



Metropolitan Council Meeting

Wednesday, September 12, 2007

Council Chambers

4:00 P.M.

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Part I - Narrative

Members present:

Peter Bell, Chair; Roger Scherer, Tony Pistilli, Mary Hill Smith, Russ Susag, Peggy Leppik, , Lynette Wittsack, Natalie Steffen, Kris Sanda, Georgeanne Hilker, Sherry Broecker, Rick Aguilar, Kirstin Sersland Beach, Daniel Wolter,

Members absent:

Annette Meeks, Brian McDaniel, District 4 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 Steffen seconded by Wolter to approve the amended agenda. Motion carried.

Minutes

It was moved by Hilker seconded by Susag to approve the minutes of the Metropolitan Council Meeting of August 22, 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

2007-9 - City of Orono Comprehensive Plan Amendment, Myrtlewood, Review File 18392-5

It was moved by Wolter and seconded by Sanda

"That the Metropolitan Council:

1. allow the City to put the proposed amendment into effect with the following condition:
2. require the City of Orono to participate in the Council's plat monitoring program and to submit annual reports to the Council as outlined on the Council's website at the following location: <http://www.metrocouncil.org/planning/assistance/resources.htm#plat>

Motion carried.

2007-14 - Metropolitan Urban Service Area (MUSA) Implementation Guidelines

It was moved by Wolter and seconded by Sanda

"That the Metropolitan Council adopt the following guidelines:

1. a) Cities that have participated in the Council's Plat Monitoring Program beginning in 2000 or submit the necessary plat data from 2000 will be credited on a 1:1 basis for

housing units platted or developed that yield an overall average density in excess of 3 units per net developable acre. The housing unit credits will be applied to areas guided for 2020-2030 urban services and to any other proposed reguided areas. The combined overall average density needs to be a minimum of 3 units per net developable acre based on an acreage average of the city's actual development and platting since 2000, the lowest allowable density in 2020-2030 guiding, and any reguided land.

b) Without development history from 2000, the Council will use the lowest allowable density on land guided for development from 2020-2030 and any reguided land from within the 2020 MUSA as changed from the city's 1998 CPU.

c) The Council will not figure into the density calculation remaining undeveloped land within the 2020 MUSA per the city's existing 2020 plan, with the exception of areas that are being reguided in the 2030 CPU.

d) If an area is replatted, the Council will not recalculate the density for this area in the plat monitoring program.

e) Existing developments that are part of townships or areas being annexed from townships, or areas that were developed prior to 1985 with failing septic systems and no on site alternative septic locations will not be counted against a city's density calculation.

2. amend the Guidelines for Evaluating Plan Amendments Proposing Changes to Metropolitan Urban Service Area(MUSA) Timing-Staging per the guidelines as included in #1."

Motion carried.

2007-237 - Tony Schmidt Regional Park Master Plan, Ramsey County

It was moved by Wolter and seconded by Sanda

"That the Metropolitan Council: approve the Tony Schmidt Regional Park Master Plan (Referral No. 20035-1)."

Motion carried.

2007-238 - City of Jordan 2020 Comprehensive Plan Update, Review File 19840-1

It was moved by Wolter and seconded by Sanda

"That the Metropolitan Council:

1. allow the City of Jordan to put the 2020 Comprehensive Plan Update (the Plan) into effect with no required plan modifications within the current City boundary;
2. adopt the attached review record;
3. require the City:
 - a. after adoption of the Plan, to submit two copies of the final version of the Plan to the Council;
 - b. submit comprehensive plan amendments each time land is annexed by the City; and
 - c. submit MUSA annual reports to the Council. These reports include the type of development, the acreage, number of units, net density, and a map identifying the specific parcel boundaries of all development approved in the past year."

Motion carried.

2007-244 - Amending the Administrative Review Guidelines for Minor Forecast Changes

It was moved by Wolter and seconded by Sanda

"That the Metropolitan Council modify the Council's guidelines for Administrative Review of Certain Plan Amendments to specify that 'consistency with the Council's forecasts' is defined to be within 5 percent of the Council's forecasts."

Motion carried.

2007-250 - Change in Scope of Grant SG-06106 to include Funding for Trail Project in Como Regional Park and Request for Reimbursement Consideration in Future Regional Parks CIP for Portion of Trail Project Funding, City of St. Paul

It was moved by Wolter and seconded by Sanda

"That the Metropolitan Council:

1. approve the request to consider reimbursing the City of St. Paul up to \$148,797.19 in the 2008-09 regional parks capital improvement program for partially financing the redevelopment of trails and new trail construction in Como Regional Park as described in Attachment 1. 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;
2. authorize a change in scope of Grant SG-2006-106 that allows up to \$147,202.81 to be spent for the Como Regional Park trail project referenced in recommendation 1 and \$65,797.19 to be spent for a reimbursement on the East Lakeshore Drive rehabilitation project in Como Regional Park."

