



Metropolitan Council Meeting

Wednesday, September 26, 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, Annette Meeks, Lynette Wittsack, Natalie Steffen, Kris Sanda, Georgeanne Hilker, Sherry Broecker, Rick Aguilar, Kirstin Sersland Beach, Daniel Wolter, Brian McDaniel

Members absent:

District 4 Vacant

Call to Order and Approval of Agenda

Chair Bell noted a change in the agenda. Item VII.3 under Other Business, Proposed 2008-2013 Capital Improvement Program and 2008 Authorized Capital Program/Budget, will be moved to the October 10, 2007 agenda when a presentation will be given and Council Members will adopt public hearing drafts. Staff will present a briefing to Council Members prior to October 10.

A quorum being present, the Chair called the regular meeting of the Metropolitan Council to order at 4:06 p.m. It was moved by Wittsack seconded by Smith to approve the agenda. Motion carried.

Minutes

It was moved by Wolter seconded by Sanda to approve the minutes of the Metropolitan Council Meeting of September 12, 2007. Motion carried.

Public Invitation

No one asked to address the Council regarding matters not on today's agenda.

Part II - Exhibits

Other Business

[Scott County and Metropolitan Council: Partnership for Regional Growth Management](#)

The following Scott County officials presented a summary of their community planning activities: Scott County Commissioner Bob Vogel, Jerry Maas, SCALE Chair and Credit River Township Clerk, Michael Sobota, Scott County Community Development Director, Brad Davis, Scott County Planning Manager and Steve Albrecht, City of Prior Lake Public Works Director and County land use work team member. They acknowledged Council staff Tom Caswell who participated and provided a regional perspective during the planning process.

Chair Bell suggested that Scott County officials, through a cooperative effort, have developed a growth management planning model that could be replicated throughout the metro area. Council staff will discuss the Scott County initiative further during a meeting of the Council's Diversified Rural Area Study Group.

I-35W Bridge Replacement Update

John Chiglo, MnDOT Project Manager of the I-35W Bridge reconstruction provided an overview of recent activities. Flatiron Construction, the winning bidder, expects to use MN employees and purchase supplies locally for the 14-month project. Construction could start by October 15, with the goal of having a new bridge open by the end of 2008.

Chair Bell thanked Mr.Chiglo for sharing the information, noting that the Council, as a MnDOT partner, has a vested interest in the reconstruction project.

Business

Committee Consent List

2007-125 - Public Housing Agency (PHA) Plan Approval

It was moved by Susag and seconded by Wittsack

"That the Metropolitan Council approve the attached Public Housing Agency Plan (PHA Plan) for 2008, authorize the Metropolitan Council Chairman to execute the required certifications and direct staff to submit the final Plan to the U.S. Department of Housing and Urban Development (HUD).

2007-187 - Murphy Hanrehan Park Reserve Master Plan, Three Rivers Park District

It was moved by Susag and seconded by Wittsack

"That the Metropolitan Council Approve the Murphy-Hanrehan Park Reserve Master Plan (Referral No. 20010-1), subject to the following revision on page 21 of the master plan:

Replace the following sentence:

“Three Rivers Park District will work with Scott and Dakota Counties to accommodate regional trails with the understanding that paved trails should be located on the periphery of the park reserve pursuant to this master plan.”

With:

“Three Rivers Park District will work with Scott and Dakota Counties to accommodate regional trails.”

Motion carried.

2007-266 - Mississippi River Regional Trail – North Alignment Master Plan

It was moved by Susag and seconded by Wittsack

"That the Metropolitan Council:

1. approve the Mississippi River Regional Trail North Alignment Master Plan (Referral No. 20057-1);
2. require that prior to development of new trail segments, final plans be sent to Metropolitan Council Environmental Services for review and comment to ensure the integrity of the interceptor system;
3. suggest that Anoka County consider the use of porous asphalt in the construction of the trail system to allow for proper runoff drainage, storage and infiltration.”

Motion carried.

2007-271 - City of Inver Grove Heights Comp Plan Amendment, Twin City Marina, Review File 18495-35

It was moved by Susag and seconded by Wittsack

"That the Metropolitan Council:

1. allow the City to put the CPA into effect contingent upon the Minnesota Department of Natural Resources (MDNR) review and final approval;
2. find that the proposed CPA is not inconsistent with Executive Order 79-19; ..
3. forward the CPA information and the Metropolitan Council's findings and recommendations to the Minnesota Department of Natural Resources (MDNR) for approval;
4. advise the City to include a copy of the final adopted local surface water management plan as a 2008 comprehensive plan component;
5. not change the City's system statement forecasts."

Motion carried.

2007-283 - Controlled Access Approval for the I-94/Radio Drive Interchange in Woodbury (M.C. Review No. 20065-1)

It was moved by Susag and seconded by Wittsack

"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 an interchange at Radio Drive and I-94 in Woodbury;
2. review and approval any significant changes in the design of the proposed project a prior to construction."

