



Metropolitan Council Meeting

Wednesday, September 8, 2010

Robert Street Council Chambers

4:00 P.M.

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Metropolitan Council Meeting

Wednesday, September 8, 2010

Council Chambers

4:00 P.M.

Part I - Narrative

Attendance:

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

Members absent: Annette Meeks

Call to Order and Approval of Agenda

A quorum being present, the Chair called the regular meeting of the Metropolitan Council to order at 4:06 p.m. Chair Bell moved Business Item 2010-306 from the Consent List to the Transportation Committee Report. It was moved by Wittsack, seconded by Leppik, to approve the agenda as amended. Motion carried.

Minutes

It was moved by Broecker, seconded by Wittsack, to approve the minutes of the Metropolitan Council Meeting of August 25, 2010. Motion carried.

Public Invitation

No one asked to address the Council regarding matters not on today's agenda.

Part II - Exhibits

Business

Joint Report of the Environment, Transportation and Management Committees

2010-260 - 2010 Unified Operating Budget Amendment

It was moved by Scherer and seconded by Broecker

"That the Metropolitan Council Amend the 2010 Unified Operating Budget as indicated and in accordance with attached tables."

Motion carried on the following roll call vote:

Yes				No	Abstain	Absent
	Scherer	Wittsack	Aguilar		Pistilli	Meeks
	McFarlin	Steffen	Sersland Beach			
	Peterson	Sanda	Wolter			
	Bowles	Hilker	Wulff			
	Leppik	Broecker	Bell			
TOTAL	15				1	1

Joint Report of the Transportation, Community Development and Management Committees

2010-261 - 2010 Unified Capital Program Amendment

It was moved by ____ and seconded by

"That the Metropolitan Council Amend the 2010 Unified Capital Program as indicated and in accordance with attached tables.

Motion carried on the following roll call vote:

Yes				No	Abstain	Absent
	Scherer	Wittsack	Aguilar			Meeks
	Pistilli	Steffen	Sersland Beach			
	McFarlin	Sanda	Wolter			
	Peterson	Hilker	Wulff			
	Bowles	Broecker	Bell			
	Leppik					
TOTAL	16					1

Committee Consent List

2010-279 - Concurrence with the Approval of the transportation Advisory Board (TAB) Bylaws (TAB Action 2010-50)

It was moved by Steffen and seconded by Wolter

"That the Metropolitan Council concurs with the Transportation Advisory Board (TAB) action to adopt the revised TAB Bylaws and public participation process."

Motion carried.

2010-282 - Adoption of Amendment to Water Resources Management Policy Plan, Infiltration/Inflow Program

It was moved by Steffen and seconded by Wolter

"That the Metropolitan Council adopts the attached amendment to the 2030 Water Resources Management Policy Plan, Infiltration/Inflow Program."

Motion carried.

2010-283 - Authorization to Negotiate and Execute Construction Cooperation and Cost Sharing Agreement with the City of East Bethel

It was moved by Steffen and seconded by Wolter

"That the Metropolitan Council authorize its Regional Administrator to negotiate and execute a construction cooperation and cost sharing agreement with the City of East Bethel for construction of wastewater interceptor and treated water pipelines and for interceptor cost sharing by City of East Bethel."

Motion carried.

2010-285 - Authorization to Issue a Purchase Order Change by Polydyne, Inc., to provide Polymer for the Empire Wastewater Treatment Plant

It was moved by Steffen and seconded by Wolter

"That the Metropolitan Council authorize the Regional Administrator to issue a purchase order change to Polydyne, Inc. to provide Clarifloc CE-1427 polymer to the Empire WWTP. The purchase order change extends the term of the PO for a one-year period. Total cost for the one-year extension is \$220,000."

Motion carried.

2010-295 - 2010-2013 Transportation Improvement Program (TIP) Amendment: City of St. Paul SP#164-595-10AC, 164-595-02AC, 164-595-04AC: Mississippi River Enhancements Projects AC Payback (TAB Action 2010-51),

It was moved by Steffen and seconded by Wolter

"That the Metropolitan Council concur with the Transportation Advisory Board (TAB) action to amend the 2010-2013 Transportation Improvement Program (TIP) to include SP#164-595-01AC, 164-595-02AC, 164-595-04AC: Mississippi River Enhancements projects AC Payback."