Motion carried.

2007-251 - Authorization to Purchase Office Supplies

It was moved by Wolter and seconded by Sanda

"That the Metropolitan Council authorize the Regional Administrator to issue a purchase order to Office Max to supply office products in accordance with Council specifications and with Office Max bid prices for a two-year term."

Motion carried.

2007-278 - Authorization to Execute Contracts for SouthWest Transit Garage Expansion and the Northstar Corridor Development Authority Coach Lease

It was moved by Wolter and seconded by Sanda

"That the Metropolitan Council authorize the Regional Administrator to execute contracts for up to \$1,929,876 for a SouthWest Transit garage expansion and up to \$295,732 for the Northstar Commuter Coach bus lease."

Motion carried.

T2007-280 - Amendment to Legal Services Agreement

It was moved by Wolter and seconded by Sanda

"That the Metropolitan Council:

Law Firm	Services	Term	Current Price	Proposed Increase	New Price
Bassford Remele	Legal Services related to Northstar Commuter Rail Project Contract No. 05P133	09/30/09	\$125,000	\$250,000	\$375,000
Parker Rosen	Legal Services related to Employment and Labor Matters Contract No. 06P153A	12/31/09	\$125,000	\$125,000	\$250,000
Parker Rosen	Legal Services related to Transit Police Contract No. C9870	12/31/08	\$300,000	\$50,000	\$350,000
Dorsey	Legal Services related to Construction and Engineering Matters Contract No. 02P096	12/31/08	\$60,000	\$150,000	\$210,000

Motion carried.

2007-282 - Metropolitan Council Disadvantaged Business Enterprise (DBE) Program FFY 2008 Goal

It was moved by Wolter and seconded by Sanda

"That the Metropolitan Council approve the Disadvantaged Business Enterprise (DBE) Program FFY 2008 Goal of 17 % for submittal to the U.S. Department of Transportation."

Motion carried.

2007-287 - Authorization to Adopt Direct Connection Application Fee

It was moved by Wolter and seconded by Sanda

"That the Metropolitan Council approve a new fee (the Direct Connection Application Fee) and approve a rate of \$900 per connection for this fee, effective January 1, 2008. Staff is authorized to develop implementation details and to update the amount each year to be consistent with the costs incurred."

Motion carried.

2007-289 - Authorization to Award a Construction Contract for Dayton-Champlin Lift Station

It was moved by Wolter and seconded by Sanda

"That the Metropolitan Council authorize its Regional Administrator to award and execute a construction contract with Lametti & Sons, Inc. for construction of the Dayton-Champlin Interceptor Lift Station L-76 in the amount of \$1,819,700.00."

Motion carried.

2007-290 - Authorization to Acquire Fee Title, Permanent and Temporary Easements and to File Condemnation Petitions for the Lake Minnetonka Area Project, MCES Project 802800, Resolution 2007-27

It was moved by Wolter and seconded by Sanda

"That the Metropolitan Council pass Resolution 2007-27 which authorizes acquisition of fee title property, permanent and temporary easements necessary to implement the system improvements identified in the Minnesota Pollution Control Agency approved Lake Minnetonka Area Regional Interceptor Improvements Project Facility Plan, MCES Project

802800, and which authorizes the Council’s legal staff to initiate condemnation proceedings for those parcels which staff cannot acquire by negotiation.”

Motion carried.

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

2007-253 - 2007 Unified Operating Budget Amendment

It was moved by Scherer and seconded by Smith

"That the Metropolitan Council Amend the 2007 Unified Operating Budget in accordance with the attached table and as indicated."

Motion carried on the following Roll Call:

Yes				No	Absent
	Scherer	Wittsack	Aguilar		Meeks
	Pistilli	Steffen	Sersland Beach		McDaniel
	M. Smith	Sanda	Wolter		Dist 4 vacant
	Susag	Hilker	Bell		
	Leppik	Broecker			
TOTAL	14				3

2007-254 - 2007 Capital Program Budget Amendment

It was moved by Scherer and seconded by Pistilli

"That the Metropolitan Council:

- Amend the 2007 Authorized Capital Program (multi-year authorization) by adding or reducing authority as follows:

Metro Transit	(\$ 1,871,862)
Metropolitan Transportation Services	6,423,118
Environmental Services	<u>4,000,000</u>
Total	<u>\$ 8,551,256</u>

- Amend the 2007 Capital Budget (annual appropriation) by adding or reducing annual appropriations as follows:

Metro Transit	(\$ 3,536,307)
Metropolitan Transportation Services	<u>98,000</u>
Total	<u>(\$ 3,438,307)</u>

- Approve transfers between capital projects as detailed in attachment 1."

