



Metropolitan Council Meeting

Wednesday, December 14, 2011

Robert Street Chambers

4:00 PM

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Metropolitan Council Meeting

Wednesday, December 14, 2011

Council Chambers

4:00 PM

Part I - Narrative

Attendance:

Susan Haigh, James Brimeyer, Steven Chávez, Jon Commers, John Doan, Gary Cunningham, Adam Duininck, Steven Elkins, Rich Kramer, Jennifer Munt, Edward Reynoso, Sandra Rummel, Lona Schreiber, Roxanne Smith, Gary Van Eyll, Wendy Wulff

Members excused: Harry Melander

Call to Order

A quorum being present, Chair Haigh called the regular meeting of the Metropolitan Council to order at 4:02 p.m. It was moved by Reynoso, seconded by Kramer to approve the agenda. Motion carried.

Minutes

It was moved by Van Eyll, seconded by Schreiber to approve the minutes of the Metropolitan Council Meeting of November 9, 2011. Motion carried.

Public Invitation

Joseph Ellis, retired MCES electrician, asked to address the Council regarding matters not on today's agenda. He stated that he believes there is a lack of hiring of black males, and asked the Council to look into it. Chair Haigh thanked him for his comments.

Part II - Exhibits

Business

Committee Consent List

2011-296 City of Anoka Comprehensive Plan Amendment, Review No. 20444-5

It was moved by Rummel and seconded by Chavez,

“That the Metropolitan Council allow the City of Anoka to put its 2011 System Statement Response CPA into effect.”

Motion carried.

2011- 302 Revision to Livable Communities Act Grant Amendment Guidelines

It was moved by Rummel and seconded by Chavez,

“That the Metropolitan Council approve the attached *Livable Communities Act Grant Amendment Process* for amendments to Livable Communities Act grant agreements.”

Motion carried.

2011-303 Central Corridor Light Rail Transit (Green Line): Subordinate Funding Agreement No. 7 with Minnesota Department of Transportation for 2012 Staffing

It was moved by Rummel and seconded by Chavez,

"That the Metropolitan Council authorize the Regional Administrator to negotiate and execute Subordinate Funding Agreement (SFA) No. 7 to the Master Funding Agreement with the Minnesota Department of Transportation (MnDOT) in the total amount of \$2,204,939 for calendar year 2012."

Motion carried.

2011-304 Railroad Liability Insurance

It was moved by Rummel and seconded by Chavez,

"That the Metropolitan Council authorize the procurement of railroad liability insurance, effective 1/1/12-5/31/13, for the Northstar Commuter Rail Operations in an amount not to exceed \$1,710,000."

Motion carried.

2011-305 2012 Annual Affirmation of Transaction-Based Financial Contracts

It was moved by Rummel and seconded by Chavez,

"That the Metropolitan Council authorize the Regional Administrator to amend the terms of the following transaction volume-based financial contracts, as needed, so as to provide continued service through December 31, 2012:

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

RFPs are planned over the next three months for general banking services, purchasing card services, custodian and securities lending services. The contract for credit card processing services is more recent and no relationship changes are planned for 2012."

Motion carried

2011-306 2012 List of Authorized Financial institutions – Official Depositories

It was moved by Rummel and seconded by Chavez,

"That the Metropolitan Council approves the attached list of Authorized Financial Institutions for 2012."

Motion carried

2011-307 Approval of Amendment to Non-Represented Plan

It was moved by Rummel and seconded by Chavez,

"That the Metropolitan Council approves revisions to the Non-Represented Plan effective January 1, 2012, incorporating the revisions summarized below."

Motion carried.

2011-308 Long-term Disability Benefits Contract

It was moved by Rummel and seconded by Chavez,

"That the Metropolitan Council authorize the Regional Administrator to negotiate and enter into a contract for Long Term Disability (LTD) with The Hartford for the period of January 1, 2012, through December 31, 2014."

Motion carried.

2011-309 2012 Sole Source Procurement of Maintenance Services for Software and Hardware

It was moved by Rummel and seconded by Chavez,

"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.

2011-313 Adoption of the Facility Plan for Minneapolis Interceptor Improvements Project, MCES Project No. 809040, Resolution No. 2011-32

It was moved by Rummel and seconded by Chavez,

"That the Metropolitan Council adopt the Facility Plan for the Minneapolis Interceptor Improvements Project, MCES Project No. 809040, per the attached Resolution No. 2011-32."

