



## Metropolitan Council Meeting

Wednesday, May 23, 2007

Council Chambers

4:00 P.M.

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## **Metropolitan Council Meeting**

Wednesday, May 23, 2007

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4:00 P.M.

### **Part I - Narrative**

#### **Members present:**

Peter Bell, Chair; Roger Scherer, Russ Susag, Peggy Leppik, Lynette Wittsack, Natalie Steffen, Kris Sanda, Georgeanne Hilker, Chris Georgacas, Rick Aguilar, Daniel Wolter, Brian McDaniel

**Members absent:** Tony Pistilli, Mary Smith, Annette Meeks, District 4 Vacant, District 14 Vacant

#### **Call to Order and Approval of Agenda**

A quorum being present, the Chair called the regular meeting of the Metropolitan Council to order at 4:07 p.m. It was moved by McDaniel, seconded by Wolter to approve the agenda. Motion carried. Chair Bell moved Other Business Item 3, Legislative Update, to follow the Consent List

#### **Minutes**

It was moved by McDaniel, seconded by Wolter, to amend the May 9, 2007 minutes, page 6 to correct the spelling of the name McDaniel.

It was moved by Susag seconded by Steffen to approve the corrected minutes of the Metropolitan Council Meeting of May 9, 2007 and the minutes of the Committee of the Whole meeting of May 16, 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*

[2007-125](#) - Establish Date for Public Hearing –2008 Public Housing Agency (PHA) Plan revision

It was moved by Susag and seconded by Sanda

"That the Metropolitan Council conducts a public hearing to discuss and receive comment on the FY 2008 PHA Plan on August 20, 2007, at 4:00 p.m. in the Chambers."

Motion carried.

2007-142 - Authorization to Award Contract for Coach Buses

It was moved by Susag and seconded by Sanda

"That the Metropolitan Council authorize the Regional Administrator to execute a contract with Motor Coach Industries for three coach buses, to be utilized by regional transit providers, in an amount not to exceed \$1,468,000."

Motion carried.

2007-150 - Approval of Jobs Access Reverse Commute (JARC) and New Freedom FY 2006/2007 Solicitation Package

It was moved by Susag and seconded by Sanda

"That the Metropolitan Council approve the Jobs Access Reverse Commute (JARC) and New Freedom Solicitation Packages and their release to the public for solicitation of project applications."

Motion carried.

2007-164 - City of Woodbury Comprehensive Plan Amendment, High School-Bielenberg Center Land Use & MUSA Change, Review File 18452-14

It was moved by Susag and seconded by Sanda

"That the Metropolitan Council allow the City of Woodbury to put the High School-Bielenberg Center Land Use and MUSA Change comprehensive plan amendment into effect with no required modifications."

Motion carried.

2007-166 - City of Orono Comprehensive Plan Amendment – 875 Wayzata Boulevard, Review File 18392-6

It was moved by Susag and seconded by Sanda

"That the Metropolitan Council:

1. allow the City to put the proposed comprehensive plan amendment into effect with no modifications
2. remind the City that it is required to participate in the Council's plat monitoring program and to submit annual reports to the Council as outlined on the Council's website: <http://www.metrocouncil.org/planning/assistance/resources.htm#plat>
3. advise the City that it must submit a copy of the intercommunity agreement with the City of Long Lake or Wayzata, whichever is applicable, when it is finalized and prior to connection of the property to the municipal sewer system."

Motion carried.

2007-167 - Construction of the South Garage Addition and Renovation

It was moved by Susag and seconded by Sanda

"That the Metropolitan Council Authorize the Regional Administrator to award and execute a contract with Parkos Construction Company, Inc., for the construction of the South Garage Addition and Renovation."

Motion carried.

2007-170 - Policies and Standards for Advertising

It was moved by Susag and seconded by Sanda

"That the Metropolitan Council:

1. designate advertising space on its buses, light rail vehicles and other Metro Transit facilities as a nonpublic forum; and
2. approve the [attached proposed](#) *Policies and Standards for Advertising on Metro Transit Facilities.*"

Motion carried.

2007-171 - Authorization to Award Contract for Be Line-494/RAC Service

It was moved by Susag and seconded by Sanda

"That the Metropolitan Council:

1. Terminate contract #06P022 with First Student, Inc. to operate Roseville Area Circulator Transit Service and I-494 Transit Service, effective June 30, 2007;
2. Execute a contract with Transit Team, Inc. to provide BE-Line/I-494 Transit Service from July 1, 2007 to June 1, 2012, for an amount not to exceed \$14,179,258;
3. Execute a contract with Lorenz Bus Service, Inc. to provide Roseville Area Circulator Transit Service from July 1, 2007 to June 1, 2012, for an amount not to exceed \$4,635,586."