Motion carried on the following Roll Call:

Yes				No	Absent
	Scherer	Wittsack	Aguilar		Meeks
	Pistilli	Steffen	Sersland Beach		McDaniel
	M. Smith	Sanda	Wolter		Dist 4 vacant
	Susag	Hilker	Bell		
	Leppik	Broecker			
TOTAL	14				3

Joint Report of the Management, and Transportation Committees
2007-293 SW - Authorization for Sole Source Procurement for AutoCAD Software and Other Specialized Engineering and Project Management Software

It was moved by Smith and seconded by Susag

"That the Metropolitan Council authorize the Regional Administrator to purchase AutoCAD and other specialized engineering and project management software totaling \$484,179 through sole source procurement."

Motion carried.

Report of the Environment Committee
2007-288 - Authorization to Negotiate and Execute a Construction Cooperation Agreement with the MN Department of Transportation for Relocation of Existing Interceptor I-RF-491 and Construction of a New Interceptor Parallel to I-RF-491

It was moved by Leppik and seconded by Susag

"That the Metropolitan Council authorize its Regional Administrator to negotiate and execute an Intergovernmental Agreement with the Minnesota Department of Transportation (MN DOT) to include construction of a relocated portion of existing I-RF-491 and a segment of a new interceptor parallel to the existing I-RF-491 at the intersection of 76th Street and I35W."

Motion carried.

Responding to questions, Bill Moore, ES General Manager, stated that wastewater facilities relocation cost sharing is policy driven by MnDOT and federal reimbursement guidelines. When MCES has an easement, MnDOT will relocate at their cost, with MCES responsible for any enhancements. When MCES is in MnDOT right-of-way by permit, MCES must pay for cost of relocation. MCES strategy for the future is to acquire easements as much as possible to minimize MCES costs for future relocations.

Report of the Community Development Committee

Items are listed on the Consent List and Joint Report of Community Development, Environment, Management and Transportation Committees

Report of the Management Committee
T2007-304 SW - Authorization of PFA Transit Loan and Certification of Anticipatory Debt Service Levy, Resolution 2007-28

It was moved by Scherer and seconded by Pistilli

"That the Metropolitan Council approve the attached Resolution 2007-28 authorizing the Regional Administrator or his designee to negotiate the terms of a \$10,000,000 transit loan with the Minnesota Public Facilities Authority and directing the Chair to authorize and direct the county auditors in the metropolitan counties to levy a property tax on \$1,219,923 for estimated debt service on the transit loan."

Motion carried.

Report of the Transportation Committee

2007-263 - Subordinate Funding Agreement #1 with the Minnesota Department of Transportation for the Central Corridor Light Rail Project

It was moved by Smith and seconded by Broecker

"That the Metropolitan Council Authorize the Regional Administrator to execute Subordinate Funding Agreement #1 in the amount of \$336,617 with the Minnesota Department of Transportation for the Central Corridor Light Rail Project."

Motion carried.

2007-270 - Disposition of the 38th Street Property, Hiawatha Corridor

It was moved by Smith and seconded by Susag

"That the Metropolitan Council authorize the Regional Administrator to proceed with the sale of the property previously deemed surplus by the Metropolitan Council on February 6, 2006, located at 38th Street and Hiawatha Avenue to KK Corporation.

Motion carried.

2007-276 - Adoption of the 2008-2011 Transportation Improvement Program (TIP) for the Twin Cities Metropolitan Area

It was moved by Smith and seconded by Leppik

"That the Metropolitan Council:

1. adopt the 2008-2011 Transportation Improvement Program.
2. certify that the Twin Cities Metropolitan Transportation Planning Process is being carried on in conformance with all applicable federal requirements of:
 - Section 134 of Title 23, U.S.C., Section 8 of the Federal Transit Act (49 U.S.C. app. 1607);
 - Sections 174 and 176 (c) and (d) of the Clean Air Act (42 U.S.C. 7504, 7506 (c) and (d).
 - Title VI of the Civil Rights Act of the 1964 and Title VI assurance executed by each state under 23 U.S.C. 324 and 29 U.S.C. 794;
 - Section 1101 (g) of the Transportation Equity Act of the 21st Century (Pub. L. 105-178) regarding the involvement of disadvantaged business enterprises in FHWA and FTA funded planning projects (Pub. L. 97-424, Section 105 (f); 49 CFR part 23); and
 - The provisions of the Americans with Disabilities Act (Pub. L. 101-336, 104 Stat. 327, as amended) and U.S. DOT regulations (Transportation for Individuals with Disabilities (40 CFR parts 27, 37 and 38).
3. certify the TIP conforms with the provisions of 49 CFR part 20 regarding lobbying restrictions on influencing certain federal activities;
4. find that the TIP is consistent with the Transportation Development Guide Chapter/Policy Plan, which is in conformance with applicable federal transportation and air quality regulations;
5. find that the TIP meets all applicable federal requirements;
6. find that the TAB provided adequate opportunity for public, agency and transit operators involvement through its regular process and special public meetings, and

