition of the Metropolitan Council (RLCMC). Members of the coalition attended this portion of the meeting. Mr. Fitzgerald spoke of member concerns and presented a public information request ([attached](#)) to Chair Bell, asking for a response by June 30, 2010.

Chair Bell thanked Mr. Fitzgerald and the RLCMC delegation for their respectful and dignified presence at the Council meeting and for sharing their concerns. He assured the members that he does respect Council employees, recognizing the success or failure of the Council rests with the work done by employees. Chair Bell noted a Labor Management Committee, comprised of eight union and management reps, has been established to discuss labor issues.

Part II - Exhibits

Business

Committee Consent List

[2010-119](#) - Amendment to 2010 Unified Planning Work Program (UPP), Resolution2010-11

It was moved by Sanda and seconded by Peterson

"That the Metropolitan Council:

1. amend the 2010 Unified Planning Work Program, as shown on the attached summary sheet, to add \$505,473 CPG Planning funds and \$126,368 matching funds for an amended budget of \$8,070,025;
2. adopt the attached Resolution 2010-11 and authorize the Regional Administrator to amend the UPWP agreement with the State of Minnesota, Department of Transportation, to obtain the additional planning funds."

Motion carried.

[2010-126](#) - Metropolitan Council Disadvantaged Business Enterprise (DBE) USDOT Program 2010-2013

It was moved by Sanda and seconded by Peterson

"That the Metropolitan Council approve a goal of 15% for the Disadvantaged Business Enterprise (DBE) USDOT Program for 2010 – 2013."

Motion carried.

[2010-142](#) - Metropolitan Council Disadvantages Business Enterprise (DBE) Public Facilities Authority (PFA) Program 2010-2013 Goal

It was moved by Sanda and seconded by Peterson

"That the Metropolitan Council approve the Disadvantaged Business Enterprise (DBE) Public Facilities Authority (PFA) Program 2010 - 2013 Goal of 10% female and 5% minority for submittal to the U.S. Environmental Protection Agency (EPA)."

Motion carried.

[2010-151](#) - 2010-2013 Transportation Improvement Program (TIP) Amendment: Include Scenic Byways Funds received in the 2009 Solicitation of Scenic Byway Funds (TAB Action 2010-27)

It was moved by Sanda and seconded by Peterson

"That the Metropolitan Council concur with the attached Transportation Advisory Board (TAB) action to amend the 2010-2013 Transportation Improvement Program (TIP) to identify Minneapolis Park and Recreation Board SP#91-060-97 Grand Rounds: Mississippi Gorge Parking/Overlook."

Motion carried.

[2010-153](#) - 2010-2013 Transportation Improvement Program (TIP) Amendment: Include Six Projects Funded through the 2010 Federal Appropriations Bill (TAB Action 2010-29)

It was moved by Sanda and seconded by Peterson

"That the Metropolitan Council concur with the attached Transportation Advisory Board (TAB) action to amend the 2010-2013 Transportation Improvement Program (TIP) to include the following six projects (identified in the table) that were included in the 2010 Federal Appropriations Bill."

Motion carried.

[2010-154](#) - 2010-2013 Transportation Improvement Program (TIP) Amendment: Include Construction of a Noise Wall on the West Side of I-35W in the City of Burnsville (TAB Action 2010-30)

It was moved by Sanda and seconded by Peterson

"That the Metropolitan Council concur with the attached Transportation Advisory Board (TAB) action to amend the 2010-2013 Transportation Improvement Program (TIP) to include SP #1981-123, I-35W Noise Wall."

Motion carried.

[2010-161](#) - Authorization to Negotiate and Execute a Contract for Insurance Broker Services

It was moved by Sanda and seconded by Peterson

"That the Metropolitan Council authorizes the Regional Administrator to negotiate and execute a three year contract for insurance broker services with Marsh, in an amount not to exceed \$325,000.

Motion carried.

[2010-167](#) - Authorization to Execute Grant Agreement with MVTA

It was moved by Sanda and seconded by Peterson

"That the Metropolitan Council authorize the Regional Administrator to execute a grant agreement with MVTA for up to \$550,000 for land acquisition for expansion of the Eagan Bus Garage."

Motion carried.

