



Metropolitan Council Meeting

Wednesday, August 25, 2010
Robert Street Council Chambers
4:00 P.M.

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Metropolitan Council Meeting

Wednesday, August 25, 2010

Council Chambers

4:00 P.M.

Part I - Narrative

Attendance:

Peter Bell, Chair; Roger Scherer, Tony Pistilli, Robert McFarlin, Craig Peterson, Peggy Leppik, Annette Meeks, Lynette Wittsack, Kris Sanda, Georgeanne Hilker, Sherry Broecker, Rick Aguilar, Kirstin Sersland Beach, Daniel Wolter, Wendy Wulff

Members absent: Polly Bowles, Natalie Steffen

Call to Order and Approval of Agenda

A quorum being present, the Chair called the regular meeting of the Metropolitan Council to order at 4:08 p.m. It was moved by Broecker, seconded by Wolter to approve the amended agenda. Motion carried.

Minutes

It was moved by Sanda seconded by Scherer, to approve the minutes of the Metropolitan Council Meeting of July 28, 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

2010-269 - 2010-2013 Transportation Improvement Program (TIP) Amendment: SP#62-678-12: County Road B2 between Snelling Avenue and Prior Avenue (TAB Action 2010-43)

It was moved by Peterson and seconded by Meeks

"That the Metropolitan Council concur with the Transportation Advisory Board (TAB) action to amend the 2010-2013 Transportation Improvement Program (TIP) for SP#62-678-12: County Road B2 between Snelling Avenue and Prior Avenue showing a change in scope to reconfigure the major intersections rather than expand to a six-lane facility and reflecting a new total project cost of \$4,945,730."

Motion carried.

2010-271 - 2010-2013 Transportation Improvement Program (TIP) Amendment: Minneapolis SP#141-020-107, Cedar and Franklin Avenues Pedestrian Access and Safety Improvements (TAB Action 2010-46)

It was moved by Peterson and seconded by Meeks

"That the Metropolitan Council concur with the Transportation Advisory Board action to amend the 2010-2013 Transportation Improvement Program (TIP) for Minneapolis SP#141-020-107: Cedar and Franklin Avenues Pedestrian Access and Safety Improvements adding the TIPEDD portion of SP#141-020-108 that was originally part of a STP project that is being withdrawn by the City."

Motion carried.

2010-272 - 2010-2013 Transportation Improvement Program (TIP) Amendment: MnDOT SP#6280-308RW1, I-94 through Maryland Ave, including Cayuga Bridge Right of Way Purchase (TAB Action 2010-47)

It was moved by Peterson and seconded by Meeks

"That the Metropolitan Council concur with the Transportation Advisory Board (TAB) action to amend the 2010-2013 Transportation Improvement Program (TIP) for MnDOT SP#6280-308RW1: I-35 E from I-94 through Maryland Avenue including Cayuga Bridge Right of Way Purchase."

Motion carried.

2010-273 - Travel Demand Management (TDM) - Concur with TAB Action to Accept Report (TAB Action 2010-48)

It was moved by Peterson and seconded by Meeks

"That the Metropolitan Council concur with the Transportation Advisory Board (TAB) recommendation to accept the Travel Demand Management (TDM) Evaluation and Implementation Study."

Motion carried.

2010-287 - City of Rosemount, Comprehensive Plan Amendment: Prestwick Place 2nd Addition, Review File No. 20584-2

It was moved by Peterson and seconded by Meeks

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

1. Adopt the attached review record and allow the City of Rosemount to put *Prestwick Place 2nd Addition* comprehensive plan amendment (CPA) into effect.;
2. Find that the CPA does not change the City's forecasts."

Motion carried.

2010-288 - City of Inver Grove Heights, Comprehensive Plan Amendment: Iverson Amendment. Review No. 20614-2

It was moved by Peterson and seconded by Meeks

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

1. adopt the attached review record and allow the City of Inver Grove Heights to put *Iverson Amendment* comprehensive plan amendment (CPA) into effect;
2. find that the CPA does not change the City's forecasts."

