



Metropolitan Council Meeting

Wednesday, December 8, 2010

Robert Street Council Chambers

4:00 P.M.

Table of Contents

Part I - Narrative	1
Attendance:	1
Call to Order and Approval of Agenda	1
Minutes	1
Public Invitation	1
Part II - Exhibits	2
Business	2
Committee Consent List	2
Report of the Transportation Committee.....	6
Report of the Community Development Committee.....	9
Report of the Environment Committee	12
Report of the Management Committee	12
Other Business	12
Reports	13
Chair	13
Council Members	13
Regional Administrator	14
General Counsel	14
Adjournment	17
Part III - Certification	17

Metropolitan Council Meeting

Wednesday, December 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, Annette Meeks, Lynette Wittsack, Natalie Steffen, Kris Sanda, Georgeanne Hilker, Sherry Broecker, Rick Aguilar, Kirstin Sersland Beach, Daniel Wolter, Wendy Wulff

Call to Order and Approval of Agenda

A quorum being present, the Chair called the regular meeting of the Metropolitan Council to order at 4:01 p.m. It was moved by Steffen, seconded by Wittsack to approve the agenda. Motion carried.

Minutes

It was moved by Wittsack, seconded by Meeks, to approve the minutes of the Metropolitan Council Meeting of November 10, 2010. Motion carried.

Public Invitation

Council Member Scherer asked to present Resolution 2010-50

Resolution 2010-50 - Recognizing Peter Bell for his outstanding Record of Service as Chair of the Metropolitan Council

It was moved by Meeks and seconded by Wittsack

"That the Metropolitan Council adopt Resolution 2010-50 recognizing Peter Bell for his outstanding record of service as Metropolitan Council Chair."

Motion carried.

Council Member Steffen asked to present Resolution 2010-51

Resolution 2010-51 - Recognizing Tom Weaver for His Outstanding Record of Service as Regional Administrator of the Metropolitan Council

It was moved by Wolter and seconded by Wulff

"That the Metropolitan Council adopt Resolution 2010-50 recognizing Tom Weaver for his outstanding record of service as Regional Administrator of the Metropolitan Council."

Motion carried.

Part II - Exhibits

Business

Committee Consent List

2010-347 - Resolutions Setting Council and Committee Dates and Authorizing Closed Committee Meetings; Res 2010-29 Council, Res 2010-32 Committee of the Whole, Res 2010-33 Management; Res 2010-34 Environment, Res 2010-35 Community Development, Res 2010-36 Transportation, and Res 2010-37 the Litigation Review Special Committee

It was moved by Wolter and seconded by Meeks

"That the Metropolitan Council adopt the attached resolutions setting days, times and locations for regular meetings of the Council and its Committees and authorizing closed Committee meetings:

Metropolitan Council (Res. No. 2010-29), Committee of the Whole (Res. No. 2010-32), Management Committee (Res. No. 2010-33), Environment Committee (Res. No. 2010-34), Community Development Committee (Res. No. 2010-35), Transportation Committee (Res. No. 2010-36) and Litigation Review Special Committee (Res. No. 2010-37)."

Motion carried.

2010-372 - Authorization to Extend Contract for Gasoline Supply

It was moved by Wolter and seconded by Meeks

"That the Metropolitan Council authorize the Regional Administrator to extend the final option year on Contract 08P020 with Lubricant Technologies (formerly Egan Oil Company) and increase the maximum contract amount by \$2,800,000."

Motion carried.

2010-374 - Authorization to Execute Subrecipient Grant Agreement with Ramsey County Regional Railroad Authority

It was moved by Wolter and seconded by Meeks

"That the Metropolitan Council authorize the Regional Administrator to execute a sub-recipient grant agreement with the Ramsey County Regional Railroad Authority for \$250,000 in Federal Transit Administration funds to extend the ongoing I-94 Corridor Alternatives Analysis Study to Eau Claire, Wisconsin."

Motion carried.

2010-377 - Authorization to Negotiate and Execute Contract for Workers' Compensation Defense Counsel

It was moved by Wolter and seconded by Meeks

"That the Metropolitan Council authorizes the Regional Administrator to negotiate and execute three contracts for legal defense related to workers' compensation claims, in

an aggregate amount not to exceed \$1,065,000 over the three year term of the contracts.”

