



Metropolitan Council Meeting

Wednesday, August 27, 2008
Robert Street Council Chambers
4:00 P.M.

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Metropolitan Council Meeting

Wednesday, August 27, 2008

Council Chambers

3:00 P.M.

Part I - Narrative

Attendance:

Peter Bell, Chair; Roger Scherer, Tony Pistilli, Mary Hill Smith, Craig Peterson, Polly Bowles, Lynette Wittsack, Natalie Steffen, Kris Sanda, Georgeanne Hilker, Sherry Broecker, Rick Aguilar, Daniel Wolter

Members absent:

Peggy Leppik, Annette Meeks, Kirstin Sersland Beach, 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 4:08 p.m. Chair Bell noted that business item 2008-245 is off the agenda. FTA officials asked the Council to delay action until EPA gives comments on the SDEIS. It was moved by Pistilli, seconded by Bowles, to approve the amended agenda. Motion carried.

Minutes

It was moved by Wolter, seconded by Broecker, to approve the minutes of the Metropolitan Council Meeting of August 13, 2008. 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

[2008-168](#) - City of Golden Valley Comprehensive Plan Amendment for the I-394 Corridor Land Use Study, Review File No. 16989-15

It was moved by Scherer and seconded by Hilker

"That the Metropolitan Council:

1. Adopt the attached review record and allow the City of Golden Valley to put the I-394 Corridor Land Use Study comprehensive plan amendment (CPA) into effect.
2. Find that the CPA does not change the city's forecasts or wastewater flow projections.
3. Remind the City in its 2030 Comprehensive Plan Update to provide density and housing unit information for all land use categories that allow residential uses.
4. Remind the City to describe activities to identify and reduce sources of excessive inflow and infiltration as a part of the 2008 Comprehensive Plan Update.

Motion carried.

2008-184 - Continuation of Funding – Home Ownership Made Easy (HOME)

It was moved by Scherer and seconded by Hilker

"That the Metropolitan Council approve the use of operating reserves from the Section 8 program in the amount of \$200,000 for the continuation of the Home Ownership Made Easy (HOME) first time home buyer counseling and training program."

Motion carried.

2008-209 - Park Acquisition Opportunity Grant Request for 19 Acre Parcel in Big Marine Park Reserve, Washington County

It was moved by Scherer and seconded by Hilker

"That the Metropolitan Council authorize a grant of \$416,297 from the Land Acquisition Opportunity Account in the Park Acquisition Opportunity Fund to Washington County to partially finance the acquisition of the 19 acre Grundhofer parcel for Big Marine Park Reserve."

Motion carried.

2008-212 - Family Affordable Housing Program Voluntary Conversion Approval, Resolution 2008-25

It was moved by Scherer and seconded by Hilker

"That the Metropolitan Council:

- approve the voluntary conversion of the Family Affordable Housing Program (FAHP) units from Public Housing to Section 8;
- approve the submittal of an Inventory Removal Application to the U.S. Department of Housing and Urban Development (HUD);
- authorize the Regional Administrator to execute the Application and other documents associated with the voluntary conversion process including program agreements;
- authorize the Regional Administrator to execute the Application for replacement Section 8 vouchers; and
- authorize the Chair to execute the attached Board Resolution No. 2008-25 approving the submittal of the Application and approving the Voluntary Conversion Plan."

Motion carried.

2008-215 - Authorization to Exercise Gillig Contract Options to Replace Plymouth Buses

It was moved by Scherer and seconded by Hilker

"That the Metropolitan Council authorize the Regional Administrator to exercise existing options on contract #07P162 with Gillig Corporation to purchase thirteen forty-foot transit buses in an amount not-to-exceed \$5,075,000."

Motion carried.

2008-216 - Procurement of Metro Mobility Buses

It was moved by Scherer and seconded by Hilker

"That the Metropolitan Council authorize the Regional Administrator to execute purchase agreements with Superior Transit Sales, LLC (MNDOT Contract 438835) for up to 22 buses in an amount not to exceed \$1,105,602."

Motion carried.

2008-222 - Authorization to Negotiate and Execute Contract O7P156B for Full Service Interceptor Architectural/Engineering Services

It was moved by Scherer and seconded by Hilker

"That the Metropolitan Council authorize its Regional Administrator to negotiate and execute MCES Contract No. 07P156B with HDR, Inc., for full service interceptor architectural/engineering services for an amount not to exceed \$1 million."

Motion carried.

2008-223 - Authorization to Negotiate and Execute Cooperative Agreement with Canadian Pacific Railway, including Acquisition of Easement Rights, for Improvements to the Battle Creek Siphon 1-SP-200

It was moved by Scherer and seconded by Hilker

"That the Metropolitan Council authorizes its Regional Administrator to negotiate and execute a Cooperative Agreement, including acquisition of necessary easement rights, with the Canadian Pacific Railway (CP Rail) for proposed railroad bridge construction over the Battle Creek Siphon (1-SP-200) interceptor facilities."

