



Metropolitan Council Meeting

Wednesday, April 11, 2007

Council Chambers

4:00 P.M.

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Metropolitan Council Meeting

Wednesday, April 11, 2007

Council Chambers

4:00 P.M.

Part I - Narrative

Members present:

Peter Bell, Chair, Roger Scherer, Tony Pistilli, Peggy Leppik, Annette Meeks, Lynette Wittsack, Natalie Hass Steffen, Kris Sanda, Georgeanne Hilker, Rick Aguilar

Members absent: Mary Hill Smith, District 4 Vacant, Russ Susag, Chris Georgacas, District 14 Vacant, Daniel Wolter, Brian McDaniel

Call to Order and Approval of Agenda

A quorum being present, the Chair called the regular meeting of the Metropolitan Council to order at 4:10 p.m. It was moved by Steffen seconded by Meeks, to approve the April 11, 2007 agenda. Motion carried.

Minutes

It was moved by Leppik seconded by Steffen to approve the minutes of the Metropolitan Council Meeting of March 28, 2007. 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

[2007-103 - Contract Amendment for Route 720](#)

It was moved by Meeks and seconded by Leppik

"That the Metropolitan Council authorize the Regional Administrator to execute a West Metro Transit Redesign contract amendment with Laidlaw Transit Services for operation of the new Route 720 in an amount not to exceed \$240,000."

Motion carried.

[2007-104 - 2007-2010 TIP Amendment for City St. Paul: Add SP# 164-070-07: Planning and Pre Design of Twin Cities Bioscience Corridor to FY 2007, TAB Action 2007-16](#)

It was moved by Meeks and seconded by Leppik

"That the Metropolitan Council concur with the Transportation Advisory Board (TAB) action to Amend the 2007-2010 Transportation Improvement Program (TIP) to add SP#164-070-07 Planning and Pre-design of Twin Cities Bioscience Corridor in FY 2007."

Motion carried.

[2007-105](#) - 2007-2010 TIP Amendment for Washington County, Move SP #82-619-14, Reconstruct Off-Road Bike Trail from FY 2008 to FY 2007 and defer SP 141-595-01, Downtown Minneapolis Circulator Transit Terminal from FY 2007 to 2008, TAB Action 2007-17

It was moved by Meeks and seconded by Leppik

"That the Metropolitan Council concur with the Transportation Advisory Board (TAB) action to amend the 2007-2010 Transportation Improvement Program (TIP) to move SP #82-619-14 Reconstruct Off-Road Bike Trail from FY 2008 to FY 2007 to be carried out with the mill and overlay on CSAH 19."

Motion carried.

[2007-106](#) - 2007-2010 TIP Amendment for Minneapolis Park and Recreation Board, Add three projects to FY 2007: Grand Rounds CMP Implementation Seed Grant, SP #91-060-064: Grand Rounds Scenic Byway Observation Area and Amenities, SP #91-060-067: and Great River Road National Scenic Byway Marketing, SP #91-060-072, TAB Action 2007-18

It was moved by Meeks and seconded by Leppik

"That the Metropolitan Council concur with the Transportation Advisory Board (TAB) action to amend the 2007-2010 Transportation Improvement Program (TIP) to add three Minneapolis Park and Recreation Board projects to FY 2007: S#91-060-064, Grand Rounds CMP Implementation Seed Grant; SP#91-060-067, Grand Rounds Scenic Byway Observation Area and Amenities; and SP#91-060-072, Great River Road National Scenic Byway Marketing."

Motion carried.

[2007-109](#) - 2007-2010 TIP Amendment for Metro Transit, SP #CM-15, Acquisition of Service Expansion Bus to FY 2007, TAB Action 2007-19

It was moved by Meeks and seconded by Leppik

"That the Metropolitan Council concur with Transportation Advisory Board (TAB) action to amend the 2007-2010 Transportation Improvement Program (TIP) by adding SP #CM 15 Acquisition of an Expansion Bus to FY 2007."

Motion carried.

[2007-110](#) - 2007-2010 TIP Amendment for Metro Transit, Add funds to SP #TRF-TCMT-07G, LRT Vehicle Overhaul, in FY 2007 and reduce funding for SP #TRF-TCMT-07, Heywood Garage Expansion, TAB Action 2007-20

It was moved by Meeks and seconded by Leppik

"That the Metropolitan Council concur with the Transportation Advisory Board (TAB) action to amend the 2007-2010 Transportation Improvement Program (TIP) to add funds to SP#TRF-TCMT-07G, LRT Vehicle Overhaul in 2007, and reduce funding for SP#TRF-TCMT-07, Heywood Garage Expansion."

Motion carried.

2007-112 - Request for Waiver of Conflict – Gray Plant Mooty

It was moved by Meeks and seconded by Leppik

"That the Metropolitan Council waive any conflict of interest and consent to the representation by Gray Plant Mooty of Goodyear Tire and Rubber Company in connection with a settlement agreement between Goodyear and the Metropolitan Council."

Motion carried.