Motion carried.

2010-379 - 2011 Sole Source Procurement of Maintenance Services for Software and Hardware

It was moved by Wolter and seconded by Meeks

“That the Metropolitan Council authorize the Regional Administrator to make ongoing maintenance and support service payments on a sole-source basis for installed software and hardware, with the services to be procured from the vendors on the attached 2011 Information Services Sole Source Vendor List up to the amount listed.”

Motion carried.

2010-380 - Approval of Non-Represented Plan Effective January 1, 2011

It was moved by Wolter and seconded by Meeks

“That the Metropolitan Council approves the Non-Represented Plan effective January 1, 2011.”

Motion carried.

2010-382 - 2011 Annual Affirmation of Transaction-Based Financial Contracts

It was moved by Wolter and seconded by Meeks

“That the Metropolitan Council authorize the Regional Administrator to amend the terms of the following transaction-based financial contracts, as needed, so as to provide continued service through December 31, 2011:

1. General banking services from US Bank.
2. Credit card processing and managed payment services from Elavon.
3. Purchasing card services from Bank of America (BoFA).
4. Custodian and securities lending services from Wells Fargo and US Bank.”

Motion carried.

2010-383 - List of Authorized Financial Institutions, Office Depositories

It was moved by Wolter and seconded by Meeks

“That the Metropolitan Council approves the attached list of Authorized Financial Institutions for 2011.”

Motion carried.

2010-384 - Authorization to Amend Contract for Cedar Avenue BRT Service

It was moved by Wolter and seconded by Meeks

“That the Metropolitan Council authorizes the Regional Administrator to execute a contract amendment in the amount of \$400,000 with Minnesota Valley Transit

Authority for additional service and facility maintenance costs for a new total contract amount not to exceed \$1,050,000."

Motion carried.

2010-385 - Authorization to Award a Construction Contract for South St. Paul Forcemain Improvements, MCES Project No. 802712, Contract No. 07P58B

It was moved by Wolter and seconded by Meeks

"That the Metropolitan Council authorize its Regional Administrator to award and execute a contract for construction of the South St. Paul Forcemain Improvements, MCES Project Number 802712, Contract No. 07P058B, with Lametti & Sons, Inc. for their low bid of \$10,537,170."

Motion carried.

2010-386 - Increase of Delegated Construction Contract Change Order Authority for South Saint Paul Forcemain Improvements, MCES Project No. 802710, Contract No. 07P058A

It was moved by Wolter and seconded by Meeks

"That the Metropolitan Council increases the delegated construction contract change order authority for the South Saint Paul Forcemain Improvements, MCES Project No. 802710, Contract No. 07P058A, from \$691,137 to \$1,236,137."

Motion carried.

2010-387 - Authorization to Reject all Bids for Construction of Primary Settling Tanks Sludge Collection System Improvements, Biofilter Access Addition & Liquid Waste Receiving Tunnel Access; MCES Project Nos. 805910, 805942 & 80591; Contract No. 10P052-A

It was moved by Wolter and seconded by Meeks

"That the Metropolitan Council authorize the rejection of all bids for construction of Primary Settling Tanks Sludge Collection System Improvements, Biofilter Access Addition & Liquid Waste Receiving Tunnel Access; MCES Projects No. 805910, 805942 & 805951; Contract No. 10P052-A."

Motion carried.

2010-388 - Authorization to Reject All Bids fro Construction of East Final Settling Tanks Sludge Collection System Improvements, MCES Project No. 805920, Contract No. 09P207A

It was moved by Wolter and seconded by Meeks

"That the Metropolitan Council authorizes its Regional Administrator to reject all bids for construction of the East Final Settling Tanks Sludge Collection System Improvements, MCES Project No. 805920, Contract No. 09P207A."

Motion carried.

2010-390 - Authorization to Purchase Polymer for the Metropolitan Wastewater Treatment Plant

It was moved by Wolter and seconded by Meeks

"That the Metropolitan Council authorize the Regional Administrator to issue a purchase order to Polydyne, Inc. to provide Clarifloc CE-817 & CE-819 Polymers to the Metropolitan Wastewater Treatment Plant at the unit price of \$0.15 & \$1.25 per pound respectively."