Motion carried.

2011-316 Northstar Commuter Rail Supplemental Subordinate Funding Agreement with Sherburne County Regional Rail Authority SFY 2012

It was moved by Rummel and seconded by Chavez,

"That the Metropolitan Council authorize the Regional Administrator to negotiate and execute a SFY2012 Supplemental Subordinate Funding Agreement with the Sherburne County Regional Railroad Authority for commuter rail operating costs for an amount up to \$1,121,773."

Motion carried.

2011-317 Authorization to Purchase Light Rail Vehicle Power Truck Brake Caliper Modification and Overhaul

It was moved by Rummel and seconded by Chavez,

"That the Metropolitan Council authorizes the Regional Administrator to purchase Knorr Brake Caliper Modification and Overhaul replacement parts for the Hiawatha Rail Line on a sole source basis in an amount not to exceed \$390,000 over a two-year period."

Motion carried.

2011-319 2012-2015 TIP Amendment Request from MnDOT for Rail Crossing Safety Projects (TAB Action 2011-63)

It was moved by Rummel and seconded by Chavez,

"That the Metropolitan Council concur with the Transportation Advisory Board (TAB) action to amend the 2012-2015 Transportation Improvement Program (TIP) to include three rail safety projects selected by MnDOT to receive SAFETEA-LU Section 1103(f)(2)(E) High Speed Rail(HSR) funds in Cottage Grove and near Hastings."

Motion carried.

2011-321 Authority to Execute an Agreement with the City of Ramsey

It was moved by Rummel and seconded by Chavez,

"That the Metropolitan Council authorize the Regional Administrator to execute a grant agreement with the city of Ramsey for up to \$416,300 to reimburse previously provided Ramsey Star Express Service."

Motion carried.

2011-322 Authority to Execute a Grant Agreement with Minnesota Valley Transit Authority

It was moved by Rummel and seconded by Chavez,

“That the Metropolitan Council authorize the Regional Administrator to execute a grant agreement in an amount not to exceed \$3,942,000 with Minnesota Valley Transit Authority (MVTA) to provide supplemental transit operating funding during CY2012.”

Motion carried.

2011-325 Crystal Lake Regional Trail Master Plan, Three Rivers Park District

It was moved by Rummel and seconded by Chavez,

“That the Metropolitan Council:

1. Approve the Crystal Lake Regional Trail Master Plan (Referral No. 50014-1).
2. Require that prior to development of new trail segments, final development plans be sent to Metropolitan Council Environmental Services for review and comment to ensure the integrity of the interceptor system.”

Motion carried.

2011-326 Spring Lake Regional Trail Master Plan, Scott County, Review No. 50012-1

It was moved by Rummel and seconded by Chavez,

“That the Metropolitan Council approve the Spring Lake Regional Trail Master Plan.”

Motion carried.

2011-328 Park Acquisition Opportunity Fund Grant Rule Change

It was moved by Rummel and seconded by Chavez,

” That the Metropolitan Council approve the following change to the Park Acquisition Opportunity Fund Grant Rules effective immediately:

The maximum grant(s) available to a park agency is \$1.7 million from the Environment and Natural Resources Trust Fund Acquisition Account and \$1.7 million from the Parks and Trails Legacy Fund Acquisition Account during the July 1 to June 30 time period.”

Motion carried.

2011-331 Central Corridor Light Rail Transit (Green Line): Subordinate Funding Agreement with the City of St. Paul

It was moved by Rummel and seconded by Chavez,

“That the Metropolitan Council authorize the Regional Administrator to negotiate and execute a Subordinate Funding Agreement (SFA) #1 in an amount not to exceed \$471,000 under the existing Master Funding Agreement to allow the Council to reimburse the City of St. Paul for construction inspection related services.”

Motion carried.

2011-332 Central Corridor Light Rail Transit (Green Line): Initiate Eminent Domain Proceedings for the Acquisition of Parcel 7A for Civil East Construction

It was moved by Rummel and seconded by Chavez,

“That the Metropolitan Council authorize the initiation of eminent domain proceedings for the acquisition of the property rights for Parcel 7A, located at 152, 154 and 166

University Avenue West in St. Paul for the Central Corridor Light Rail Transit (CCLRT) Civil East Construction.”

