



## Metropolitan Council Meeting

Wednesday,

June 23, 2010

Robert Street Council Chambers

4:00 P.M.

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**Metropolitan Council Meeting**

Wednesday, June 23, 2010

Council Chambers

4:00 P.M.

**Part I - Narrative**

**Attendance:**

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

Members absent: Peter Bell, Peggy Leppik, Annette Meeks

**Call to Order and Approval of Agenda**

A quorum being present, Acting Chair Scherer called the regular meeting of the Metropolitan Council to order at 4:03 p.m. Acting Chair Scherer moved items 2010-205, 2010-221, and 2010-222 from the Consent List to the Report of the Transportation Committee. It was moved by Steffen, seconded by Sanda, to approve the agenda, as amended. Motion carried.

**Minutes**

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

Motion to amend May 26, 2010 minutes

It was moved by Wulff and seconded by Sersland Beach

"That the Metropolitan Council authorize the following correction to the May 26, 2010 Council minutes:

2010-160 - Adoption of 2030 Transportation Policy Plan Amendments for Southwest Transitway LPA and I-94 Corridor

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

**Public Invitation**

Joan Johnson, Joan's Minority Owned Supplier, Minneapolis, asked the Council to consider more ethnic diversity when awarding contracts.

## **Part II - Exhibits**

### **Business**

#### *Committee Consent List*

##### 2010-157 - Right-of-Way Acquisition Loan Fund (RALF) Program Review

It was moved by Steffen and seconded by Sanda

"That the Metropolitan Council suspend granting RALF loans pending completion of the Metropolitan Highway System Investment Study (MHSIS) and reassessment of the RALF program."

Motion carried.

##### 2010-198 - 2010-2013 TIP Amendment: Ramsey County SP#91-595-24, Union Depot Multimodal transit Facility (TAB Action 2010-37)

It was moved by Steffen and seconded by Sanda

"That the Metropolitan Council concur with the Transportation Advisory Board (TAB) action to amend the 2010-2013 Transportation Improvement Program (TIP) to include Ramsey County project SP#91-595-24, Union Depot Multimodal Transit Facility."

Motion carried.

##### 2010-199 - 2010-2013 TIP Amendment: Hennepin County SP#TRF-HENN-10, Planning for Bottineau Transitway (TAB Action 2010-35)

It was moved by Steffen and seconded by Sanda

"That the Metropolitan Council concur with the Transportation Advisory Board (TAB) action to amend the 2010-2013 Transportation Improvement Program (TIP) to include Hennepin County SP#TRF-HENN-10, Planning for Bottineau Transitway."

Motion carried.

##### 2010-200 - 2010-2013 TIP Amendment: Include MnDOT SP#7080-49, New Market Rest Area Building Site Health and Safety Corrections (TAB Action 2010-36)

It was moved by Steffen and seconded by Sanda

"That the Metropolitan Council concur with the Transportation Advisory Board (TAB) action to amend the 2010-2013 Transportation Improvement Program (TIP) to include MnDOT SP#7080-49, New Market Rest Area Building Site Health and Safety Corrections."

Motion carried.

##### 2010-202 - Minnesota State Retirement System Program Unclassified Retirement Plan; Resolution 2010-14

It was moved by Steffen and seconded by Sanda

"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. 2010-14."

Motion carried.

2010-204 - Authorization to Amend Lease Between Metropolitan Council and Griggs Midway Corporation

It was moved by Steffen and seconded by Sanda

"That the Metropolitan Council authorize the Regional Administrator to negotiate and execute a second amendment to the lease agreement between the Metropolitan Council and Griggs Midway Corporation to exercise options for leasing a 6,500 sq. ft. area for the 28-month period from September 1, 2010 through December 31, 2012 in an amount not to exceed \$273,522."

Motion carried.

2010-208 - Authorization to Amend Contract 08P190 with Anoka County

It was moved by Steffen and seconded by Sanda

"That the Metropolitan Council authorize the Regional Administrator to amend contract number 08P190 with Anoka County to extend the term from June 30, 2010, to July 31, 2010."

Motion carried.

2010-209 - Authority to Execute Agreements with MVTA and Dakota County

It was moved by Steffen and seconded by Sanda

"That the Metropolitan Council authorizes the Regional Administrator to execute a grant with MVTA for up to \$335,000 and Dakota County Regional Rail Authority (DCRRA) for up to \$800,000 for several tasks associated with the Cedar Avenue BRT project."

Motion carried.

2010-212 - MTS Camera System Installation Contract

It was moved by Steffen and seconded by Sanda

"That the Metropolitan Council authorize the Regional Administrator to award and execute a contract with VSIS Incorporated for the installation of digital video recording systems for MTS fixed route and dial-a-ride buses in the amount of \$329,550."