Motion carried.

2010-398 - Central Corridor Light Rail Transit: AECOM Amendment - Engineering Services and 2011 Authorization

It was moved by Wolter and seconded by Meeks

"That the Metropolitan Council authorize the Regional Administrator:

1. to negotiate and execute an amendment to the professional services contract with AECOM to increase the contract amount by \$5.8 million to \$98.2 million for additional design activities and to continue design support during construction and construction support services and add vehicle procurement support services; and
2. to issue a Notice-to-Proceed to AECOM USA, Inc. in an amount not-to-exceed \$12.6 million for additional design activities and to continue design support during construction and construction support services and for vehicle procurement support services during calendar year 2011 for a total spending authority not to exceed \$92.8 million."

Motion carried.

2010-399 - Central Corridor Light Rail Transit: Subordinate Funding Agreement No. 6 with the Minnesota Department of Transportation for 2011 Staffing

It was moved by Wolter and seconded by Meeks

"That the Metropolitan Council authorize the Regional Administrator to negotiate and execute Subordinate Funding Agreement (SFA) No. 6 to the Master Funding Agreement with the Minnesota Department of Transportation (Mn/DOT) in the total amount of \$3,244,315 for calendar year 2011."

Motion carried.

2010-406 - Authorization to Award Contract for Operator Uniforms

It was moved by Wolter and seconded by Meeks

"That the Metropolitan Council authorize the Regional Administrator to execute a contract with Uniforms Unlimited, Inc. to supply bus and rail operator uniforms, dispatcher uniforms and supervisor uniforms in accordance with Council specifications and the Uniforms Unlimited bid for a five-year term."

Motion carried.

2010-408 - Authorization to Execute Grant Agreement with Minnesota Valley Transit Authority

It was moved by Wolter and seconded by Meeks

"That the Metropolitan Council authorize the Regional Administrator to execute a grant agreement in an amount not to exceed \$3,550,000 with Minnesota Valley Transit Authority (MVTA) to provide supplemental transit operating funding during CY2011."

Motion carried.

2010-409 - 2011-2014 Transportation Improvement Plan (TIP) amendment: Include MnDOT SP#275-73 and SP# 128-59: Cable Median Barrier Installation in New Hope-Brooklyn Park and South St. Paul - Inver Grove Heights (TAB Action 2010-66)

It was moved by Wolter and seconded by Meeks

"That the Metropolitan Council concur with the Transportation Advisory Board (TAB) action to amend the 2011-2014 Transportation Improvement Program (TIP) to include MnDOT SP#275-73 and SP#128-59: Cable Median Barrier Installation in New Hope-Brooklyn Park and South St. Paul-Inver Grove Heights."

Motion carried.

2010-410 - 2011-2014 Transportation Improvement Program (TIP) Amendment: Include SP#091-595-025: Union Depot Multimodal (TAB Action 2010-68)

It was moved by Wolter and seconded by Meeks

"That the Metropolitan Council concur with the Transportation Advisory Board (TAB) action to amend the 2011-2014 Transportation Improvement Program (TIP) to include SP#091-595-025: Union Depot Multimodal Transit Facility."

Motion carried.

2010-411 - 2010 Americans with Disability Act (ADA) Contract Amendments

It was moved by Wolter and seconded by Meeks

"That the Metropolitan Council authorize the Regional Administrator to amend Transit Provider Assistance Agreements and increase the maximum contract amount by \$40,000 for Human Service Inc. (10P061) and \$220,000 for DARTS (10P062)."

Motion carried.

Report of the Transportation Committee

2010-371 - Central Corridor Light Rail Transit: Project Contract Under Runs

It was moved by McFarlin and seconded by Peterson

"That the Metropolitan Council preserve the construction contract budget under run for the Central Corridor Light Rail Transit (LRT) Project for the Civil East, Civil West, Systems, Operation and Maintenance Facility and Light Rail Vehicles

contract awards in the aggregate amount of \$34 million separate and apart from the project base contingency amount of \$152 million. Furthermore, expenditure of any of the \$34 million will require approval of project lead funding partners Counties Transit Improvement Board (CTIB), Ramsey County Regional Railroad Authority (RCRRA), Hennepin County Regional Railroad Authority (HCRRA) and the Metropolitan Council."