Motion carried.

2010-290 - Adoption of Draft 2030 Regional Parks Policy Plan for Purposes of a Public Hearing and Authorization for Public Hearing

It was moved by Peterson and seconded by Meeks

"That the Metropolitan Council:

1. adopt the Draft 2030 Regional Parks Plan for purposes of a public hearing;
2. authorize that a public hearing on the Draft 2030 Regional Parks Policy Plan be held on October 13, 2010, at 5 pm at 390 N. Robert St., with continued acceptance of public comments until 5 pm, October 25, 2010."

Motion carried.

2010-291 - Park Acquisition Opportunity Grant for 2220 Marshall Street parcel in Above the Falls Regional Park, Minneapolis Park Board

It was moved by Peterson and seconded by Meeks

"That the Metropolitan Council authorize a grant of \$282,450 from the Parks and Trails Fund Acquisition Account in the Park Acquisition Opportunity Fund to the Minneapolis Park & Rec. Board to partially finance the acquisition of 0.37 acre (2220 Marshall St NE) for Above the Falls Regional Park. The grant should be financed with:

- \$169,470 from the FY 2011 Parks and Trails Fund appropriation;
- \$112,980 Metropolitan Council bonds."

Motion carried.

2010-292 - Request to change scope of Grant SG-2009-043 to permit grant to finance land acquisition as well as trail development, Carver County

It was moved by Peterson and seconded by Meeks

"That the Metropolitan Council authorize an amendment to grant SG-2009-043 to allow grant proceeds to be available for acquisition of land to connect the Dakota Rail Regional Trail to a future trail at the intersection of Carver County Rd. 10 and the regional trail."

Motion carried.

2010-293 - Set a Public Hearing for the Adoption of the LCA Affordable and Life Cycle Housing Goals

It was moved by Peterson and seconded by Meeks

"That the Metropolitan Council conduct a public hearing to receive comment on the Livable Communities Act Local Housing Incentives Account (LCA LHIA) Affordable and Lifecycle Housing goals adopted by communities for 2011-2020 on November 15, 2010, at 4:00 P.M. in the Metropolitan Council Chambers."

Motion carried.

Report of the Management Committee

2010-299 SW - Authorization to enter into a labor agreement with the International Union of Operating Engineers, Local Union No. 35, AFL-CIO

It was moved by Scherer and seconded by Wittsack

"That the Metropolitan Council authorize the Regional Administrator to enter into a labor agreement with the International Union of Operating Engineers (IUOE), Local Union No. 35, AFL-CIO, effective January 1, 2010 through June 30, 2011."

Motion carried.

Report of the Transportation Committee

2010-274 - I-35W and 46th Street Station Service Restructuring Final Plan Approval

It was moved by McFarlin and seconded by Leppik

"That the Metropolitan Council approve I-35W and 46th Street Station Service Restructuring Final Plan for implementation on December 4, 2010."

Motion carried.

2010-275 - Light Rail Vehicle Procurement

It was moved by McFarlin and seconded by Peterson

"That the Metropolitan Council Authorize the Regional Administrator to:

- award and execute a contract with Siemens Industry Inc. (Siemens), which provides the best value to the Council for production and delivery of 41 low floor light rail vehicles at a total cost not to exceed \$153,211,516, contingent on satisfactory results from the Pre-Award Buy America Audit;
- issue a Limited Notice to Proceed to initiate design and engineering in an amount of \$4,000,000."

Motion carried, with Meeks dissenting and Wolter recusing himself from the discussion and vote.

McFarlin noted that staff received a letter from Bombardier officials, questioning the Evaluation Panel's recommendation for the LRV contract award. Council staff has responded.