[2010-168](#) - Authorization to Amend Transit Link Service Contract for Washington/SE Ramsey County

It was moved by Sanda and seconded by Peterson

"That the Metropolitan Council authorize the Regional Administrator to amend contract 09P177 with Midwest Paratransit for an additional \$600,000 for an amended total of \$6,543,430."

Motion carried.

[2010-169](#) - Adoption of the *2030 Park-and-Ride Plan*

It was moved by Sanda and seconded by Peterson

"That the Metropolitan Council adopt as the final 2030 Park-and-Ride Plan, the proposed final draft dated April, 2010, augmented with a statement that the Plan is subject to change both periodically and whenever a community indicates it is planning to join the Transit Capital Levy Communities."

Motion carried.

2010-170 - Central Corridor Light Rail Transit: Cooperative Funding Agreement for Construction with Ramsey and Hennepin County Regional Rail Authorities

It was moved by Sanda and seconded by Peterson

"That the Metropolitan Council authorize the Regional Administrator to negotiate and execute a Cooperative Funding Agreement for Central Corridor Light Rail Transit (CCLRT) Construction with Ramsey and Hennepin County Regional Railroad Authorities (RCRRA and HCRRA)."

Motion carried.

2010-171 - Central Corridor Light Rail Transit: Cooperative Funding Agreement with Minnesota Department of Transportation

It was moved by Sanda and seconded by Peterson

"That the Metropolitan Council authorize the Regional Administrator to negotiate and execute a Cooperative Funding Agreement with Minnesota Department of Transportation (Mn/DOT) relative to the Civil East Construction bridge work in Saint Paul of \$500,000."

Motion carried.

2010-175 - Central Corridor Light Rail Transit: Cooperative Construction and Utility Relocation Agreement with District Energy and District Cooling

It was moved by Sanda and seconded by Peterson

"That the Metropolitan Council authorize the Regional Administrator to negotiate and execute a Cooperative Construction and Utility Relocation Agreement with District Energy St. Paul and District Cooling St. Paul relative to Civil East Construction in Saint Paul in an amount of \$4,500,000."

Motion carried.

2010-176 - Central Corridor Light Rail Transit: Cooperative Construction and Utility Relocation Agreement with Xcel Energy

It was moved by Sanda and seconded by Peterson

"That the Metropolitan Council authorize the Regional Administrator to negotiate and execute a Cooperative Construction and Utility Relocation Agreement with Northern States Power Company, a Minnesota corporation, d/b/a Xcel Energy relative to the Civil East Construction in Saint Paul in a principal amount of \$1,000,000."

Motion carried.

2010-183 - Authorization to Hold Public Hearing on Proposed Amendment to 2030 Water Resources Management Policy Plan, Infiltration/Inflow Program

It was moved by Sanda and seconded by Peterson

"That the Metropolitan Council authorizes a public hearing for the proposed amendment to the 2030 Water Resources Management Policy Plan, Infiltration/Inflow Program, to be held on July 13, 2010."

Motion carried.

[2010-184](#) - Authorization to Award and Execute a Contract for Construction of the 1-RF-491 Relief Interceptor, Project 805450, Contract 09P066

It was moved by Sanda and seconded by Peterson

"That the Metropolitan Council authorize its Regional Administrator to award and execute a contract for construction of the 1-RF-491 Relief Interceptor, Project 805450, Contract 09P066, with S.M. Hentges & Sons, Inc. for their low bid of \$17,543,145.57."

Motion carried.

[2010-185](#) - Authorization to Award and Execute Contract for Construction of Metro Plant East Final Settling Tank Equipment, MCES Project No. 805920, Contract No. 09P207

It was moved by Sanda and seconded by Peterson

"That the Metropolitan Council authorize its Regional Administrator to award and execute a contract for construction of Metro Plant East Final Settling Tank Equipment, MCES Project No. 805920, Contract No. 09P207, with Sheehy Construction in the amount of \$2,362,000."

Motion carried.

[2010-186](#) - Establish Public Hearing for the PHA Plan, August 16, 2010

It was moved by Sanda and seconded by Peterson

"That the Metropolitan Council conduct a public hearing to discuss and receive comment on the FY 2011 Public Housing Agency (PHA) Plan on August 16, 2010, at 4:00 p.m. in the Council Chambers."

Motion carried.