Motion carried.

2010-373 - Approval of Station-to-Station Transitway Identity and Branding Framework

It was moved by McFarlin and seconded by Wulff

"That the Metropolitan Council approve four recommendations that form a Station-to-Station Transitway Identity and Branding Framework:

1. Position, brand, and identify Light Rail Transit (LRT) and Highway Bus Rapid Transit (BRT) station-to-station services in the region as one system;
2. Name LRT and Highway BRT station-to-station lines using a color-coded scheme;
3. Unify the LRT and Highway BRT station-to-station services brand using a distinct system name;
4. Apply regional transit color scheme to the LRT and Highway BRT station-to-station services in a consistent manner across the region."

Motion carried.

2010-394 - Central Corridor Light Rail Transit: Additional Limited Notices to Proceed for First Quarter 2011 Under a Letter of No Prejudice

It was moved by McFarlin and seconded by Peterson

"That the Metropolitan Council authorize the Regional Administrator to direct staff to issue additional Limited Notices to Proceed to Central Corridor Light Rail Transit (CCLRT) contractors for first quarter 2011 activity in an amount not to exceed \$41.8 million contingent upon receipt of the corresponding Letter of No Prejudice from the Federal Transit Administration."

Motion carried, with Meeks dissenting.

2010-395 - Central Corridor Light Rail Transit: 2011 Counties Transit Improvement Board Capital Grant

It was moved by McFarlin and seconded by Peterson

"That the Metropolitan Council authorize the Regional Administrator to execute a CY2011 capital grant agreement for the Central Corridor Light Rail Transit (LRT) project for Final Design, right-of-way acquisition, construction and purchase of Light Rail Vehicles in the amount of \$106,681,526."

Motion carried, with Meeks dissenting.

2010-396 - Central Corridor Light Rail Transit: Operations and Maintenance Facility Award

It was moved by McFarlin and seconded by Hilker

"That the Metropolitan Council Authorize the Regional Administrator to:

- Award and execute a contract with the lowest responsive and responsible bidder, **PCL Construction Services, Inc.** for the Central Corridor Light Rail Transit (CCLRT) Operation and Maintenance Facility construction in St. Paul, Minnesota at a cost of \$43,139,389;
- Issue a Limited Notice to Proceed in an amount of \$1,600,000."

Motion carried, with Pistilli dissenting

2010-397 - Central Corridor Light Rail Transit: Authorization to Proceed with the Acquisition of Parcel 65 (Boeser) Property

It was moved by McFarlin and seconded by Peterson

"That the Metropolitan Council authorize the Central Corridor Light Rail Transit (CCLRT) Project Office (through MnDOT) to settle with the landowner for Parcel 65 (Boeser) for the acquisition of permanent and temporary easements consistent with the approved appraisal."

Motion carried, with Meeks and Pistilli dissenting.

2010-400 - Central Corridor Light Rail Transit: University of Minnesota Subordinate Funding Agreement – Staffing Services

It was moved by McFarlin and seconded by Pistilli

"That the Metropolitan Council authorize the Regional Administrator to negotiate and execute a Subordinate Funding Agreement with the University of Minnesota relative to the Central Corridor Light Rail Transit construction within the University of Minnesota's Minneapolis campus for \$400,000 through completion of the Project."

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

2010-401 - Central Corridor Light Rail Transit: Public Art Contract for Infill Stations

It was moved by McFarlin and seconded by Hilker

"That the Metropolitan Council authorize the Regional Administrator:

- to negotiate and execute a professional services contract with Foster Willey Sculptor LLC to design, fabricate and install public art on the Hamline and Victoria Central Corridor Light Rail Transit stations, in an amount not to exceed \$374,000;
- To negotiate and execute a professional services contract with Widgery Works, Inc. to design, fabricate and install public art on the Western Central Corridor Light Rail Transit station, in an amount not to exceed \$187,000."

Regional Administrator Weaver noted that Council staff attempted to solicit corporate sponsors for this public art contract. There were no responses to the request. The effort will be tried again on future public transit projects.

Motion carried, with Scherer, Pistilli, Meeks, and Wulff dissenting.