Concern was expressed about the Council's monetary risk in awarding contracts prior to receiving the FTA Full Funding Grant Agreement (FFGA). Mark Fuhrmann explained that no "New Starts" project has ever received FTA Letters of No Prejudice (LONP), allowing the project to move ahead, but then failed to receive the FTA FFGA. Fuhrmann will provide Council members with a list of the CCLRT projects' Letters of No Prejudice, detailing the description for the \$58M amount (of risk) that has been authorized

2010-297 SW - Central Corridor Light Rail Transit: Civil West Construction Contract

It was moved by McFarlin and seconded by Leppik

"That the Metropolitan Council authorize the Regional Administrator to:

- award and execute a contract with the lowest responsive and responsible bidder, Ames Construction/C.S. McCrossan (joint venture), for the Central Corridor Light Rail Transit (CCLRT) Civil West Construction in Minneapolis, Minnesota at a cost of \$113,804,000;
- issue a Limited Notice to Proceed in an amount of \$10,000,000.

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 August."

Motion carried, with Meeks dissenting and Wolter recusing himself from the discussion and vote.

2010-277 - 2011 Capital and Operating Grant Applications to Counties Transit Improvement Board (CTIB)

It was moved by McFarlin and seconded by Sanda

"That the Metropolitan Council authorize the Regional Administrator to apply for 2011 grants from the Counties Transit Improvement Board (CTIB) for the following capital and operating projects:

- Central Corridor Light Rail Transit (LRT) Capital for Final Design, Right of Way Acquisition, Light Rail Vehicles and Construction: Est. \$107 million;
- Cedar Avenue BRT Operating to continue Lakeville, Apple Valley and Eagan (Cedar Grove) express bus service: Est. \$350,000;
- Hiawatha LRT Operating: Est. \$7.3 million;
- Northstar Commuter Rail Operating: Est. \$5.7 million;
- Southwest Corridor Light Rail Transit (LRT) Capital for a portion of the Preliminary Engineering (PE) and Final

Environmental Impact Statement (FEIS) phases: Est.
\$12.2 million;

- I-35W BRT Operating to continue Express Service to Kenrick Park & Ride in Lakeville (Route 467): Est. \$150,000."

Motion carried.

2010-278 SW - Resolution 2010-25 in Support for the 2010 Cedar Avenue Transitway Implementation Plan Update

It was moved by McFarlin and seconded by Peterson

"That the Metropolitan Council approve the attached Resolution supporting the draft 2010 Cedar Avenue Transitway Implementation Plan Update."

Motion carried.

Report of the Community Development Committee

Community Development items are on the Consent List and Joint Report.

Joint Report of the Community Development and Environment Committees

Single Motion - 2010-280 and 2010-281

It was moved by Pistilli and seconded by Scherer

"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 Chaska (2010-280) and Orono (2010-281)."

These are the last comp plans to be reviewed by Jim Uttley, Council Planning Analyst, who will retire in September, following 35 years with the Metropolitan Council. Chair Bell thanked Uttley for his many years of public service.

2010-280 SW - City of Chaska 2030 Comprehensive Plan Update, Review No. 20644-1, Tier II Comprehensive Sewer Plan

It was moved by Pistilli and seconded by Scherer

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

1. Authorize the City of Chaska to put its 2030 Comprehensive Plan Update into effect;
2. Adopt the advisory comments for parks, transportation, and surface water management as presented in those sections of the review record;
3. Accept the revised forecasts as shown in Table 1 of this report;
4. That the City participates in the Council's Plat Monitoring Program beginning in 2011 to track sewer residential development and ensure

consistency with the Council's sewer residential density policy;

5. As the City is aware, should the City develop an orderly annexation agreement with areas in Dahlgren Township, the City will need to amend its comprehensive plan to develop and adopt future land uses for newly annexed areas within this Township;
6. Approve the City of Chaska's Tier II Comprehensive Sewer Plan."

Motion carried.