Motion carried.

2010-301 - Technical Amendments to Legal Services Agreements; No Budget Impacts

It was moved by Steffen and seconded by Wolter

"That the Metropolitan Council authorizes the General Counsel to amend legal services agreements to increase the maximum contract prices as follows:

Law Firm	Services	Term	Current Price	Proposed Increase	New Price
Barnes Thornburg	Legal Services related to Total Maximum Daily Load Matters Contract No. 09P167B	1/1/10-12/31/12	\$125,000	\$125,000	\$250,000
Arthur, Chapman, Kettering, Smetak, Pikala	Legal Services related to Tort & Property Damage Contract No. 08P044A	2/24/09-1/31/12	\$125,000	\$75,000	\$200,000
Bassford Remele	Legal Services related to Tort & Property	1/1/07-12/31/10	\$1,125,000	\$50,000	\$1,175,000

	Damage Contract No. 06P152A				
LaBore, Giuliani, Cosgriff, Viltoft	Legal Services related to Tort & Property Damage Contract No. 08P044C	2/23/09- 1/31/12	\$125,000	\$125,000	\$250,000
Provo- Petersen, O'Neill	Legal Services related to Tort & Property Damage Contract No. 08P044B	2/23/09- 1/31/12	\$250,000	\$250,000	\$500,000
Heacox Hartman	Legal Services related to Workers Compensation Contract No. 05P044B	6/29/06- 6/30/11	\$750,000	\$250,000	\$1,000,000

Motion carried.

2010-303 - Authorization to Execute Grant Agreement with the City of Ramsey

It was moved by Steffen and seconded by Wolter

"That the Metropolitan Council authorize the Regional Administrator to execute a grant with the City of Ramsey for up to \$824,818 for reimbursement of previously provided Ramsey Star Service."

Motion carried.

2010-307 - Authorization to Negotiate and Execute Amendment to Engineering Services Agreement for Point Douglas L-12 Lift Station Improvement, MCES Project No. 802200, Contract No. 05P116

It was moved by Steffen and seconded by Wolter

"That the Metropolitan Council authorizes its Regional Administrator to negotiate and execute an amendment to the engineering services contract with LHB, Inc., Contract No. 05P116, MCES Project No. 802200, increasing the contract amount from \$275,570 to \$345,230."

Motion carried.

2010-300 - Authorization to Exercise Contract Options to Purchase Coach Buses

It was moved by McFarlin and seconded by Aguilar

"That the Metropolitan Council authorize the Regional Administrator to exercise an existing contract option with Motor Coach Industries (MCI) to purchase eight coach buses in an amount not to exceed \$4,040,000."

Motion carried, with Pistilli dissenting.

Report of the Transportation Committee

2010-306 - Adoption of the 2011-2014 Transportation Improvement Program (TIP) for the Twin Cities Metropolitan Area

It was moved by McFarlin and seconded by Leppik

"That the Metropolitan Council:

1. adopt the 2011-2014 Transportation Improvement Program;
2. certify that the Twin Cities Metropolitan Transportation Planning Process is being carried on in conformance with all applicable federal requirements of:
 - Section 134 of Title 23, U.S.C., Section 8 of the Federal Transit Act (49 U.S.C. app. 1607);
 - Sections 174 and 176 (c) and (d) of the Clean Air Act (42 U.S.C. 7504, 7506 (c) and (d).
 - Title VI of the Civil Rights Act of the 1964 and Title VI assurance executed by each state under 23 U.S.C. 324 and 29 U.S.C. 794;
 - Section 1101 (g) of the Transportation Equity Act of the 21st Century (Pub. L. 105-178) regarding the involvement of disadvantaged business enterprises in FHWA and FTA funded planning projects (Pub. L. 97-424, Section 105 (f); 49 CFR part 23); and
 - The provisions of the Americans with Disabilities Act (Pub. L. 101-336, 104 Stat. 327, as amended) and U.S. DOT regulations (Transportation for Individuals with Disabilities (40 CFR parts 27, 37 and 38);
3. certify the TIP conforms with the provisions of 49 CFR part 20 regarding lobbying restrictions on influencing certain federal activities;
4. find that the TIP is consistent with the Transportation Policy Plan, which is in conformance with applicable federal transportation and air quality regulations;
5. find that the TIP meets all applicable federal requirements;
6. find that the TAB provided adequate opportunity for public, agency and transit operators involvement through its regular process and special public meetings and hearing;
7. transmit the 2011-2014 TIP along with these comments to the Minnesota Department of Transportation and Minnesota Pollution Control Agency."