2010-403 - Southwest Light Rail Transit: CY2010 Counties Transit Improvement Board Funding Assignment Agreement with Hennepin County Regional Railroad Authority

It was moved by McFarlin and seconded by Broecker

"That the Metropolitan Council authorize the Regional Administrator to execute an agreement with Hennepin County Regional Railroad Authority (HCRRA) accepting assignment of CY2010 Counties Transit Improvement Board (CTIB) capital grant funds for the Southwest Light Rail Transit (SWLRT) project for Preliminary Engineering (PE) in the amount of \$7,000,000 contingent upon approval of corresponding actions by HCRRA and CTIB."

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

210-404 - Southwest Light Rail Transit: CY2011 Counties Transit Improvement Board Capital Grant Agreement

It was moved by McFarlin and seconded by Leppik

"That the Metropolitan Council authorize the Regional Administrator to execute a CY2011 capital grant agreement for the Southwest Light Rail Transit (SWLRT) project for Preliminary Engineering (PE) in the amount of \$12,200,000 contingent upon approval of a corresponding action by the Counties Transit Improvement (CTIB)."

Motion carried, with Sersland Beach and Wulff dissenting.

2010-405 - Southwest Light Rail Transit: Cooperative Funding Agreement for Preliminary Engineering with Hennepin County Regional Railroad Authority

It was moved by McFarlin and seconded by Leppik

"That the Metropolitan Council authorize the Regional Administrator to negotiate and execute the Cooperative Funding Agreement for Preliminary Engineering (PE) of the Southwest Light Rail Transit Project (SWLRT) with the Hennepin County Regional Railroad Authority (HCRRA) contingent upon a corresponding action by HCRRA."

Motion carried, with Meeks Sersland Beach and Wulff dissenting.

Report of the Community Development Committee

2010-381 - Adoption of the Updated 2030 Regional Parks and Open Space Policy Plan

It was moved by Aguilar and seconded by Wulff

"That the Metropolitan Council adopt the Updated 2030 Regional Parks and Open Space Policy Plan."

Motion carried.

2010-393 - Big Marine Park Reserve Master Plan, Washington County - Referral No. 50003-1

It was moved by Aguilar and seconded by Wulff

"That the Metropolitan Council:

1. approve the update to the Big Marine Park Reserve Master Plan (Referral No. 50003-1);
2. send a letter to Mr. Reibel and Washington County that:
 - a) acknowledges the roadway easement issue and the County's authority to determine the boundary of Big Marine Park Reserve;
 - b) acknowledges that the Metropolitan Council cannot unilaterally amend the boundary of Big Marine Park Reserve, and
 - c) supports amicable resolution of these issues between the affected parties."

Motion carried.

2010-392 - LCA Local Housing Incentive Account Funding Recommendations

It was moved by Aguilar and seconded by Bowles

"That the Metropolitan Council award Local Housing Incentives Account (LHIA) grants totaling \$1,500,000 as follows:

Project	City	Number of New Units	Number of Units to be Rehabilitated	LHIA Funding Recommendation
Rental Housing Proposals				
Yorkdale Townhomes	Edina		90	\$250,000
Twin Ponds II	Farmington	25		\$250,000
Forest Oak Apartments	Forest Lake	36		\$100,000
West View Estates	Plymouth	67		\$300,000
Sienna Green Phase II	Roseville	50		\$300,000
Village Commons	Savage	66		\$300,000
	TOTAL:	244	90	\$1,500,000

Motion carried.

2010-402 SW - 2011 Livable Communities Demonstration Account (LCDA) Funding Recommendations

It was moved by Aguilar and seconded by Sanda

"That the Metropolitan Council award 15 Pre-Development and 11 Development Livable Communities Demonstration Account (LCDA) grants, as follows:

Pre-Development Projects	Applicant	Recommendation
Master TOD Development Plan	Apple Valley	\$60,000
Beltline LRT Station Development Area	St. Louis Park	70,000
Linden Yards East Development & Rail Layover Study	Minneapolis	100,000
Prior-University Avenue Redevelopment	Saint Paul	47,000
Urban Village Master Plan	Woodbury	100,000
Phalen Village Commercial Development	Saint Paul	63,000
Railway Commons	Loretto	36,440
Red Rock Gateway Study	Newport	69,350
Concord Boulevard Neighborhood Redevelopment	Inver Grove Hts	48,000
Grandview Small Area Plan	Edina	100,000