[2010-187](#) - Administrative Service Contracts, Section 8 Housing Assistance Program

It was moved by Sanda and seconded by Peterson

"That the Metropolitan Council authorize the Regional Administrator to negotiate and execute renewal contracts with four participating local units of government and housing authorities to provide continued administrative services to support the Council's federal Section 8 Housing Choice Voucher program administration."

Motion carried.

[2010-192](#) - Washington County HRA Request for Extension of Time to Acquire Property Under LAAND Loan Award

It was moved by Sanda and seconded by Peterson

"That the Metropolitan Council approve the request by the Washington County Housing and Redevelopment Authority (HRA) to extend from June 30, 2010 to December 31, 2010 the deadline for acquisition of a parcel of land under the Metropolitan Council's Land Acquisition for Affordable New Development (LAAND) Loan program award to the HRA, subject to the HRA submitting to the Council, by

September 30, 2010, a copy of a Letter of Intent between the property owner and the HRA to acquire the property."

Motion carried.

Report of the Management Committee

2010-195 SW - Authorization to Enter into a Labor Agreement with the International Association of Machinists and Aerospace Workers, District Lodge No. 77, AFL-CIO

It was moved by Scherer and seconded by Wittsack

"That the Metropolitan Council authorize the Regional Administrator to enter in an agreement with the International Association of Machinists and Aerospace Workers, District Lodge No. 77, AFL-CIO, (IAM) effective for the period January 1, 2010, through December 31, 2011."

Motion carried.

2010-196 SW - Authorization to Enter into a Labor Agreement with the Metropolitan Council Management Association (MANA)

It was moved by Scherer and seconded by Wittsack

"That the Metropolitan Council authorize the Regional Administrator to enter in an agreement with the Metropolitan Council Management Association (MANA) effective for the period January 1, 2010, through December 31, 2011."

Motion carried.

Report of the Transportation Committee

2010-162 - Adoption of 2030 Transportation Policy Plan Amendments for Southwest Transitway LPA and I-94 Corridor

It was moved by Meeks and seconded by Hilker

"That the Metropolitan Council accept the attached Summary of Public Comment and adopt the attached amendments to the 2030 Transportation Policy Plan <http://www.metrocouncil.org/planning/transportation/TPP/2008/ProposedTPPamendmentsFeb2010.pdf> that:

1. 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
2. Recognize modifications to I-94 from St. Paul/5th Street to the Lowry Tunnel which includes managed auxiliary/bus lanes that add capacity for more than a mile due to the conversion of the shoulder lane to general traffic."

Council Member Wulff believes the Region better served if the SouthWest Transitway included flexibility for BRT, as well as LRT."

Motion carried, with Wulff dissenting.

Chair Bell introduced Hennepin County Commissioner Gail Dorfman and thanked her for her leadership on the Southwest Transitway project.

[2010-172a](#) - Central Corridor Light Rail Transit: Subordinate Funding Agreements (for Betterments) with the City of St. Paul

It was moved by Meeks and seconded by Aguilar

"That the Metropolitan Council authorize the Regional Administrator to negotiate and execute the following Subordinate Funding Agreements (SFA) to the Master Funding Agreement with the City of St. Paul:

Betterments in an amount of \$17,000,000."

Councilmember Sersland Beach expressed concern about 1.) a possible special assessment on small business along the corridor and 2.) approving additional spending before receiving the federal grant.

Motion carried, with dissenting votes from Peterson, Meeks, Sanda, Sersland Beach and Wulff.

[2010-172b](#) - Central Corridor Light Rail Transit: Subordinate Funding Agreements (for Three Infill Stations) with the City of St. Paul

It was moved by Meeks and seconded by Aguilar

"That the Metropolitan Council authorize the Regional Administrator to negotiate and execute the following Subordinate Funding Agreements (SFA) to the Master Funding Agreement with the City of St. Paul:

Contribution to construction of three infill stations in an amount of \$5,200,000."

Councilmember Scherer believes the additional LRT stops creates a slower runtime for the line.

Motion carried, with dissenting votes from Scherer, Meeks, Sanda

[2010-173](#) - Central Corridor Light Rail Transit: Cooperative Funding Grant Agreement with the St. Paul Foundation

It was moved by Meeks and seconded by Hilker

"That the Metropolitan Council authorize the Regional Administrator to negotiate and execute a Cooperative Funding Grant Agreement with the St. Paul Foundation for infill stations construction in an amount of \$520,000."

Motion carried.