Motion carried.

2011-333 Central Corridor Light Rail Transit (Green Line): Approve Design of Public Artwork for Hamline, Victoria, and Western Light Rail Transit Stations

It was moved by Rummel and seconded by Chavez,

“That the Metropolitan Council authorize the Regional Administrator to approve artwork designs for the Hamline, Victoria, and Western Stations of the Central Corridor Light Rail Transit (Green Line) Project.”

Motion carried.

2011-335 2012-2015 TIP Amendment – Safe Routes to School Projects in City of Blaine, City of Fridley, City of Minnetonka and City of Burnsville

It was moved by Rummel and seconded by Chavez,

“That the Metropolitan Council concur with the Transportation Advisory Board (TAB) action to amend the 2012-2015 Transportation Improvement Program (TIP) to include four projects to receive Safe Routes To School (SRTS) funding in Blaine, Fridley, Minnetonka, and Burnsville.”

Motion carried.

2011-336 Procurement of Metro Mobility Buses in 2012

It was moved by Rummel and seconded by Chavez,

“That the Metropolitan Council authorizes the Regional Administrator to execute a purchase agreement with:

1. North Central Bus Sales (MnDOT Contract 444441) for up to 5 buses in an amount not to exceed \$300,000.
2. Hogle Bus (MnDOT Contract 444438) for up to 54 buses in an amount not to exceed \$3,348,000.
3. Eldorado (MnDOT Contract 444437) for up to 59 buses in an amount not to exceed \$3,658,000.”

Motion carried.

2011-337 Authorization to Amend Contract for Gasoline Supply

It was moved by Rummel and seconded by Chavez,

“That the Metropolitan Council authorize the Regional Administrator to enter into an amendment on Contract 08P020A with Lubricant Technologies (formerly Egan Oil Company) to increase the maximum contract amount by \$2,310,000 for an amended total of \$5,110,000.”

Motion carried.

2011-342 Central Corridor Light Rail Transit (Green Line): St. Paul Area Chamber of Commerce Amendment to Agreement for Services

It was moved by Rummel and seconded by Chavez,

“That the Metropolitan Council authorize the Regional Administrator to execute an amendment to extend the services contract for two years with the St. Paul Area Chamber of Commerce (SPACC) to Dec. 31, 2013; and to increase the contract with SPACC by \$72,100 to a total not to exceed amount of \$212,100 to support business outreach efforts and support the Central Corridor business marketing program.”

Motion carried.

2011-343 Authority to Execute a Capital Grant Agreement with MVTA

It was moved by Rummel and seconded by Chavez,

“That the Metropolitan Council authorize the Regional Administrator to execute an agreement with Minnesota Valley Transit Authority (MVTA) for \$3,500,000 for the purchase of seven (7) vehicles for Cedar Avenue BRT station-to-station operations.”

Motion carried.

2011-344 City of Dellwood Comprehensive Plan Update 2008 Review File No. 20463-1

It was moved by Rummel and seconded by Chavez,

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

1. Authorize the City of Dellwood to put its Comprehensive Plan Up 2008 into effect;
2. Adopt the revised forecasts for population, households, and employment for the City, as detailed in the Forecast Table of the attaché Review Record;
3. Advise the City to implement the advisory comments for Parks, Surface Water Management, Subsurface Sewage Treatment Systems, and Water Supply.”

Motion carried.

2011-345 City of Oakdale Comprehensive Plan Amendment Tartan Crossing, Review File No. 20281-2

It was moved by Rummel and seconded by Chavez,

“That the Metropolitan Council:

1. Adopt the attached review record and allow the City of Oakdale to put the Tartan Crossing comprehensive plan amendment (CPA) into effect.
2. Find that the proposed CPA does not change the City's forecasts.”

Motion carried.

2011-346 Adoption of the LCA Affordable and Life Cycle Housing Goals, City of Orono, Resolution No. 2011-43

It was moved by Rummel and seconded by Chavez,

“That the Metropolitan Council approve the attached Resolution 2011-43 adopting the Livable Communities Act Local Housing Incentives Account (LCA LHIA) Affordable and Lifecycle Housing goals that have been adopted by the City of Orono to participate in the Livable Communities Act for 2012-20.”