Pre-Development Projects	Applicant	Recommendation
South Concord Corridor	South St. Paul	40,000
Greenhaven Housing Opportunities	Anoka	75,000
Market Analysis Hanson Concrete	Apple Valley	50,000
West Side Village	Victoria	25,200
Four Seasons Mall Redevelopment	Plymouth	100,000
Pre-Development award sub-total		\$983,990
Development Projects	Applicant	Recommendation
PPL West 7 th Housing	Saint Paul	233,550
J. Jerome Boxleitner Place	Minneapolis	\$284,000
Franklin Portland Gateway IV	Minneapolis	793,900
Hi-Lake Triangle Apartments	Minneapolis	1,034,000
Woodlake Plaza Apartments	Richfield	352,000
5 th Street Lofts	Saint Paul	361,000
Block 6 Redevelopment	Osseo	626,000
Oakdale Mall Redevelopment	Oakdale	1,171,566
MPHA 4 th Avenue Street Improvements	Minneapolis	177,000
Cooper's Grocery	Chaska	500,000
Valley Ridge Redevelopment	Dakota County CDA	800,000
Development award sub-total		\$6,333,016
Total LCDA Recommendation		\$7,317,006
Funds remaining after awards		\$182,994

Chair Bell acknowledged Ruth Grendahl, who has served as Chair of the Livable Communities Advisory Committee (LCAC) for the past seven years. He expressed thanks to the LCAC for their participation and dedication to this important work.

Motion carried.

2010-416 SW - Authorization to Negotiate and Execute Sustainable Communities Regional Planning Grant Agreement with HUD

It was moved by Aguilar and seconded by Sanda

"That the Metropolitan Council Authorize the Regional Administrator to negotiate and execute a Grant Agreement with HUD for a Sustainable Communities Regional Planning Grant in the amount of \$5 million."

Motion carried, with Pistilli dissenting.

2010-419 SW - Adoption of the LCA Affordable and Life Cycle Housing Goals, Resolution 2010-52

It was moved by Aguilar and seconded by Sanda

"That the Metropolitan Council approve the attached resolution adopting the Livable Communities Act Local Housing Incentives Account (LCA LHIA) Affordable and Lifecycle Housing goals that have been adopted by communities participating in the Livable Communities Act for 2011-2020."

Council Member Bowles indicated she will not support the action because she disagrees with the approach of setting goals ranges for affordable housing goals, believing the low end of the range creates ranges that are too large and lowers the expectations for the number of new affordable units in communities. Council member Peterson believes a percentage, rather than a range, is a more attainable goal.

Motion carried, with Bowles and Peterson dissenting.

Report of the Environment Committee

2010-389 - Adoption of Recommendations of the Reserve Capacity / Sewer Availability Charge (SAC) Task Force

It was moved by Leppik and seconded by Wolter

"That the Metropolitan Council adopts the recommendations made by the Reserve Capacity/SAC Task Force, specifically to:

- 1) Direct staff to pursue legislation to annually determine the SAC requirement toward wastewater expenses based on the costs and debt service of providing additional capacity incurred in MCES capital projects (the "Growth Cost" methodology);
- 2) Until the statutory authorization changes, to develop future SAC and Municipal Wastewater Charges based on the "Combination Method" for reserve capacity determination, and
- 3) Revise the SAC Procedure Manual to change criteria for a) restaurants and b) day care facilities, and c) to allow a substitute fee (in lieu of SAC) for the temporary use of wastewater capacity, all with an effective date of January 1, 2011."

Motion carried.

Report of the Management Committee

2010-422 SW - Authorization to Procure Railroad Liability Insurance for Northstar Operations

It was moved by Scherer and seconded by Sanda

"That the Metropolitan Council authorize the procurement of railroad liability insurance, effective 1/1/11-12/31/11, for the Northstar Commuter Rail Operations in an amount not to exceed \$1,300,000."

Regional Administrator recognized Phil Walljasper for his diligence in securing this cost-effective insurance policy.

Motion carried.