Motion carried.

2008-225 - Technical Amendments to Legal Services Agreement, No Budget Impacts

It was moved by Scherer and seconded by Hilker

"That the Metropolitan Council authorizes the General Counsel to amend legal services agreements to increase the maximum contract prices as follows:

<u>Law Firm</u>	<u>Services</u>	<u>Term</u>	<u>Current Price</u>	<u>Proposed Increase</u>	<u>New Price</u>
Bassford Remele	Legal Services related to Tort & Property Damage Contract No. 06P152A	12/31/09	\$500,000	\$125,000	\$625,000
Heacox Hartman	Legal Services related to Workers' Compensation Contract No. 05P044B	06/30/11	\$375,000	\$125,000	\$500,000

Motion carried.

Joint Report of Environment and Community Development Committees
2008-204 - City of Long Lake 2030 Comprehensive Plan Update, Review File No. 20279-1, Tier II Comprehensive Sewer Plan

It was moved by Steffen and seconded by Bowles

"That the Metropolitan Council adopts the attached Review Record and takes the following actions from each committee:

Recommendations of the Community Development Committee:

1. Authorize the City of Long Lake to put its 2030 Comprehensive Plan Update into effect without any plan modifications;
2. Remind the City that after it adopts its Water Resources Management Plan (WRMP), a final copy needs to be forwarded to the Council for Council records together with the dates that the watershed district approved the plan and the city adopted the final plan.
3. Remind the City to submit a copy of the City Council Resolution adopting its Update to the Council for its records;
4. Remind the City that Minnesota Statutes 473.864 require it to formally adopt the Comprehensive Plan, along with any required modifications, within nine months after the Council's final action and require the City to submit two copies of the adopted Plan to the Council in a timely manner; and,
5. Remind the City that it is required to submit any updated ordinances and controls intended to help implement the Plan to the Council upon adoption.

Recommendations of the Environment Committee:

1. Approve the City's Tier II Comprehensive Sewer Plan"

Motion carried.

Report of the Community Development Committee
2008-94 - Development Ordinances in the Diversified Rural Areas

It was moved by Steffen and seconded by Hilker

Community Development Chair Steffen said that if there were no objections, she will make a single motion to include 2008-94 and 2008-124. Hilker agreed.

"That the Metropolitan Council:

1. Direct staff to obtain proposed residential development ordinances from communities in the Diversified Rural area so the Metropolitan Council can review those ordinances for consistency with Council policies and metropolitan system plans;
2. As part of the comprehensive plan and plan amendment review processes, remind communities that residential development ordinances implemented within the Diversified Rural planning area must be consistent with the Council policy to accommodate growth in a flexible, connected, and efficient manner;
3. Advise communities identified as having a Long Term Service Area by the 2030 *Water Resources Management Policy Plan* that existing or proposed development ordinances and other official controls (e.g., cluster, open space, and density bonus provisions) that allow deviation from the Council's density policies are

inconsistent with metropolitan system plans and therefore prohibited by Minnesota Statutes sections 473.858 and 473.865.”

Motion carried.

2008-124 - Flexible Residential Development Ordinance Guidelines

"That the Metropolitan Council:

1. Adopt the following guidelines to be used by Diversified Rural Area communities with a Long-Term Wastewater Service Area (*2030 Water Resources Management Policy Plan*) designation if they choose to implement flexible residential development ordinances:
 - a. provide a purpose within the ordinance that describes the need to reserve land resources for efficient future urbanization when appropriate infrastructure is available to support that development;
 - b. describe the characteristics of the land required for future urbanization and seek to preserve tracts of land in a size and configuration capable of supporting future development (for example, non-hydric soils, location in relation to existing development, etc.);
 - c. allow no more than 25% of the developable land in a project to be developed. For the purposes of future urbanization, larger future urbanization parcels should be reserved, limiting the cluster to a development area that covers a minority of the area;
 - d. require that the parcel(s) set aside for future urbanization be covered by a temporary development agreement or deed restriction, rather than a permanent conservation easement or other permanent restriction;
 - e. provide for the rezoning of the future urbanization parcel to a residential zoning classification at densities consistent with Council policy at such time that urban services are available to the parcel;
 - f. encourage the use of community wastewater treatment systems to serve the temporary cluster and to allow for smaller lot sizes within the development.
2. Direct staff:
 - a. to distribute a handout detailing the flexible residential development ordinance guidelines to all affected communities and to work with communities as they develop their individual ordinances; and
 - b. to amend the *Local Planning Handbook* to include the flexible residential development ordinance guidelines and an explanation of the Council's action on this topic.”