Motion carried.

2011-349 LCA Land Acquisition for Affordable New Development (LAAND) Loan Recommendation

It was moved by Rummel and seconded by Chavez,

“That the Metropolitan Council award a Land Acquisition for Affordable New Development (LAAND) loan, in an amount of up to \$1,000,000, to the City of Minnetonka for their Ridgedale YMCA Redevelopment proposed senior housing project.”

Motion carried.

2011-350 Section 8 Project Based Voucher (PBV) Award Recommendations

It was moved by Rummel and seconded by Chavez,

“That the Metropolitan Council approve proposals for Section 8 Project Based Voucher Assistance (PBV) and authorize staff to execute necessary documents with the U.S. Department of Housing and Urban Development and the project owners to assign a total of 12 Section 8 Vouchers in three (3) projects as follows:

Project	City	Number of Units in Project	Number of PBV Units Requested	Targeted Population
City Walk Apartments	Woodbury	45	4	Long Term Homeless
Maple Village II	Maple Grove	48	4	Long Term Homeless
Sunset Hill Apartments	Minnetonka	64	4	Long Term Homeless
Total			12”	

Motion carried.

Report of the Management Committee

2011-352 Resolutions Setting Council and Committee Dates and Authorizing Closed Committee Meetings; Resolutions 2011-45, 2011-46, 2011-47, 2011-48, 2011-49, 2011-50 and 2011-51

It was moved by Brimeyer and seconded by Van Eyll,

“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. 2011-45), Committee of the Whole (Res. No. 2011-46), Management Committee (Res. No. 2011-47), Environment Committee (Res. No. 2011-48), Community Development Committee (Res. No. 2011-49), Transportation Committee (Res. No. 2011-50), and the Litigation Review Special Committee (Res. No. 2011-51.”

Motion carried.

Motion to Close the Meeting

The Chair stated that the next two agenda items to be considered are legal matters that require the council meeting to close, and asked staff and members of public that are not associated with these items to leave the room. The first item is to consider appeal and other options regarding the order for summary judgment in *Frontier Pipeline, LLC v. Metropolitan Council*. The second is intended to address the Council’s litigation options and strategies relating the threatened litigation regarding employment discrimination claims. The Chair stated that she had been briefed on these items, that it is on the advice of legal counsel, and it is necessary for us to have this discussion in a closed meeting.

It was moved by Chavez, and seconded by Wulff

"That the Council finds there is a need to discuss these matters in a confidential setting; and that this meeting be closed to the public to discuss with our legal counsel attorney-client privileged matters concerning the appeal and other options regarding the order for summary judgment in *Frontier Pipeline, LLC v. Metropolitan Council*, and the specific interests, options and strategies of the Council relating to the threatened employment discrimination litigation."

Motion carried.

The meeting was then closed to the public at 4:09 p.m.

Those present during the closed portion of the meeting to discuss the appeal and other options regarding the order for summary judgment in *Frontier Pipeline, LLC v. Metropolitan Council* included Council members and the following staff: Peter Hanf, Wes Kooistra, Mary Bogie, William Moore, Pat Born, Don Mueting, and Susan Harder.

Those present during the closed portion of the meeting to discuss the proposed settlement relating to the threatened employment discrimination litigation included Council Members and the following: Ann Bloodhart, Brian Lamb, Wanda Kirkpatrick, Wes Kooistra, Mary Bogie, Pat Born, Don Mueting, Susan Harder, and Susan Ellingstad and Charlie Nauen from Lockridge Grindal Nauen P.L.L.P.

Motion to Open the Meeting

Following discussion in the closed portion of the meeting, a motion was made and seconded,

"That the Metropolitan Council meeting be open to the public to continue with the regular business agenda."

Motion carried and the meeting reopened to the public at 5:11 p.m.

Report of the Transportation Committee

2011-329 Central Corridor Light Rail Transit (Green Line): Additional 5% Change Order Authority for the Operations and Maintenance Facility Contract

It was moved by Elkins and seconded by Reynoso,

"That the Metropolitan Council authorize an additional 5% (\$2,156,969) above the standard 5% construction contract change order authority for the Central Corridor (Green Line) LRT Operations and Maintenance Facility (OMF) Contract."

Motion carried.