Motion carried.

2010-296 - (Resolution 2010-26) Authorization to Apply for Section 5311 Nonurbanized Area Formula Program Funds

It was moved by McFarlin and seconded by Peterson

"That the Metropolitan Council approve Resolution 2010-26 authorizing the Regional Administrator to apply for 2011 Section 5311 Non-urbanized Area Formula Program funding from the Minnesota Department of Transportation (MnDOT)."

Motion carried.

2010-298 - Central Corridor Light Rail Transit: Initiate Eminent Domain Proceedings for the Acquisition of Parcel 5B (Hellervik Parking Lot) for Civil East Construction

It was moved by McFarlin and seconded by Peterson

"That the Metropolitan Council authorize the initiation of eminent domain proceedings for the acquisition of the property rights for Parcel 5B (Hellervik Parking Lot) in downtown St. Paul for the Central Corridor Light Rail Transit (CCLRT) Civil East Construction."

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

Report of the Community Development Committee

Community Development Committee item is on the Joint Report.

Report of the Environment Committee

Environment Committee items are on the Consent list and Joint Report.

Report of the Management Committee

Management Committee items are on the Consent list and Joint Report.

Other Business

2010-315 - Agreement for the Central Corridor LRT Project through the University of Minnesota (UofM)

Chair Bell stated this time-sensitive business item needs to be moved forward for Federal Transit Administration (FTA) review as they consider the Council's application for the Full Funding Grant Agreement. For that reason, Business Item 2010-315 did not go through the Transportation Committee.

Program Director Mark Fuhrmann presented a summary of the key provisions of the Agreement that establishes construction and operation requirements for the Central Corridor LRT Project through the University of Minnesota.

The Met Council's guiding principles for the corridor are:

- Design and construct CCLRT
- Independently operate the regional transit system
- Keep the project on time and on budget

The University of Minnesota's guiding principles for the corridor is:

- Protect the University research enterprise.

The Council retains engineering and design control over project elements specific to rail line and the UofM has final approval for University funded enhancements and transit/pedestrian mall aesthetic features.

Other provisions included in the Agreement:

1. LRT Operating Performance Standards
 - Ongoing Testing
 - Ongoing Monitoring
 - Construction Management Plan
 - Reimbursement of UofM Staff Expenses
 - Easements
 - Remedies (harm from vibration or EMI)
 - Dispute Resolution
 - Dismissal of Lawsuit

The University of Minnesota Board of Regents (9/8/10) authorized UofM officials to execute the Agreement. The City of Minneapolis and Hennepin County are expected to take similar action within the next two weeks.

Chair Bell expressed his full support for the agreement. In acknowledging the diligent commitment of Council staff involved in the lengthy negotiations, Chair Bell thanked Tom Weaver, Don Mueting, Peter Hanf, Mark Fuhrmann, Rich Rovang, Kathryn O'Brien and Jim Alexander.

It was moved by McFarlin and seconded by Aguilar

"That the Metropolitan Council authorize its Chair to finalize and execute the Agreement for the Central Corridor Light Rail Transit Project (CCLRT) among the Council, the Regents of the University of Minnesota, the city of Minneapolis, and Hennepin County, which establishes requirements for constructing and operating the Central Corridor LRT Project through the University of Minnesota (U of M), as described in the presentation."

Motion passed, with Pistilli dissenting.

Due to time constraints, the Update on Framework Benchmarks will be presented at a future meeting.

Reports

Chair

Chair Bell invited Council Members to participate in the discussion of the Proposed Regional Transit Policies and Procedures at the September 13 Transportation Committee Meeting at the Heywood Offices. The Council will take action on the proposal at the September 22 meeting.

Council Members

There was no report.

Regional Administrator

Regional Administrator Weaver reported the Northstar Fares discussion will be on the September 27 Transportation Committee agenda.

General Counsel

There was no report.

Adjournment

Business completed, the meeting adjourned at 5:46 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 September 8, 2010.

Approved this 22nd day of September, 2010.

Respectfully submitted,



Pat Curtiss
Secretary