[2010-174](#) - Central Corridor Light Rail Transit: Cooperative Funding Agreement with Minnesota Department of Transportation and Hennepin County for Washington Avenue Bridge

It was moved by Meeks and seconded by Leppik

"That the Metropolitan Council authorize the Regional Administrator to negotiate and execute a Cooperative Funding Agreement with Minnesota Department of

Transportation (Mn/DOT) and Hennepin County relative to the Washington Avenue Bridge in amount not to exceed \$26,000,000."

Motion carried, with Meeks dissenting.

Chair Bell announced that Council member Meeks is seeking elective office (lieutenant governor) and will be replaced as Chair of the Transportation Committee by Committee Vice Chair McFarlin. Chair Bell thanked Meeks for her dedication and leadership on the Committee and wished her well. Meeks will continue to serve as District 7 Council member.

Report of the Community Development Committee

2010-190 - LCA Affordable and Life Cycle Housing Goals 2011-2020

It was moved by Wulff and seconded by Broecker

"That the Metropolitan Council direct staff to:

1. begin the discussions with the communities on the proposed goals using the 65% low end of the affordable housing goals range for all LCA communities and continue dialogue with Minneapolis, St. Paul and Dakota County to determine if, in fact, the additional resources available to these communities are used for new affordable housing opportunities or housing preservation activities, and how much of each type of activity;
2. consider this new or revised information in the goals setting discussions with Minneapolis, St. Paul and Dakota County, and staff will report back to the Committee on its findings about the use of these additional housing resources in June, and will use a target date of September 1, 2010 to complete the goals adoption work with LCA participating communities."

Council member Bowles believes cities need to be creative in finding ways to meet their housing goals, recognizing that resources are scarce. At present there is no consequence if goals are not met. Bowles believes the expectation should be that all communities meet their goals.

Motion carried, with Bowles dissenting.

Joint Report of the Community Development and Environment Committees

Single Motion - 2010-178, 2010-179, 2010-180, and 2010-181

It was moved by Wulff and seconded by Sanda

" 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 and Tier II Comprehensive Sewer Plans for the cities of Stillwater (2010-178), Village of Minnetonka Beach (2010-179), Golden Valley (2010-180), and Bonifacious (2010-181)."

Motion carried.

[2010-178](#) - City of Stillwater 2030 Comprehensive Plan Update, Review No. 20631-1, Tier II Comprehensive Sewer Plan

It was moved by Wulff and seconded by Sanda

"That the Metropolitan Council:

1. Authorize the City of Stillwater to put its 2030 Comprehensive Plan Update into effect.
2. Adopt the revised forecasts for the City of Stillwater as detailed in Table 2 of the Review Record, and revise the City's share of the region's affordable housing need from 142 to 233 units.
3. Advise the City to:
 - a. Send to the Council the dates that the watershed management organizations approved the City of Stillwater's local surface water management plan.
 - b. Participate in the Council's activities to monitor redevelopment in Developed communities;
 - c. Implement the advisory comments in the Review Record for Forecasts and Housing.
4. Approve the City of Stillwater's Tier II Comprehensive Sewer Plan."

Motion carried.

[2010-179](#) - City of the Village of Minnetonka Beach 2008 Comprehensive Plan Update, Review No. 20641-1, Tier II Comprehensive Sewer Plan

It was moved by Wulff and seconded by Sanda

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

1. Authorize the City of The Village of Minnetonka Beach to put its 2008 Comprehensive Plan Update into effect without any plan modifications;
2. Adopt the advisory comments for transportation and transit as presented in those sections of the review record;
3. Advise the City of The Village of Minnetonka Beach to participate in the Council's Redevelopment Monitoring program;
4. Approve the City of the Village of Minnetonka Beach's Tier II Comprehensive Sewer Plan."

Motion carried.

[2010-180](#) - City of Golden Valley 2030 Comprehensive Plan Update, Review No. 20585-1, Tier II Comprehensive Sewer Plan

It was moved by Wulff and seconded by Sanda

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

1. Authorize the City of Golden Valley to put its 2030 Comprehensive Plan Update into effect
2. Advise the City to participate in Council activities to monitor redevelopment in developed communities.
3. Approve the City of Golden Valley's Tier II Comprehensive Sewer Plan."

Motion carried.