Motion carried.

2007-172 - Approval of the 2007 Regional Solicitation TAB Action 2007-27

It was moved by Susag and seconded by Sanda

"That the Metropolitan Council concur with the Transportation Advisory Board (TAB) action to adopt the 2007 Regional Solicitation Package for release to the public for solicitation of project applications including the schedule of events."

Motion carried.

2007-173 - Authorization to Submit Loan Application to the Public Facilities Authority

It was moved by Susag and seconded by Sanda

"That the Metropolitan Council authorize the Regional Administrator to submit a loan application to the Minnesota Public Facilities Authority (PFA) for the Brooklyn Park Interceptor & Lift Station Rehab project (project #8034)."

Motion carried.

2007-174 - Approval of the 2007 Bridge Improvement and Replacement Solicitation Criteria – TAB Action 2007-28

It was moved by Susag and seconded by Sanda

"That the Metropolitan Council concur with the Transportation Advisory Board (TAB) action to adopt the 2007 Bridge Improvement and Replacement Solicitation Criteria for release to the public along with the full Solicitation Package on May 25, 2007."

Motion carried.

2007-175 - Approval of City of Dayton Comprehensive (Tier II) Sewer Plan

It was moved by Susag and seconded by Sanda

"That the Metropolitan Council approves the Comprehensive (Tier II) Sewer Plan for the City of Dayton."

Motion carried.

2007-176 - Authorization to Award and Execute a Contract for the Construction of the Dayton-Champlin Extension – Part B, CAB Interceptor System, MCES Project No. 801015

It was moved by Susag and seconded by Sanda

"That the Metropolitan Council authorize its Regional Administrator to award and execute a construction contract with LaTour Construction Inc. for construction of the Dayton-Champlin Extension – Part B, CAB Interceptor System in the amount of \$1,583,148.50."

Motion carried.

2007-177 - Authorization to Negotiate and Execute Cost Sharing and Construction Cooperation Agreement with Cities of Farmington and Lakeville, MCES Project No. 800717

It was moved by Susag and seconded by Sanda

"That the Metropolitan Council authorizes its Regional Administrator to negotiate and execute a cost sharing and construction cooperation agreement for the Flagstaff Avenue Interceptor, MCES Project No. 800717, in an amount not to exceed \$2,000,000."

Motion carried.

2007-178 - Authorization to Purchase Programmable Controllers for Blue Lake and Seneca Improvements; MCES Projects 801800 and 801900

It was moved by Susag and seconded by Sanda

"That the Metropolitan Council authorize the Regional Administrator to issue a Purchase Order to Border States Electric Inc., for Programmable Logic Controller hardware and software for the improvements projects at Blue Lake and Seneca Wastewater Treatment Plants, MCES Project Nos. 801800 and 801900, for their low bid of \$938,191.64."

Motion carried.

2007-179 - Authorization to Negotiate and Execute Amendment to Engineering Services Agreement for MCES Security Improvements, Project No. 801700, Contract No. 03P100

It was moved by Susag and seconded by Sanda

"That the Metropolitan Council authorize its Regional Administrator to negotiate and execute an amendment to the engineering services agreement with CH2MHill for the MCES Security Improvements, MCES Project No. 801700, Contract No. 03P100, in an amount not to exceed \$125,000."

Motion carried.

2007-180 - Appointment of Audit Committee Chair, Lynette Wittsack

It was moved by Susag and seconded by Sanda

"That the Metropolitan Council approve the appointment of Lynette Wittsack to Chair the Audit Committee, effective immediately, for an unspecified term."

Motion carried.

2007-182 - Metropolitan Council and Burlington Northern Santa Fe (BNSF) Railway Track, Platform and Overpass Agreements

It was moved by Susag and seconded by Sanda

"That the Metropolitan Council

1. authorize the Regional Administrator to negotiate and execute with BNSF Railway:
  - Platform leases for Big Lake, Elk River, Anoka, Coon Rapids and Minneapolis Stations;
  - Track agreements for Big Lake (2) and Minneapolis (2) Stations;
  - Overpass agreements for Coon Rapids and Minneapolis Stations; and,
2. authorize the Regional Administrator to negotiate and execute a Delegation and Funding Agreement with Minnesota Department of Transportation for the acquisition of certain property interests from BNSF for construction and operation of Northstar."

Motion carried.