2010-281 SW - City of Orono 2030 Comprehensive Plan Update, Review No. 20637-1, Tier II Comprehensive Sewer Plan

It was moved by Pistilli and seconded by Scherer

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

1. Authorize the City of Orono to put its 2008-2030 Comprehensive Plan Update into effect;
2. Adopt the advisory comments for transportation and surface water management presented in those sections of the review record;
3. Advise the City:
To continue to participate in the Council's Plat Monitoring Program; and,
To work with Long Lake to resolve the intercommunity infrastructure agreements;
4. Accept the revised forecasts as shown in Table 1 of this report;
5. Approve changing the Regional Development Framework planning area designation for portions of the City of Orono from Diversified Rural Area to Rural Residential as shown on Figure 5 of the attached review record;
6. Approve the City of Orono's Tier II Comprehensive Sewer Plan."

Motion carried.

Report of the Environment Committee

2010-284 SW - Authorization to Award and Execute Contract 10P096 for Construction of Chaska Interceptor Improvements - Phase 1, Interceptors 920601 & 920602, MCES Project Number 809044

It was moved by Leppik and seconded by Wittsack

"That the Metropolitan Council authorizes its Regional Administrator to award and execute a construction contract for Chaska Interceptor Improvements - Phase 1 Interceptors 920601 & 920602, MCES Project Number 809044, Contract No. 10P096, with Lametti & Sons for their low bid of \$6,648,770."

Motion carried.

Other Business

2010-268 - Adopting Resolutions 2010-16, 2010-17, 2010-18, 2010-19, 2010-20, 2010-21, 2010-22, 2010-23, and 2010-24 for the Metropolitan Council's Preliminary 2011 Unified Operating Budget and the Proposed 2010, Payable 2011, Tax Levies

It was moved by Scherer and seconded by Pistilli

"That the Metropolitan Council adopt the following resolutions:

- 2010-17 Adopting the Metropolitan Council's Proposed 2010 Tax Levy for General Purposes for Certification to the County Auditors;
- 2010-18 Adopting the Metropolitan Council's Proposed 2010 Tax Levy for General Purposes for Certification to the Minnesota Commissioner of Revenue;
- 2010-19 Adopting a Proposed 2010 Tax Levy for the Metropolitan Right-Of-Way Acquisition Loan Fund for the Purposes of Minnesota Statutes Section 473.167 for Certification to the County Auditors;
- 2010-20 Adopting a Proposed 2010 Tax Levy for the Metropolitan Right-Of-Way Acquisition Loan Fund for the Purposes of Minnesota Statutes Section 473.167 for Certification to the Minnesota Commissioner of Revenue;
- 2010-21 Adopting a Proposed 2010 Tax Levy for the Livable Communities Demonstration Account in the Metropolitan Livable Communities Fund;
- 2010-22 Adopting a Proposed 2010 Tax Levy for the Tax Base Revitalization Account of the Livable Communities Act
- 2010-23 Certifying a Tax Levy for 2010 for Debt Service on Future Transit Bonds;
- 2010-24 Certifying a Tax Levy for 2010 for Debt Service on Future Parks Bonds."

Motion carried.

Metro Transit / State Fair Update

Kelci Stones and Lisa Johnson, Metro Transit, presented a summary of the Metro Transit schedule for the 2010 MN State Fair. The State Fair Express buses will operate from 17 Twin Cities locations, in addition to three regular route service. September 2 will prove challenging as Metro Transit coordinates service to the MN Twins baseball and Vikings football games, scheduled for 7pm, in addition to Northstar and Hiawatha regular service.

Reports

Chair

Chair Bell reported

- the recent passing of Donn Wiski, long time transportation advocate and Chair of the Transportation Advisory Board;
- he and other Council Members recently attended their annual Minneapolis Downtown Council luncheon;
- that today's Star Tribune story about the suburban transit providers may be one of several stories on this topic. The Legislative Auditors release their report this fall;
- he and staff continue working with University of Minnesota officials on a CCLRT MOU agreement.

Council Members

There were no reports.

Regional Administrator

There was no report.

General Counsel

There was no report.

Adjournment

Business completed, the meeting adjourned at 4:51 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 August 25, 2010.

Approved this eighth day of September, 2010.

Respectfully submitted,



Pat Curtiss
Secretary