- hearing;
7. transmit the 2007-2010 TIP along with these comments to the Minnesota Department of Transportation and Minnesota Pollution Control Agency.”

Motion carried.

2007-299 SW - Controlled Access Approval for the I-35W Bridge in Minneapolis (M.C. Review No. 20087-1)

It was moved by Smith and seconded by Susag

"That the Metropolitan Council:

1. as required by Minnesota Statute 473.166 (Approval of construction of a controlled access facility) approve a request by MnDOT to reconstruct the I-35W bridge over the Mississippi River in Minneapolis;
2. that any significant changes in the layout of the proposed project are subject to further review and approval by the Metropolitan Council prior to construction.”

Motion carried.

Other Business

2007-310 - Livable Communities Advisory Committee Appointment

It was moved by Pistilli and seconded by Steffen

"That the Metropolitan Council the Metropolitan Council approve Chair Bell's recommendation to appoint James Barton to the Livable Communities Advisory Committee (LCAC), effective immediately.

Motion carried.

Urban Partnership Agreement (UPA) Overview

Arlene McCarthy, Director of Metropolitan Transportation Services, presented a summary of the Urban Partnership Agreement, a new USDOT program.. The Twin Cities will receive a \$133 million federal grant to improve transit and ease congestion in four areas: tolling/congestion pricing, transit enhancements, technology and telecommuting. Legislative authority for a 20% local match and enabling legislation is required within 90 days of the next session opening.

Joint Met Council/MnDOT steering and technical committees will be established to discuss project planning and implementation. Chair Bell noted 35W will always be a congested corridor and the message from the steering committee should reflect that congestion will be reduced, but not eliminated.

State Fair Ridership

Brian Lamb, General Manager of Metro Transit, reported record breaking ridership numbers for the 2007 State Fair Service and the month of August. Metro Transit, MVTA and SouthWest Transit surpassed one million rides. The result of the State Fair Service success meant no public dollars were spent this year.

Reports

Chair

Chair Bell reported::

1. he established the following two Council workgroups:
LIVABLE COMMUNITIES DEMONSTRATION ACCOUNT (LCDA) WORK GROUP
 - Peter Bell, Council members Natalie Steffen, Annette Meeks, LCAC representatives Chair Ruth Grendahl and Dan Markel and Council staff
 - The group will meet from October through March 2008, to review changes for the LCDA program**DIVERSIFIED RURAL AREA STUDY GROUP**
 - Council members Steffen, Hilker, Broecker and McDaniel, and Council staff
 - The group will be meeting six times, beginning in September to discuss policy implementation issues for rural areas.
2. the Council has been retained attorney Pat Plunkett to work on Park Foundation issues.
3. he, Regional Administrator Weaver and Council staff had their annual meeting with Ramsey County Commissioners
4. he, Regional Administrator Weaver and Council staff met with Jon Gurban, Minneapolis Parks and Recreation Board (MPRB), and reached agreement on “Additional Acreage” parcels on Nicollet Island. The agreement is subject to MPRB approval. Maps will be sent to Council Members.
5. ongoing discussion with Governor’s staff on 2008 transportation funding;
6. he and Council staff met with University of Minnesota officials on the Energy Research Collaboration;
7. that cities are expected to submit Comp Plans by the December 31, 2008 deadline. Guy Peterson noted Community Development staff have communicated often to communities that they are expected to comply with the legal requirement.

Council Members

Council Member Smith reported an increase in University of Minnesota UPASS subscribers.

Regional Administrator

Beth Widstrom Anderson sat in for Regional Administrator Weaver. There was no report.

General Counsel

Mr. Grossman reported there are five new lawsuits.

Adjournment

Business completed, the meeting adjourned at 5:32 p.m.

Part III - Certification

I hereby certify that the foregoing narrative and exhibits constitute a true and accurate record of the Metropolitan Council Meeting of September 12, 2007

Approved this 26th day of September, 2007.

Pat Curtiss
Recording Secretary