Legislative Update

Judd Schetnan, Government Affairs Manager, presented a summary of the 2007 Legislative Session. Chair Bell commended Schetnan for his tireless efforts under difficult circumstances. Chair Bell noted the Session outcome, as it relates to transportation, presents challenges for Council projects and members will be briefed once staff has analyzed the financial impacts.

*Report of the Transportation Committee*

2007-128 - Minnetonka Area Transit Services Contract

- Benjamin Withhart, Executive Director and CEO of Senior Community Services (SCS) offered comments and presented a written statement opposing the proposed contract with Midwest Paratransit Services, Inc. for the Minnetonka Area Transit Services.
- Senator Gen Olson (District 33) spoke in opposition of the proposed contract with Midwest Paratransit Services, Inc. for the Minnetonka Area Transit Services and in support of a contract with Senior Community Services.
- Woody Love, Shorewood, asked the Council to consider contracting with the Senior Community Services and not Midwest Paratransit Services, Inc.
- Marion Pocheke, Mound, expressed support for the Senior Community Services Dial-a-ride program.

It was moved by Scherer and seconded by Susag

"That the Metropolitan Council authorize the Regional Administrator to execute a contract with Midwest Paratransit Services, Inc. to provide Minnetonka Area Dial-A-Ride Transit Service from July 2, 2007 to June 30, 2012, in an amount not to exceed \$2,833,857."

Arlene McCarthy, Manager of Transportation Services presented a summary of the procurement process.

Following discussion, Georgacase moved, seconded by Sanda, that Business Item 2007-128 be returned to the Transportation Committee for further review.

Motion failed.

Chair Bell called for a vote on the original motion to approve the Transportation Committee’s recommendation.

Following a voice vote, a roll call vote was requested.

Motion passed on the following vote:

	Yes	No	Absent
	Scherer Steffen Susag McDaniel Leppik Bell Wittsack	Sanda Hilker Georgacas	Aguilar Wolter Pistilli M. Smith Meeks District 4 Vacant District 14 Vacant
<b>TOTAL</b>	<b>7</b>	<b>5</b>	

**2007-181 - Northstar and Minnesota Ballpark Intergovernmental Cooperation Agreement**

Mark Fuhrman, Transit Services summarized the proposed cooperative agreement

It was moved by Steffen and seconded by Susag

"That the Metropolitan Council Authorize the Regional Administrator to negotiate and execute the Intergovernmental Cooperation Agreement regarding Northstar and Ballpark Projects."

Motion carried

**2007-183 - Northstar Locomotive Procurement**

Steffen amended the original motion because of the inaction of the State Legislature. If the NCDA \$24million payment is made to BNSF, the locomotives will be purchased.

It was moved by Steffen and seconded by Scherer

"That the Metropolitan Council ~~take specific action directing~~ authorize the Regional Administrator ~~not~~ to cancel by May 31, 2007, the option contract with Motive Power for four MP36 remanufactured locomotives, but only if and only after the Northstar Corridor Development Authority (NCDA) has authorized a \$24 million easement payment to BNSF."

Motion carried.

***Report of the Community Development Committee***

**2007-20 - 2007 Local Planning Assistance Grant Program**

It was moved by Georgacas and seconded by Hilker

"That the Metropolitan Council:

1. authorize staff to implement a local planning assistance grant program to make grants available to qualifying local governments and counties to prepare and submit comprehensive plan updates to the Metropolitan Council by December 31, 2008;
2. authorize that eligible applicants for this grant program be:
  - a. communities with a 2005 Net Tax Capacity (NTC) amount less than or equal to 300 percent of the median NTC (\$12,840,000) for all communities in the



- metropolitan area. and,
  - b. with a forecasted household growth for 2010 to 2030 that is a percent growth equal to or greater than the median (21) percent of forecasted household growth. or,
  - c. a county, or a consortium of at least five communities working collaboratively to update their local comprehensive plans.
3. authorize the Community Development Director to sign the grant agreements for this program.”

Motion carried.

2007- 59 SW - Acquisition Opportunity Grant Request for the Weinkauf Parcel in Lake Rebecca Park Reserve and Reimbursement Consideration for Funding in a Future CIP

It was moved by Georgacas and seconded by McDaniail

"That the Metropolitan Council:

1. authorize a grant of up to \$354,799 from the Park Acquisition Opportunity Fund to Three Rivers Park District to partially fund the acquisition of the Weinkauf parcel in Lake Rebecca Park Reserve as shown on Attachments 2 and 3;
2. allow up to \$532,199 of the acquisition costs of the Weinkauf parcel to be eligible for reimbursement consideration in a future regional parks CIP. However, the Council does not under any circumstances represent or guarantee that reimbursement will be granted, and expenditure of local funds never entitles a park agency to reimbursement.”