Motion carried.

2007-286 - Gateway Land Use & MUSA Addition CPA Cottage Grove, Review File 18170-12

It was moved by Susag and seconded by Wittsack

"That the Metropolitan Council:

1. allow the City of Cottage Grove to put the Gateway Land Use and MUSA Change comprehensive plan amendment into effect with no required modifications; and
2. require the City to participate in the Council's plat monitoring program."

Motion carried.

2007-292 - Setting Public Hearing for the Metropolitan Council's 2008 Unified Operating Budget, 2008 Capital Budget and 2008-2013 Capital Improvement Program

It was moved by Susag and seconded by Wittsack

"That the Metropolitan Council set a public hearing on November 14, 2007 at 5:00 PM to cover:

- 2008 Unified Operating Budget,
- 2008-2013 Capital Improvement Program
- 2008 Capital Program and Budget and

Motion carried.

2007-294 - Scott County and DARTS Contract Amendments for ADA Service

It was moved by Susag and seconded by Wittsack

"That the Metropolitan Council authorizes the Regional Administrator to amend the 2007 Transit Provider Assistance Agreements with DARTS (06P179) and Scott County (06I025) to increase the total reimbursement for 2007 ADA paratransit service per the following table:

	<u>Authorized 2007 Funding</u>	<u>Proposed Increase</u>	<u>Amended 2007 Funding</u>
DARTS	\$2,022,700	\$220,000	\$2,242,700
Scott County	\$ 325,300	\$115,000	\$ 456,000

Motion carried.

2007-295 - Metro Transit Master Contracts

It was moved by Susag and seconded by Wittsack

"That the Metropolitan Council authorize the Regional Administrator to execute six Metro Transit Master Contracts, each valued at \$300,000."

Motion carried.

2007-296 - Interagency Agreement with Minnesota Department of Transportation (MnDOT) for Road Salt

It was moved by Susag and seconded by Wittsack

"That the Metropolitan Council authorizes the Regional Administrator to negotiate and execute an annually renewable Interagency Agreement with MnDOT for road salt."

Motion carried.

2007-298 - Interdivisional Transfer of Vehicles

It was moved by Susag and seconded by Wittsack

"That the Metropolitan Council approve the interdivisional transfer of three (3) buses from Metro Transit assets to Metropolitan Transportation Services regional fleet assets."

Motion carried.

2007-301 - Authorization to Acquire Wastewater Treatment Plant Site and Groundwater Recharge Sites for East Bethel Water Reclamation Facilities, MCES Project No. 801620

It was moved by Susag and seconded by Wittsack

"That the Metropolitan Council authorizes its Regional Administrator to acquire the wastewater treatment plant site and the groundwater discharge sites for the East Bethel Water Reclamation Facility, MCES Project No. 801620."

Motion carried.

2007-302 - Adoption of Payment Standards for Section 8 Housing Choice Voucher Program

It was moved by Susag and seconded by Wittsack

"That the Metropolitan Council adopt amounts, listed below, as Payment Standards for the Federal Section 8 Housing Choice Voucher Rent Assistance Program effective October 1, 2007."

Motion carried.

2007-303 - Metropolitan Sports Facilities Commission 2008 Budget, Resolution No. 2007-30

It was moved by Susag and seconded by Wittsack

"That the Metropolitan Council approve Resolution No. 2007-30 granting approval of the proposed year 2008 Metropolitan Sports Facilities Commission Budget and Report on User Fee Charges."

Motion carried.

2007-305 - Authorization to Execute the Loan Agreement with the Public Facilities Authority (PFA) and Issuance of General Obligation Sewer Note, Series 2007 for \$80 million, Resolution 2007-29

It was moved by Susag and seconded by Wittsack

"That the Metropolitan Council approve the attached Resolution 2007-29 to authorize the Regional Administrator to execute the loan agreement with the Minnesota Public Facilities Authority (PFA) in substantially the same form as the attached agreement. And further, to issue the related General Obligation Sewer Note, Series 2007 securing the loan agreement substantially in the form of the attached Note and authorize the Chair and Treasurer to sign the Note."

Motion carried.

Report of the Community Development Committee

2007-21 - City of Oak Grove Comprehensive Plan Amendment, Gardas Grove, 2nd Addition, Review File 17096-24

It was moved by Steffen and seconded by Meeks

"That the Metropolitan Council:

1. find that the proposed Gardas Grove 2nd Addition CPA is a) inconsistent with the 2030 Regional Development Framework policies, b) is not "more likely than not" to be a substantial departure from, or have a substantial impact on regional systems plans:
2. allow the City of Oak Grove to put the CPA into effect with no required plan modification."

Motion carried, with Steffen dissenting

2007-208 - Proposed Revisions to Livable Communities Program Grant Administration Procedures – Changes to End Projects

It was moved by Steffen and seconded by Meeks

Committee Chair Steffen said she would vote against the motion because of concern for the grants that went through LCAC process. Staff informed the motion covers all proposals for Livable Communities Act funds, (TBRA, LHIA, LCDA).