Motion carried.

2010-219 - Authorization to Award and Execute Construction Contract for Metro Plant Aeration Tank No. 9-12 Air Diffuser Equipment, MCES Project No. 805941, Contract No. 09P137A

It was moved by Steffen and seconded by Sanda

"That the Metropolitan Council authorizes its Regional Administrator to award and execute a construction contract for Metro Plant Aeration Tank Nos. 9-12 Air Diffuser Equipment, MCES Project No. 805941, Contract No. 09P173A, to Magney Construction in the amount of \$1,001,635."

Motion carried.

2010-220 - Approval of Municipal Publicly-Owned Infrastructure Infiltration/Inflow (I/I) Grant Program and Program Guidelines

It was moved by Steffen and seconded by Sanda

"That the Metropolitan Council approves the municipal publicly-owned infrastructure infiltration/inflow (I/I) grant program and program guidelines."

Motion carried.

2010-224 - Authorization to Award Contract for Anoka County Regular Route Service

It was moved by Steffen and seconded by Sanda

"That the Metropolitan Council authorize the Regional Administrator to execute a two-year contract with Anoka County to provide regular route transit service in Anoka County beginning August 2010 in an amount not to exceed \$5,475,000."

Motion carried.

*Report of the Environment Committee*

All Environment Committees items are included on the Consent List and the Joint Report.

*Joint Report of the Community Development and Environment Committees*

Single Motion - 2010-216SW, 2010-217SW, 2010-218SW

It was moved by Pistilli and seconded by Hilker

"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 Little Canada (2010-216SW), Robbinsdale (2010-217SW), and Woodbury (2010-218SW)."

Motion carried.

2010-216 SW - City of Little Canada 2010 Comprehensive Plan Update, Review No. 20562-1, Tier II Comprehensive Sewer Plan

It was moved by Pistilli and seconded by Hilker

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

1. authorize the City of Little Canada to put its 2030 Comprehensive Plan Update into effect;

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2. advise the City to implement the advisory comments noted in the Review Record for Surface Water Management, ISTS, Transportation, and Land Use;
3. approve the City of Little Canada's Tier II Comprehensive Sewer Plan."

Motion carried.

2010-217 SW - City of Robbinsdale 2030 Comprehensive Plan Update, Review No. 20613-1, Tier II Comprehensive Sewer Plan

It was moved by Pistilli and seconded by Hilker

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

1. authorize the City of Robbinsdale to put its 2030 Comprehensive Plan Update into effect;
2. advise the City to:
  - a) Adopt the revised forecasts for population, households and employment;
  - b) Participate in Council activities to monitor redevelopment and infill in Developed communities;
  - c) Address advisory comments for Surface Water Management;
3. approve the City of Robbinsdale's Tier II Comprehensive Sewer Plan."

Motion carried.

2010-218 SW - City of Woodbury 2030 Comprehensive Plan Update, Review No. 20607-1, Tier II Comprehensive Sewer Plan

It was moved by Pistilli and seconded by Hilker

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

1. authorize the City of Woodbury to put its 2030 Comprehensive Plan Update into effect;
2. advise the City to implement advisory comments in the Review Record for Transportation;
3. approve the City of Woodbury's Tier II Comprehensive Sewer Plan."

Motion carried.

*Report of the Community Development Committee*

2010-226 SW - Park Acquisition Opportunity Grant for Elm Creek Park Reserve, Three Rivers Park District

It was moved by Pistilli and seconded by Steffen

"That the Metropolitan Council authorize a grant of \$198,750 from the Parks and Trails Fund Acquisition Account in the Park Acquisition Opportunity Fund to Three Rivers Park District to partially finance the acquisition of 1.4 acres (Zopfi parcel 12208 W. Hayden Lake Rd.) for Elm Creek Park Reserve. The grant should be financed with:

- \$119,250 from the State Fiscal Year 2011 Parks and Trails Fund appropriation;
- \$79,500 from Metropolitan Council bonds."

Motion carried, with McFarlin abstaining.

2010-227 SW - Park Acquisition Opportunity Grant for St. Croix Valley Regional Trail, Washington County

It was moved by Pistilli and seconded by Broecker

"That the Metropolitan Council authorize a grant of \$198,436 from the Environment and Natural Resources Trust Fund Acquisition Account in the Park Acquisition Opportunity Fund to Washington County to partially finance the acquisition of 1.8 acres of the Pontius property for the St. Croix Valley Regional Trail. The grant should be financed with:

- \$64,823 balance of the 2008 Environment and Natural Resources Trust Fund appropriation;
- \$54,239 from the 2009 Environment and Natural Resources Trust Fund appropriation;
- \$79,374 Metropolitan Council bonds."