2011-330 Central Corridor Light Rail Transit (Green Line): AECOM Amendment – Engineering Services and 2012 Authorization

It was moved by Elkins and seconded by Munt,

"That the Metropolitan Council authorize the Regional Administrator:

- To negotiate and execute an amendment to the professional services contract with AECOM to increase the contract amount by \$7.0 million to a not-to-exceed amount of \$105.2 million for additional design activities, continuation of design support during construction, construction support services, light rail vehicle support services and to provide system integration testing support services; and
- To issue Work Orders to AECOM for additional design activities, continuation of design support during construction, construction support services, light rail vehicle

support services and to provide system integration testing support services during calendar year 2012 for a total spending authority not to exceed \$103.9 million.”

Motion carried.

2011-339 2012-2015 TIP Amendments Requests for MVTA SP#TRS-MVTA-11: I-35W Transit Limited Express Service and Technology and for new Cedar Avenue BRT Station-to-Station Service (TAB Action 2011-65)

It was moved by Elkins and seconded by Schreiber,

“That the Metropolitan Council concur with the Transportation Advisory Board (TAB) action to amend the 2012-2015 Transportation Improvement Program (TIP) to change the scope of SP#TRS-MVTA-11: I-35W Transit Service and Technology by removing bus purchases, a facility lease and bus shoulder improvements and applying the freed-up funds to a new project for Cedar Bus Rapid Transit Station-to-Station start-up operating funds for three years”

Motion carried.

Report of the Community Development Committee

2011-347 LCA Livable Communities Demonstration Account (LCDA) Funding Recommendations

It was moved by Cunningham and seconded by Rummel,

“That the Metropolitan Council award 6 Pre-Development and 14 Development Livable Communities Demonstration Account (LCDA) grants, as follows:

Pre-Development Projects	Applicant	Points	Recommendation
Lyndale Garden Center	Richfield	42.71	\$100,000
Louisiana Avenue LRT Station Development Area	St. Louis Park	38.33	80,000
Highway 36 Corridor Master Plan	North St. Paul	37.11	100,000
Zoning Framework for the Saint Paul Ford Site	Saint Paul	36.63	100,000
Old Stock Lumber Site Mixed-Use Redevelopment	Hugo	32.44	73,000
West Bank Station Development Parcel Creation	Minneapolis	31.44	100,000
Total for Pre-Development projects			\$553,000

Development Projects	Applicant	Points	Recommendation
1333 University	Saint Paul	41.67	\$750,000
ArtCube	Minneapolis	40.00	400,000
Emanuel Housing	Minneapolis	39.17	488,170
Schmidt Brewery	Saint Paul	39.08	1,250,000
Currie Park Lofts	Minneapolis	38.00	433,771
The Enclave	Apple Valley	37.00	174,800
Steeple Center Senior Housing	Rosemount	36.00	440,000
Midland Terrace	Shoreview	35.92	655,000
Urban Village Connectivity	Woodbury	35.17	860,572
Cobblestone Senior Housing	Apple Valley	33.82	896,000
9805 Highway 55 Apartments	Plymouth	33.58	750,000
City Walk Apartments	Woodbury	32.67	78,000
Downtown Redevelopment Phase II	Watertown	31.42	240,687

Mahtomedi Redevelopment Initiative	Mahtomedi	31.17	1,030,000
Total for Development projects			\$8,447,000
Total LCDA recommendations			\$9,000,000
Total funding available			\$9,000,000"

Motion carried.

2011-348 LCA Local Housing Incentive Account (LHIA) Funding Recommendations

It was moved by Cunningham and seconded by Smith,

"That the Metropolitan Council award Local Housing Incentives Account (LHIA) grants totaling \$2,300,000 as follows:

Project	City/Applicant	Number of New Units	Number of Units to be Rehabilitated	LHIA Funding Recommendation
Rental Housing Proposals				
Maple Village Phase II	Maple Grove	48		\$300,000
Currie Park Lofts	Minneapolis	208		\$400,000
Spirit on Lake	Minneapolis	46		\$250,000
St. Albans Park	St. Paul		74	\$400,000
Legacy Townhomes	Wayzata	6		\$300,000
Sub-total:		308	74	\$1,650,000
Ownership Housing Proposals				
City of Lakes Community Land Trust	Minneapolis		7	\$175,000
Dayton's Bluff	St. Paul		8	\$175,000
Homes Within Reach	Suburban Hennepin Co.		5	\$150,000
Two Rivers Community Land Trust	Washington County		5	\$150,000
Sub-total:			25	\$650,000
TOTAL		308	99	\$2,300,000"

Motion carried, with Chair Haigh abstaining.