Other Business

2010-415 - Appointment to the Transportation Advisory Board

It was moved by McFarlin and seconded by Broecker

"That the Metropolitan Council approve the following appointment to the Transportation Advisory Board: William Hargis—Precinct F and TAB chair."

Motion carried.

2010-435 - Emergency Declaration to Repair the Excelsior Forcemain MSB-7017

It was moved by Bowles and seconded by Leppik

"That the Metropolitan Council ratify the attached *Justification for and Declaration of Emergency* for repairs to the Excelsior Forcemain MSB-7017, at a cost of no more than \$50,000."

Bill Moeller, Assistant General Manager of the Environmental Services Interceptor Services summarized the incident and action taken to date.

The Council has a policy in place to address Environmental Services Emergency Declarations.

Reports

Chair

- Chair Bell noted this is the last meeting for this Council. Chair Bell stated his service as Council Chair has been the signature career activity of his life. He thanked Council Members for their hard work and support over the past eight years and hopes they will take a measure of pride in the accomplishments this Council has achieved during their tenure. Bell complimented Council staff for their knowledge, dedication and competence on difficult and complex issues that make a difference in peoples' lives.
- Chair Bell reported he will appoint Nancy Tyra-Luken, the Mayor-elect of Eden Prairie to the Family Housing Fund Board.

Council Members

- Council Member McFarlin reported the December 13 Transportation Committee meeting will be canceled.
- Council Member Sanda noted that former Anoka County Commissioner Dennis Berg is being honored this evening following 32 years of public service. Sanda thanked Berg for his outstanding service and dedication to the Anoka County and for his work as a TAB member. Berg did not seek another term in the recent election.
- Council Member Scherer recognized this Council as an outstanding cordial group and considers his work as a fun assignment. He extended appreciation to Governor Pawlenty for the appointment.
- Council Member Leppik stated this has been wonderful eight-year learning experience and a pleasure and privilege to serve with Chair Bell, Mr. Weaver and Council staff.
- Council Member Aguilar reminded Council members to view this Council service experience as a part of history. The transit changes in the metro area are yet to be realized and he look forwards to riding the Central Corridor train down University Avenue.

Regional Administrator

Regional Administrator Weaver thanked the Council and staff for their support, noting the Council has done phenomenal work over the past eight years and has made significant contributions to the region. Weaver said this rewarding experience has been the highlight of his career, with the greatest part being his work with good people.

General Counsel

Deputy General Counsel Dave Theisen reported that the Office of the General Counsel concurs in the spirit and legality of the Council's resolutions recognizing the Chair and Regional Administrator.

Chair Bell presented Council Members with certificates of recognition from Governor Tim Pawlenty.

The Chair recessed the Council meeting (at 5:28 pm) until 6pm.

At 6:00 pm Chair Bell convened the Public Meeting on 2011 Unified Operating Budget, 2011 Unified Capital Program and 2010, Payable 2011, Levies (Resolution 2010-42 to 2010-49) and stated:

- Persons will be called to speak in the order in which they have registered;
- Individuals will have three minutes each
- Council will not engage in dialogue or debate, but rather listen to comments.

Chair Bell noted that throughout the history of this Council, the levy has been kept at 1%, to account for population growth. In the budget public comment draft, the levy was put at 1%. Bell noted that in keeping the levy at 1% or flat, that is the amount the Council is collecting in aggregate from the Property Tax, to support Council activities. Two factors can impact the public's personal property tax: 1) the fluctuation of how the aggregate dollar amount gets proportioned among counties and 2) the aggregate dollar amount also fluctuates among households within counties, based on factors beyond the Council's control.

Brian Badzin, Edina, believes the government should not operate beyond their confines and requests the tax levy be reduced 2-5% to reflect today's economy.

Jim Hawkins suggests government bodies and elected officials work together to avoid duplication of services.

Jeanne Ruiz expressed the difficult of living on a fixed income and believes this is not the time for any tax increases.

Lisa struggles to meet financial obligations, and additional taxes are troublesome.

Chair Bell thanked all presenters for their respectful, thoughtful comments when speaking before the Council.

Council Member Wulff stated there is a state program for residents who may need assistance paying their property tax when their income has decreased and their taxes have increased. Information is available at the Department of Revenue.