Motion carried.

2010-232 SW - City of Edina Comprehensive Plan Amendment, Review No. 20413-2

It was moved by Pistilli and seconded by Sanda

"That the Metropolitan Council:

1. adopts the attached review record and allows the City of Edina to put The Waters comprehensive plan amendment (CPA) into effect;
2. finds that the CPA does not change the City's forecasts."

Bowles reiterated the Metropolitan Council reviews comprehensive plan amendments to see they conform to regional system plans, are consistent with Council policies and compatible with the plans of other local communities and school districts, but that each City has the authority to identify and implement their planned development.

Motion carried.

*Report of the Management Committee*

2010-235 SW - Authorization to Enter into a Labor Agreement with American Federation of State, County and Municipal Employees (AFSCME)

It was moved by Wittsack and seconded by Pistilli

"That the Metropolitan Council authorize the Regional Administrator to enter into a labor agreement with the American Federation of State, County and Municipal Employees District Council 5, Local Union No. 668 AFL-CIO (AFSCME), effective January 1, 2010 through December 31, 2011."

Motion carried.

2010-238 SW - Conflict Waiver - Industrial Discharge Permit

It was moved by Wittsack and seconded by Sanda

"That the Metropolitan Council:

- waive any conflict of interest and consent to Dorsey & Whitney LLP representing and advising Seagate Technology LLC in responding to the Metropolitan Council Environmental Services' Petrofluorochemical (PFC) and Fluorotelomer Inventory Form that was sent on April 30, 2010 to MCES permit holders including Seagate; and,
- authorize the General Council to execute any documents necessary to effectuate such waiver."

Motion carried.

2010-243 SW - Authorization to procure Property Insurance (Builder's Risk) for the Construction of the Central Corridor LRT

It was moved by Wittsack and seconded by Pistilli

"That the Metropolitan Council authorizes the procurement of insurance providing coverage for property damage that may occur during the construction of Central Corridor LRT."

Motion carried, with Wolter recusing himself from discussion and vote on the item.

*Report of the Transportation Committee*

2010-205 - Amendments to the Minnesota Valley Transit Authority and University of Minnesota Urban Partnership Agreement Subrecipient Grant Agreements

It was moved by McFarlin and seconded by Peterson

"That the Metropolitan Council Authorize the Regional Administrator to negotiate and execute amendments to the Subrecipient Grant Agreements (SGA) with the Minnesota Valley Transit Authority (MVTA) and the University of Minnesota (U of M) for the Driver Assist System (DAS) as identified in the Urban Partnership Agreement (UPA) between the Council and US Department of Transportation (USDOT) in the total amount of \$165,000."

Motion carried, with Wolter recusing himself from discussion and vote on the item



2010-221 - Central Corridor Light Rail Transit: Environmental Testing and Monitoring During Construction

It was moved by McFarlin and seconded by Sanda

"That the Metropolitan Council Authorize the Regional Administrator to negotiate and execute a contract with Braun Intertec to conduct environmental testing and monitoring services during construction of the Central Corridor Light Rail Transit (CCLRT) Project for an amount not to exceed \$800,000."

Motion carried, with Wolter recusing himself from discussion and vote on the item.

2010-222 - Central Corridor Light Rail Transit: Subordinate Funding Agreement with Ramsey County

It was moved by McFarlin and seconded by Peterson

"That the Metropolitan Council authorize the Regional Administrator to negotiate and execute a Subordinate Funding Agreement with Ramsey County relative to the Civil East Construction in Saint Paul for \$350,000."

Motion carried, with Wolter recusing himself from discussion and vote on the item

2010-214 - MSP Airport Long Term Comprehensive Plan (LTCP) (TAB Action 2010-34)

It was moved by McFarlin and seconded by Wulff

"That the Metropolitan Council finds that the Metropolitan Airport Commission's 2030 Long Term Comprehensive Plan for MSP International Airport is consistent with the Council's 2030 *Transportation Policy Plan*, if the following issues are addressed in the final plan:

- 1) the LTCP should note that MAC will update the plan every five years and that MAC will budget for this in the appropriate years to ensure that the first update is prepared by 2015;
- 2) MAC should initiate a capacity study two years in advance of when MSP is expected to have 540,000 annual operations and incorporate the results of this study into the following LTCP update;
- 3) MAC should initiate an FAA Part 150 study update (which includes a comprehensive noise analysis and mitigation program), in consultation with the MSP Noise Oversight Committee (NOC), when the forecast level of operations five years into the future exceeds the levels mitigated in the Consent Decree (582,366 annual operations). The results of this study should be incorporated into the first subsequent LTCP Update;
- 4) MAC shall continue to work with all appropriate agencies to implement the Interstate 494/34<sup>th</sup> Avenue, Trunk Highway 5/Glumack Drive and Trunk Highway 5/Post Road interchange modifications included in the 2030 Concept Plan, including preliminary environmental scoping and analysis. These highway modifications are not currently included in the region's

fiscally-constrained 2030 highway plan;

- 5) the LTCP needs to acknowledge that storm water from MSP detention ponds discharges to the reaches of the Minnesota and Mississippi Rivers that are identified as water-quality impaired for a number of pollutants and stressors;
- 6) the LTCP should include a general discussion of financial assumptions and funding mechanisms available to implement the proposed development."

Motion carried.

2010-177 - Northstar Subordinate Funding Agreement #17, BNSF Crew Facilities

It was moved by McFarlin and seconded by Sanda

"That the Metropolitan Council authorize the Regional Administrator to negotiate and execute a subordinate funding agreement with the Minnesota Department of Transportation (MnDOT), in an amount not to exceed \$459,000, for reimbursement of costs incurred by the Metropolitan Council for Construction services related to the BNSF Crew Facilities."

Motion carried, with Pistilli dissenting.

2010-201 - Use of Northstar Supplemental Contingency Funds and Subordinate Funding Agreement #18, Sixth Locomotive

It was moved by McFarlin and seconded by Steffen

"That the Metropolitan Council:

1. authorize the use of Northstar Project Supplemental Contingency Funds in the amount of \$1,150,000 to supplement base contingency funds for the purchase of and costs associated with a sixth locomotive for Northstar Commuter Rail, and;
2. authorize the Regional Administrator to negotiate and execute a subordinate funding agreement with the Minnesota Department of Transportation (MnDOT), in an amount not to exceed \$2,850,000, for reimbursement of costs incurred by Metropolitan Council for the procurement and painting of a sixth locomotive, and;
3. authorize the Regional Administrator to negotiate and execute a purchase agreement with the Utah Transit Authority for an MP-36 locomotive currently under lease to the Metropolitan Council in the not-to-exceed amount of \$2,798,536 for the Northstar Commuter Rail service.

Motion carried, with Pistilli dissenting.

2010-211 - Central Corridor Light Rail Transit: Civil East Construction

It was moved by McFarlin and seconded by Sersland Beach

"That the Metropolitan Council Authorize the Regional Administrator to

- award and execute a contract with the lowest responsive and responsible bidder, Walsh Construction, for the Central Corridor Light Rail Transit (CCLRT) Civil East Construction in St. Paul, Minnesota at a cost of \$205,111,234.05;
- issue a Limited Notice to Proceed in an amount of \$20,000,000."

Award of this contract and issuance of a Limited Notice to Proceed are contingent upon the receipt of a Letter of No Prejudice (LONP) from the Federal Transit Administration (FTA) expected prior to the end of June.

Mark Fuhrmann, Metro Transit Deputy Manager, is hopeful the FTA will award the Full Funding Grant Agreement (FFGA) by the end of the calendar year.

Motion carried.

2010-223 - Authorization to Initiate Eminent Domain Proceedings for the Acquisition of Parcels 1 (M. Rasior Ltd) and 1A (Diamond Products) for the Central Corridor Light Rail Transit Operations and Maintenance Facility (OMF) Resolution 2010-15

It was moved by McFarlin and seconded by Hilker

"That the Metropolitan Council authorize the initiation of eminent domain proceedings for the acquisition of the fee and leasehold interests to the M. Rasoir Ltd. property identified on the attached resolution and the initiation of eminent domain proceedings for the acquisition of a temporary easement on that portion of the Diamond Products property identified on the attached resolution."

Motion carried, with Wolter recusing himself from discussion and vote on the item.