[2010-181](#) - City of St. Bonifacius 2008 Comprehensive Plan Update, Review No. 20557-1, Tier II Comprehensive Sewer Plan

It was moved by Wulff and seconded by Sanda

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

1. Authorize the City of St. Bonifacius to put its 2030 Comprehensive Plan Update into effect;
2. That the Regional Development Framework planning area designation for the City of St. Bonifacius is changed from "Developing" to "Developed";
3. Adopt the advisory comments for parks, wastewater and surface water management, as presented in those sections of the review record;
4. Advise the City of St. Bonifacius to participate in the Council's Redevelopment Monitoring program;
5. Accept the revised forecasts as shown in Table 1 of this report;
6. Approve the City of St. Bonifacius' Tier II Comprehensive Sewer Plan."

Motion carried.

[2010-182](#) - City of Carver Comprehensive Plan Amendment, Review No. 20325-2, Tier II Comprehensive Sewer Plan

It was moved by Wulff and seconded by Leppik

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

1. Authorize the City of Carver to put its Comprehensive Plan Amendment (CPA) into effect for lands within the existing city limits and those portions of Dahlgren Township for which the City has existing Orderly Annexation Agreements (OAA);
2. Change the Regional Development Framework (RDF) planning designation for the City of Carver and that portion of Dahlgren Township covered by the OAA from Rural Growth Center to Developing;
3. Remind the City that it is required to participate in the Council's plat monitoring program beginning in 2009 and must submit annual reports to the Council consistent with Council guidelines;

4. Approve the City of Carver's Tier II Comprehensive Sewer Plan."

Motion carried.

Chair Bell announced that Council member Steffen is seeking elective office (Anoka County Commissioner) and will be replaced as Chair of the Community Development Committee by Committee Vice Chair Pistilli. Chair Bell thanked Steffen for her dedication and leadership on the Committee. Steffen will continue to serve as District 9 Council member.

Report of the Environment Committee

All items are posted on the Consent List and the Joint Report.

Other Business

2010-206 - Transportation Accessibility Advisory Committee (TAAC) Appointment

It was moved by Sersland Beach and seconded by Wulff

"That the Metropolitan Council approve the appointment of Nichole Villavicencio to the Transportation Accessibility Advisory Committee (TAAC) representing TAAC District G (Council districts 13 and 14)."

Motion carried.

2010 Legislative Wrap-up

Judd Schetnan, Director of Government Affairs, offered a summary of 2010 legislative action on Metropolitan Council initiatives. ([attached](#)) Council members will receive a session wrap-up report covering action on items of general interest to the Council.

Councilmember Scherer recalled that, historically, the Council was represented by several lobbyists and always had to search for support. Scherer complimented Schetnan's style in gaining the trust and respect of legislators, resulting in successful outcomes on Council initiatives.

Chair Bell noted Schetnan's knowledge of Council issues and the legislative process, in addition to his ethical work habits, contribute to outstanding results. Bell said that whatever success the Council has achieved in legislative sessions, no one will ever be able to claim they have done more than Schetnan.

Reports

Chair

Chair Bell reported

- discussions with suburban transit providers are ongoing;
- he and Councilmember Peterson attended a recent meeting when agreement was reached on several issues. Another meeting will be scheduled;

- he, Regional Administrator Weaver, General Counsel Don Mueting, and CC Project leaders Mark Fuhrmann and Rich Rovang, continue mediation session with the University of Minnesota on the CCLRT. Many issues have been resolved, including: certification of performance standards during pre-revenue testing, construction management, amending of the Record of Decision (ROD) and other secondary issues;
- the Central Corridor LRT Project received permission to enter final design, the last step before award of a federal Full Funding Grant Agreement. Chair Bell congratulated Project Director Mark Fuhrmann and staff, for their continued hard work on the project. The application for the for full funding agreement will be submitted;
- he met with the Legislative Auditor, who is doing a transit governance audit and as part of the audit, observed the meeting with the suburban transit providers.

Council Members

There was no report.

Regional Administrator

Regional Administrator report that, following today's visit from labor friends, Council members are invited to contact him if they have questions about labor management issues.

General Counsel

General Counsel Don Mueting had no report.

Adjournment

Business completed, the meeting adjourned at 5:10 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 May 26, 2010.

Approved this 23rd day of June, 2010.

Respectfully submitted,

Pat Curtiss, Secretary