2011-351 Amendment to the LCA 2011 Fund Distribution Plan - TOD grant category

It was moved by Cunningham and seconded by Elkins,

"That the Metropolitan Council adopt the attached amendment to the Livable Communities Act (LCA) 2011 Fund Distribution Plan

<http://www.metrocouncil.org/services/livcomm/2011LCAFundDistributionPlan.pdf>

to add a new category of Livable Communities Demonstration Account (LCDA) and Tax Base Revitalization Account (TBRA) grants specifically for LCA eligible activities in support of Transit Oriented Development (TOD)."

Motion carried, with Councilmember Wulff voting nay.

Joint Report of the Community Development and Environment Committees

2011-324 City of Gem Lake Comprehensive Plan Update, Review No. 20710-1 Tier II Comprehensive Sewer Plan

It was moved by Cunningham and seconded by Rummel,

"That the Metropolitan Council adopt the Advisory Comment and Review Record and take the following actions:

1. Authorize the City of Gem Lake to put its 2030 Comprehensive Plan Update into effect.
2. Adopt the revised forecasts for the City of Gem Lake as detailed in Table 1 of the Review Record.
3. Advise the City to:
 - a. Revise the share of the affordable housing need indicated in the Update from 15 to 19 units prior to final adoption of the Update because of its revised growth forecast, and to consider the suggestion in the Housing section for increasing residential density in situations where it can facilitate the development of a specific affordable housing proposal.
 - b. Send to the Council the dates that the watershed organizations approve the LWMP, the date the City adopts the final LWMP, and a copy of the final adopted plan.
 - c. Participate in the Council's activities to monitor redevelopment in Developed communities.
 - d. Implement the advisory comments in the Review Record for Transportation and Community and Individual Sewage Treatment Systems.
4. Approve the City of Gem Lake's Tier II Comprehensive Sewer Plan."

Motion carried.

Report of the Environment Committee

2011-312 Authorization to Hold Public Hearing for a Draft Facility Plan Amendment for the Blue Lake Wastewater Treatment Plant Improvements, MCES Project No. 801800

It was moved by Rummel and seconded by Kramer,

"That the Metropolitan Council authorize its General Manager of Environmental Services to schedule and hold a public hearing for the draft Facility Plan Amendment for the Blue Lake Wastewater Treatment Plant Improvements project, MCES project number 801800."

Motion carried.

2011-314 Authorization to Award and Execute Construction Contract for Savage Interceptor Improvements, Phase I, MCES Project 806950 Contract 11P164

It was moved by Rummel and seconded by Van Eyll,

"That the Metropolitan Council authorize its Regional Administrator to award and execute a construction contract for the Savage Interceptor Improvements – Phase 1, MCES Project 806950, Contract 11P174, to Visu-Sewer, Inc., for their low bid of \$4,658,091.25."

Motion carried.

Other Business

2011-318 Appointments to the Transportation Advisory Board

It was moved by Cunningham and seconded by Elkins,

"That the Metropolitan Council approve the following appointments to the Transportation Advisory Board: **GERRY BUTCHER**—District A; **TOM HEFFELFINGER**—District B; **JENNIFER JANOVY**—District C; **KENYA MCKNIGHT**—District D; **AARON ISAACS and DAVID VAN HATTUM**—Transit; and **ETHAN FAWLEY**—Non-motorized Transportation."

Motion carried.

2011-356 Litigation Review Special Committee Appointment

It was moved by Rummel and seconded by Kramer,

“That the Metropolitan Council approve the appointment of Council Member Lona Schreiber to the Litigation Review Special Committee, effective immediately.”

Motion carried.

Chair Haigh recessed the Council meeting at 5:48 p.m. until 6:00 p.m.

At 6:03 p.m., Chair Haigh convened the Public Meeting on the 2011, Payable 2012 Tax Levies; 2012 Unified Operating Budget, and 2012 Unified Capital Program (Resolutions 2011-35 to 2011-41 and 2011-44).