**Other Business**

2010-194 SW - Unified Capital Program Amendment

It was moved by Wittsack and seconded by Sanda

"That the Metropolitan Council:

1. Amend the 2010 Authorized Capital Program (multi-year authorization) by adding spending authority as follows:

Metro Transit	\$ 42,272,173
Parks and Open Space	\$ 15,140,000

2. Amend the 2010 Capital Budget (annual appropriation) by increasing appropriation as follows:

Metro Transit	\$ 8,247,723
Parks and Open Space	\$ 6,945,500

3. Approve the changes to capital projects as detailed in Attachment 1

Motion carried on the following roll call vote:

	Yes			Absent	No	Abstain
	Scherer	Bowles	Hilker	Leppik		
	Pistilli	Wittsack	Aguilar	Meeks		
	McFarlin	Steffen	Sersland Beach	Broecker		
	Peterson	Sanda	Wolter	Bell		
			Wulff			
<b>TOTAL</b>	<b>13</b>			<b>4</b>		

2010-197 SW - Small Business Disruption Loan Program and 2010 Unified Operating Budget Amendment

It was moved by Wittsack and seconded by Pistilli

"That the Metropolitan Council (1) authorize the Chair to execute and the Regional Administrator to negotiate a Joint Exercise of Powers Agreement with the City of St. Paul to help implement an unforgivable loan program for small businesses that may experience disruptions from construction activities associated with the Central Corridor Light Rail Transit (CCLRT) Project; and (2) amend the 2010 Unified Operating Budget by authorizing an increase of \$1,000,000 in expenditure authority in Community Development."

The proposed joint powers agreement referenced in item 2010-197SW, anticipates that interest-free loans made with Council-provided funds will be repayable. Future Councils may take action making this a "forgivable loan program".

Motion carried on the following roll call vote:

	Yes			Absent	No	Abstain
	Scherer	Bowles	Broecker	Leppik		Wolter
	Pistilli	Wittsack	Aguilar	Meeks		
	McFarlin	Steffen	Sersland Beach	Bell		
	Peterson	Sanda	Wulff			
		Hilker				
<b>TOTAL</b>	<b>13</b>			<b>4</b>		

2010-213 - Metropolitan Council Member Committee Assignments

It was moved by Sanda and seconded by Bowles

"That the Metropolitan Council approve the following committee assignments recommended by the Chair Pursuant to Council Bylaws, Article III.1

<b>Transportation</b>	<b>Community Dev.</b>	<b>Environment</b>	<b>Management</b>
<i>McFarlin, Chair</i>	<i>Pistilli, Chair</i>	<i>Leppik, Chair</i>	<i>Scherer, Chair</i>
Aguilar	<b>Aguilar, Vice-Chair</b>	Beach	Broecker
Beach	Bowles	Bowles	McFarlin
Hilker	Broecker	Peterson	Peterson
Leppik	Hilker	Scherer	Pistilli

Meeks, <i>Chair</i>	Meeks	Wittsack	Sanda
<b>Peterson, Vice Chair</b>	Sanda	Wolter, Vice Chair	Wittsack, Vice Chair
Scherer	Steffen, <i>Chair</i>	Wulff	
Steffen	Wolter		
	Wulff		

Motion carried.

2010-240 - Appointments to the Livable Communities Advisory Committee

It was moved by Steffen and seconded by Sanda

"That the Metropolitan Council approve Chair Bell's recommendation to appoint the following persons to the Livable Communities Advisory Committee to terms as noted:

Chair	<b>Ruth Grendahl</b> , Apple Valley (reappointment, serves at the pleasure of the Council)
The following persons are recommended for appointment to three-year terms in the listed expertise categories, effective July 1, 2010:	
Development finance – private finance	<b>Orlena Iversen</b> Greater Metropolitan Housing Corporation – lending operations and underwriting (new appointment)
Development – redevelopment	<b>Peggy Lucas</b> Principal, Brighton Development (reappointment)
Site Design – architecture or land planning	<b>Lance Neckar</b> Chair, Dept. of Landscape Architecture and Urban Design, University of Minnesota (reappointment)
Local government – planning, economic or community development	<b>Blair Tremere</b> Public Affairs Consulting (reappointment)
Transportation and development relationship	<b>Charleen Zimmer</b> Zan Associates – independent consultant on integration of transportation infrastructure and development (reappointment)

Motion carried.

**Reports**

*Chair*

There was no report from Acting Chair Scherer. Chair Bell is attending a CCLRT-related meeting in Washington, D.C.

*Council Members*

Council member Aguilar reported Matt Kramer has been named the new president of the St. Paul Area Chamber of Commerce.

*Regional Administrator*

Regional Administrator Weaver reported participating in the Joint MC/U of Mn CCLRT Mediation session, with sessions scheduled for Thursday, Friday and possibly next week. The hope is that mediation will be completed so the University of Minnesota Board of Regents can vote on the MOU2 at their July 7, 2010 meeting.

*General Counsel*

General Counsel Mueting had nothing to report.

**Adjournment**

Business completed, the meeting adjourned at 5:03 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 June 23, 2010.

Approved this 14th day of July 2010.

Respectfully submitted,



Pat Curtiss  
Secretary