2007-121 - Transportation Policy Plan (TPP) Modification

It was moved by Meeks and seconded by Leppik

"That the Metropolitan Council modify the language in Chapter 5 of the Transportation Policy Plan 5th bullet under Criteria for Evaluating Revenue Sources to read: "The revenue sources should be predictable and not fluctuate significantly from year to year."

Motion carried.

2007-122 - Authorization to Execute Contracts to Implement Capital Program

It was moved by Meeks and seconded by Leppik

"That the Regional Administrator be authorized to execute contracts for up to \$1,799,876 for a SouthWest Transit garage expansion and up to \$1,704,496 for a Plymouth park-and-ride facility."

Motion carried.

2007-127 - Authorization for Metropolitan Council participation in State Emergency Planning. Resolution No. 2007-10

It was moved by Meeks and seconded by Leppik

"That the Metropolitan Council pass Resolution 2007-10 to authorize Metropolitan Council participation in the state emergency planning."

Motion carried.

Report of the Community Development Committee

There was no report this week

Report of the Environment Committee

There was no report other than items on the Consent List

Report of the Management Committee

There was no report other than items on the Consent List

Report of the Transportation Committee

There was no report other than items on the Consent List

Joint Report of the Environment, Management, Transportation, and Community Development Committees

2007-87 - 2006-2007 Unified Operating Budget Amendment

It was moved by Wittsack and seconded by Scherer

"That the Metropolitan Council

1. amend the 2006 Unified Operating Budget in accordance with the attached tables (Attachment 1).
2. amend the 2007 Unified Operating Budget in accordance with the attached tables (Attachment 2).

Motion carried on the following roll call:

	Yes	No	Absent, Not Voting	
Scherer	Steffen		M. Smith	Georgacas
Pistilli	Sanda		District 4	District 14
Leppik	Hilker		Vacant	Vacant
Meeks	Aguilar		Susag	Wolter
Wittsack	Bell			McDaniel
TOTAL	10	0	7	

Other Business

2007-154 - Litigation Review Special Committee Appointments and Bylaw Change

That the Metropolitan Council: (1) approve the appointment of Kris Sanda and Brian McDaniel to the Committee, effective immediately; (2) amend the by-laws of the Litigation Review Special Committee to state the Committee shall be comprised of four members; and (3) approve the appointment of Lynette Wittsack to the Committee, effective immediately.

It was moved by Scherer and seconded by Hilker

"That the Metropolitan Council (1) approve the appointment of Kris Sanda and Brian McDaniel to the Committee, effective immediately."

Motion carried

It was moved by Scherer and seconded by Leppik

"That the Metropolitan Council (2) amend the by-laws of the Litigation Review Special Committee to state the Committee shall be comprised of four members."

Motion carried.

It was moved by Scherer and seconded by Leppik

"That the Metropolitan Council (3) approve the appointment of Lynette Wittsack to the Committee, effective immediately."

Motion carried

Consideration of Whether to Close Meeting to Discuss Anticipated/Threatened Litigation Regarding the Bus Procurement

It was moved by Scherer and seconded by Pistilli

“That the meeting be closed pursuant to Minnesota Statutes section 13D.05, Subd. 3(b), so the Council could discuss matters, in anticipation of litigation, which are subject to the attorney – client privilege in connection with the bus procurement involving Gillig and the protest by New Flyer.”

Chair Bell led the discussion, stating:

- the Council may be a majority vote in a public meeting, decide to hold a closed meeting when there is a need to discuss, confidentially, matters which are subject to the attorney-client privilege.
- the discussion at this closed meeting will NOT be tape-recorded.
- discussions at this closed meeting must be limited to discussions related to anticipated or threatened litigation, pending litigation or other adversarial legal proceedings, legal strategies, settlements and resolutions and legal consequences of specific acts. No other public business may be discussed or transacted at this closed meeting.
- if this meeting is closed, the closed meeting will occur in these chambers immediately after the vote to close the meeting.

A vote was taken on the motion and carried.

Everyone was asked to leave the room except Council members, Council staff, attorneys and others whose presence is necessary for a confidential discussion of the privileged matters.

The meeting was then closed at 4:15 p.m.

Those present during the closed portions of the meeting included Council Members: Bell, Scherer, Pistilli, Leppik, Meeks, Wittsack, Steffen, Sanda, Hilker and Aguilar. . Staff present included: Tom Weaver, Brian Lamb, Steve Dornfeld, Nils Grossman and Sandi Dingle.

It was moved by Wittsack and seconded by Scherer

“That the Metropolitan Council re-open the April 11, 2007 meeting of the Metropolitan Council at 5:04pm.”

Motion carried.

Reports

Chair

There was no report this week.

Council Members

There was no report this week.

Regional Administrator

There was no report this week.

General Counsel

There was no report this week.

Adjournment

Business completed, the meeting adjourned at 5:05 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 April 11, 2006.

Approved this 25th day of April, 2007.

Respectfully submitted,

Sandi Dingle, Acting Recording Secretar