Chair Haigh said she is recommending a 2% tax levy, and asked Mary Bogie to provide an overview of the operating and capital budgets. Following Bogie's presentation, the Chair 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.

Mr. Tuan Pham, West Saint Paul, asked Council to keep increase at 4 or 5 percent. Asked Council to look at the economy and reconsider increase.

Chair Haigh thanked Mr. Pham for his comments.

Chair Haigh closed the public comment portion of the meeting and returned to Council business at 6:21p.m.

2011-340 2011, Payable 2012 Tax Levies; 2012 Unified Operating Budget (Resolutions 2011-35 through 2011-41)

It was moved by Brimeyer and seconded by Cunningham

“That the Metropolitan Council adopts the following resolutions

Resolutions 2011-35 Adopting the Council's 2011 Tax Levy for General Purposes for Certification to the County Auditors

Resolution 2011-36 Adopting the Council's 2011 Tax Levy for the Livable Communities Demonstration Account in the Metropolitan Livable Communities Fund

Resolution 2011-37 Adopting the Council's 2011 Tax Levy for the Tax Base Revitalization Account of the Livable Communities Act

Resolution 2011-38 Adopting the Council's 2011 Tax Levy for the Metropolitan Right-Of-Way Acquisition Loan Fund for the Purposes of Minnesota Statutes Section 473.167 Certifying the Council's 2011 Tax Levy for Debt Service on Future Transit Bonds

Resolution 2011-39 Certifying the Council's 2011 Tax Levy for Debt Service on Future Transit Bonds

Resolution 2011-40 Certifying the Council's 2011 Tax Levy for Debt Service on Future Park Bonds

Resolution 2011-41 Adopting the Metropolitan Council's 2012 Unified Operating Budget"

Motion carried on the following roll call vote:

	Yes	No	Abstain	Absent
Smith	X			
Schreiber	X			
Munt	X			
Van Eyll	X			
Elkins	X			
Brimeyer	X			
Cunningham	X			
Duininck	X			
Reynoso	X			
Đoàn	X			
Rummel	X			
Melander				X
Kramer	X			
Commers	X			
Chávez	X			
Wulff		X		
Haigh	X			
Total	15	1		1"

2011-355 Adopting the 2012 Unified Capital Program (Resolution 2011-44)

It was moved by Brimeyer and seconded by Rummel

"That the Metropolitan Council adopts resolution 2011-44 Adopting the Metropolitan Council's 2011 Unified Capital Program."

Motion carried on the following roll call vote:

	Yes	No	Abstain	Absent
Smith	X			
Schreiber	X			
Munt	X			
Van Eyll	X			
Elkins	X			
Brimeyer	X			
Cunningham	X			
Duininck	X			
Reynoso	X			
Đoàn	X			
Rummel	X			
Melander				X
Kramer	X			
Commers	X			
Chávez	X			
Wulff	X			
Haigh	X			
Total	16			1"

Reports

Chair: Chair Haigh reported on recent meetings and events:

- Contact with leaders in the business community, several sessions with legislators to discuss transit funding and transportation, local issues within communities.

Regional Administrator: Born assured council members that Council staff will follow up on Mr. Ellis' comments and will report back to the Council on our findings.

Council Members: Council members reported on recent meetings and events:

- Council Member Munt. Attended a celebration with neighborhoods along central corridor that were able to change the system for funding light rail and succeeded in winning three additional stops along the route.
- Council Members Kramer and Chavez visited Mendota Heights City Council.
- Council Member Chavez reported that the cities of Eagan and Mendota Heights, because of their proximity to the airport, desire a communications pipeline with the airport to discuss their concerns. Chavez is the Council liaison with Metropolitan Airports Commission.
- Council Member Doan attended Center for Transportation Studies luncheon on streetcars. Attended transportation committee meeting of the Association of Minnesota Counties.
- CM Elkin. Attended MNDOT corridor cooperation workshop.
- CM Rummel. Investment in Transportation; Metro Cities meeting; three transit presentations on guidelines in her district.
- Council Member Reynoso. Attended funding ceremony for Ramsey stop.

General Counsel: No Report

Adjournment

Business completed, the meeting adjourned at 6:39 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 14, 2011.

Approved this 11th day of January, 2012.

Respectfully submitted,

Susan M. Harder
Recording Secretary