Council Member McFarlin assured the speakers their testimony is important, as they identified good points for the Council to consider in the future.

Chair Bell closed the public comment portion of the meeting and returned to Council business at 6:18 p.m.

2010-375 - Adoption of the 2011 Unified Operating Budget and 2010, Payable 2011, Tax Levy Resolutions

It was moved by Scherer and seconded by Pistilli

"That the Metropolitan Council adopts the following resolutions

Resolution 2010-42 Adopting the Council's 2010 Tax Levy for General Purposes for Certification to the County Auditors

Resolution 2010-43 Adopting the Council's 2010 Tax Levy for the Livable Communities Demonstration Account in the Metropolitan Livable Communities Fund

Resolution 2010-44 Adopting the Council's 2010 Tax Levy for the Tax Base Revitalization Account of the Livable Communities Act

Resolution 2010-45 Adopting the Council's 2010 Tax Levy for the Metropolitan Right-Of-Way Acquisition Loan Fund for the Purposes of Minnesota Statutes Section 473.167

Resolution 2010-46 Certifying the Council's 2010 Tax Levy for Debt Service on Future Transit Bonds

Resolution 2010-47 Certifying the Council's 2010 Tax Levy for Debt Service on Future Park Bonds

Resolution 2010-48 Adopting the Metropolitan Council's 2011 Unified Operating Budget

It was moved by Scherer and seconded by Pistilli

"to amend Resolution 2010-42 to reflect a 0% increase: "that the amount to be raised from ad valorem taxes levied in 210, for collection during 2011, for general purposes is ~~\$ 10,100,000~~ \$ 9,346,457."

The \$750,000 difference will be made up from Council general fund reserves, which currently are more than are required and will continue to meet Council targets. Expenditure of reserve funds will be shown in Council budget documents.

Motion on the amendment carried.

"That the Metropolitan Council adopts the following resolutions

- ~~Resolution 2010-42 Adopting the Council's 2010 Tax Levy for General Purposes for Certification to the County Auditors~~
- Resolution 2010-42R Adopting the Council's 2010 Tax Levy for General Purposes for Certification to the County Auditors
- Resolution 2010-43 Adopting the Council's 2010 Tax Levy for the Livable Communities Demonstration Account in the Metropolitan Livable Communities Fund
- Resolution 2010-44 Adopting the Council's 2010 Tax Levy for the Tax Base Revitalization Account of the Livable Communities Act
- Resolution 2010-45 Adopting the Council's 2010 Tax Levy for the Metropolitan Right-Of-Way Acquisition Loan Fund for the Purposes of Minnesota Statutes Section 473.167
- Resolution 2010-46 Certifying the Council's 2010 Tax Levy for Debt Service on Future Transit Bonds
- Resolution 2010-47 Certifying the Council's 2010 Tax Levy for Debt Service on Future Park Bonds
- Resolution 2010-48 Adopting the Metropolitan Council's 2011 Unified Operating Budget

Motion on the original motion, with amended Resolution 2010-42R, carried on the following roll call vote:

Yes				No	Abstain	Absent
	Scherer	Leppik	Sersland Beach			Steffen
	Pistilli	Meeks	Wolter			Sanda
	McFarlin	Wittsack	Wulff			Broecker
	Peterson	Hilker	Bell			
	Bowles	Aguilar				
TOTAL	14					3

2010-376 - Resolution 2010-49, Adopting the 2011 Unified Capital Program

It was moved by Scherer and seconded by Wulff

"That the Metropolitan Council adopts Resolution 2010-49: Adopting the Metropolitan Council's 2011 Unified Capital Program."

Motion carried on the following roll call vote:

Yes				No	Abstain	Absent
	Scherer	Leppik	Sersland Beach			Steffen
	Pistilli	Meeks	Wolter			Sanda
	McFarlin	Wittsack	Wulff			Broecker
	Peterson	Hilker	Bell			
	Bowles	Aguilar				
TOTAL	14					3

Adjournment

Business completed, the meeting adjourned at 6:38 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 December 8, 2010.

Approved this 12th day of January, 2011.

Respectfully submitted,

A handwritten signature in cursive script that reads "Pat Curtiss". The signature is written in black ink and is positioned above the printed name and title.

Pat Curtiss
Secretary