"That the Metropolitan Council direct staff to implement the proposed grant administration procedures to address requests for revisions to the end projects (not LCA-funded elements) originally proposed as the development or redevelopment outcome in proposals assisted by Livable Communities grant awards."

Motion carried.

2007-308 - Planning Area Change Process

It was moved by Meeks and seconded by Broecker

"That the Metropolitan Council:

1. that a change to a community's planning area designation be administered through the 2008 Comprehensive Plan Update review process;
2. that to consider a planning area change, the 2008 Comprehensive Plan Update needs to include background documentation and be consistent with 2030 Development Framework policies and Systems Plans to support the change in planning area."

Motion carried.

Report of the Management Committee

All items are on the Consent List.

Report of the Transportation Committee

2007-312 SW - Authorization to Purchase 15 Sixty-Foot Articulated Buses

It was moved by Smith and seconded by Pistilli

"That the Metropolitan Council authorize the Regional Administrator to exercise an existing contract option with New Flyer of America, Inc., to purchase up to 15 sixty-foot, articulated buses to be delivered by April 2008 in an amount not to exceed \$8.6 million."

Motion carried.

Report of the Environment Committee

2007-300 - Authorization to Award and Execute a Construction Contract for Smithtown Road Interceptor, Roadway, Stormwater and Watermain Improvements, MCES Project No. 802811

It was moved by Leppik and seconded by Susag

"That the Metropolitan Council finds the bid submitted by Park Construction Company to be non-responsive; and that the Metropolitan Council authorizes its Regional Administrator to reject the bid submitted by Park Construction Company and to award and execute a contract for construction of the Smithtown Road Interceptor, Roadway, Stormwater and Watermain Improvements, MCES Project No. 802811 with S.M. Hentges for their low responsive, responsible bid of \$5,193,902.70, subject to the determination that S.M. Hentges has demonstrated good faith efforts in securing MBE/WBE participation."

Motion carried.

2007-316 SW - Authorization to Execute Purchase Agreement with Star Environmental for Septage Facility in Fridley

It was moved by Leppik and seconded by Sanda

"That the Metropolitan Council authorizes its Regional Administrator to execute a purchase agreement with Star Environmental for its septage facility in Fridley."

Motion carried.

Other Business

2007-313 - Transportation Advisory Board (TAB) Appointments

It was moved by Pistilli and seconded by Sanda

“That the Metropolitan Council authorize the Regional Administrator to exercise an existing contract option with New Flyer of America, Inc., to purchase up to 15 sixty-foot, articulated buses to be delivered by April 2008 in an amount not to exceed \$8.6 million.”

Motion carried.

Senior Community Services (SCS) PBF Contract

Katie Shea, Council's Internal Auditor, summarized results of an internal audit conducted on Senior Community Services, a community based transit provider. Arlene McCarthy, MTS Director, reported on management's response to the audit. SCS operates service under five contracts, three direct contracts with the Council and two through contracts with local communities. SCS was found to be systematically deficient in operations with poor control over finances, revenue reporting and ridership reporting. The Council intends to terminate all contracts with SCS in order to maintain financial integrity and appropriate use of public dollars in the Council's community based transit provider program. Council staff will implement program changes allowing better oversight. The report has been sent to the Office of the State Auditor to determine if further action is necessary.

Proposed 2008-2013 Capital Improvement Program and 2008 Authorized Capital Program/Budget

The budget presentation will be presented October 10, 2007.

Reports

Chair

Chair Bell reported he

- and senior management attended the Senior Executive Retreat on September 24, 2007;
- spoke at the Regional Minneapolis Chamber of Commerce Governmental Forum. Council Member Susag also attended;
- is looking to make modest changes to committee/council workflow and will keep you informed.

Council Members

There were no reports.

Regional Administrator

Regional Administrator Weaver reported:

- Metro Mobility will hold two public forums to hear from riders and others on how well the program meets customer's transportation needs. The first forum is October 3 from 11am – 2 pm at the Minneapolis Convention; the second forum is October 4 from 5-8 pm at the Metropolitan Council Chambers;
- Council Members are invited to the Metropolitan Council Employee Recognition brunch on Wednesday, November 28 at the Four Points Sheraton. Council Members received forms if they wish to nominate Council employees for recognition. The forms can be returned to Marcy Syman, LOD.

General Counsel

Mr. Grossman reported the Friends of the Riverfront filed an action in MN Court of Appeals challenging the Metropolitan Council's action in 2007-147 (Land Exchange Request by the Minneapolis Park Board and Recreation Board). He offered copies of the filings to the Council Members who might to read them.

Adjournment

Business completed, the meeting adjourned at 6:00 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 26, 2007.

Approved this 10th day of October, 2007.

Respectfully submitted,

Pat Curtiss
Recording Secretary