Motion carried.

2007-163 - Cedar Lake Farm Regional Park Acquisition Master Plan, Acquisition Opportunity Grant Request, and Reimbursement Consideration for County Funding, Scott County

Arne Stefferud presented an overview of parkland identified in the Metropolitan Council Parks Policy Plan as one of the “last best places” to be acquired before development..

It was moved by Georgacas and seconded by Sanda

"That the Metropolitan Council:

1. approve the Cedar Lake Farm Regional Park Acquisition Master Plan (Referral No. 20001-1), but amend the park boundary by deleting the 2.8 acre lot retained by the Cedar Lake Farm Resort property owner;
2. authorize a grant of up to \$1 million from the Park Acquisition Opportunity Fund to Scott County to partially fund the acquisition of the Cedar Lake Farm Resort parcel for Cedar Lake Farm Regional Park;
3. allow up to \$3,526,192 of the acquisition costs of the Cedar Lake Farm Resort parcel to be eligible for reimbursement consideration in a future regional parks CIP. The reimbursement amount will be reduced by any DNR Metro Greenways grant provided for this parcel. The Council does not under any circumstances represent or guarantee that reimbursement will be granted, and expenditure of local funds never entitles a park agency to reimbursement.”

Motion carried.

*Report of the Environment Committee*

All Environmental Committee items are on the Consent List

*Report of the Management Committee*

2007-202 SW - Maple Grove Opt-Out Service Agreement/Amendment #1

It was moved by Scherer and seconded by Wittsack

"That the Metropolitan Council authorize the Regional Administrator to amend the service agreement with the City of Maple Grove for the service period June 2, 2007 to December 31, 2009."

Motion carried.

*Report of the Committee of the Whole*

2007-184 - Authorization to approve a professional Service Contract for Environmental Services, Project 65701 Central Corridor LRT

It was moved by Scherer and seconded by Susag

"That the Metropolitan Council authorize the Regional Administrator to execute a professional services contract with HDR for Environmental Services to complete the Final Environmental Impact Statement (FEIS) for the Central Corridor Light Rail Transit (CCLRT) project in an amount not to exceed \$3.2 million."

Motion carried.

2007-191 - Master Funding Agreement with the Minnesota Department of Transportation for the Central Corridor Light Rail Project

It was moved by Scherer and seconded by Hilker

"That the Metropolitan Council authorize the Regional Administrator to execute a Master Funding Agreement with Minnesota Department of Transportation (MnDOT) for the Central Corridor Light Rail Project."

Motion carried.

2007-196 - Cooperative Funding Agreement for Central Corridor LRT Preliminary Engineering with Ramsey and Hennepin County Regional Railroad Authorities

It was moved by Scherer and seconded by Susag

"That the Metropolitan Council authorize the Regional Administrator to negotiate and execute the Cooperative Funding Agreement for Central Corridor Light Rail Transit Preliminary Engineering with the Ramsey and Hennepin County Regional Railroad Authorities (RCRRA and HCRRA)."

Motion carried.

2007-190 - Lease Agreement with Griggs-Midway Corporation for the Permanent Location of the Central Corridor Project Office

It was moved by Scherer and seconded by Hilker

"That the Metropolitan Council authorize the Regional Administrator to execute a lease agreement with the Griggs-Midway Corporation for the permanent location of the Central Corridor Project Office (CCPO) at the Griggs-Midway Building at Fairview and University

Avenue, effective September 1, 2007 for a seven year term in an amount not to exceed \$2,684,800.”

Motion carried.

## **Other Business**

### [Update on Revised Bus Procurement](#)

Brian Lamb, General Manager of Metro Transit, presented a report analyzing claims and allegations of the award phase protest of New Flyer of America, Metro Transit RFP No. 7216 and identifying modifications to Metro Transit solicitation process.

## **Reports**

### *Chair*

Chair Bell reported a new date will be selected for the Council Member retreat and details will be forthcoming.

### *Council Members*

There was no report.

### *Regional Administrator*

Mr. Weaver introduced Dave Hinrichs, Chief Information Officer, who began work this week.

### *General Counsel*

There was no report.

## **Adjournment**

Business completed, the meeting adjourned at 6:14 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 May 23, 2007.

Approved this 13<sup>th</sup> day of June 2007.

Respectfully submitted,

Pat Curtiss  
Recording Secretary