Motion carried.

2008-187 - Suspension of Comprehensive Plan Amendment Review after December 31, 2008

It was moved by Steffen and seconded by Broecker

"That the Metropolitan Council:

1. effective January 1, 2009, accept for review only: (1) 2008 decennial plan updates submitted by communities pursuant to Minnesota Statutes section 473.864; and (2) amendments to those decennial plan updates. After December 31, 2008, the Council will not accept for review any proposed amendments to existing local comprehensive plan;
2. apply the above-described review policy to all communities, including communities that may have received extensions to the comprehensive plan update submission date;
3. direct staff to inform cities, townships, and counties about this policy and to incorporate the policy into the Council's *Local Planning Handbook*."

Council Member Smith offered a friendly amendment to insert the word updated preceding "local comprehensive plan", in Item 1, clarifying that the Council will accept for review any amendments to comprehensive plans from cities that have completed their decennial review and update prior to December 31, 2008.

Steffen and Brocker agreed to the amendment, with the clarification:

1. Effective January 1, 2009, accept for review only: (1) 2008 decennial plan updates submitted by communities pursuant to Minnesota Statutes section 473.864; and (2) amendments to those decennial plan updates. After December 31, 2008, the Council will ~~not~~ accept for review any only proposed amendments to ~~existing~~ updated local comprehensive plans.

Motion, with the clarification, carried.

[2008-187 Revised](#)

Report of the Management Committee

All items are listed as Consent, Joint Report and Other Business.

Report of the Transportation Committee

[2008-229 SW - Authorization for Public Hearings](#)

It was moved by Smith and seconded by Broecker

"That the Metropolitan Council Metropolitan Council authorizes a series of public hearings on recommended Northstar Commuter Rail fares."

Motion carried.

[2008-230 SW - Authorization to Reject All Proposals for Northstar Maintenance Services](#)

It was moved by Smith and seconded by Bowles

"That the Metropolitan Council reject all proposals for Northstar Commuter Rail Line Maintenance Services (RFP Number 08P018) and that Council staff be directed to perform the work described in the Request for Proposals."

Motion carried.

Report of the Environment Committee

All items are listed as Consent and Joint Report.

Other Business

[2008-220](#) - Adopting Resolutions [2008-16](#), [2008-17](#), [2008-18](#), [2008-19](#), [2008-20](#), [2008-21](#), [2008-22](#), [2008-23](#), and [2008-24](#) for the Metropolitan Council's Preliminary 2009 Unified Operating Budget and the Proposed 2008, Payable 2009

It was moved by Scherer and seconded by Pistilli

"That the Metropolitan Council adopts the following resolutions:

2008-16 Adopting the Metropolitan Council's Preliminary 2009 Unified Operating Budget

2008-17 Adopting the Metropolitan Council's Proposed 2008 Tax Levy for General Purposes for Certification to the County Auditors

2008-18 Adopting the Metropolitan Council's Proposed 2008 Tax Levy for General Purposes for Certification to the Minnesota Commissioner of Revenue

2008-19 Adopting a Proposed 2008 Tax Levy for the Metropolitan Right-Of-Way Acquisition Loan Fund for the Purposes of Minnesota Statutes Section 473.167 for Certification to the County Auditors

2008-20 Adopting a Proposed 2008 Tax Levy for the Metropolitan Right-Of-Way Acquisition Loan Fund for the Purposes of Minnesota Statutes Section 473.167 for Certification to the Minnesota Commissioner of Revenue

2008-21 Adopting a Proposed 2008 Tax Levy for the Livable Communities Demonstration Account in the Metropolitan Livable Communities Fund

2008-22 Adopting a Proposed 2008 Tax Levy for the Tax Base Revitalization Account of the Livable Communities Act

2008-23 Resolution Certifying a Tax Levy for 2008 for Future Transit and Parks Bonds

2008-24 Resolution Certifying a Tax Levy for 2008 for the City of Lakeville for Debt Service on Transit Bonds"

Motion carried on the following roll call vote:

	Yes			No	Absent
	Scherer	Wittsack	Broecker		Leppik
	Pistilli	Steffen	Aguilar		Meeks
	Smith	Sanda	Wolter		Sersland Beach
	Peterson	Hilker	Bell		McDaniel
	Bowles				
TOTAL	13				4

[Framework Benchmarks: Measuring our Progress](#)

Libby Starling, Council Research Manager, presented an update on the 2030 Regional Development Framework and how the region has fared in the first half of this decade. The benchmarks update will be posted on the Council's Web site and the intent of updating them annually.

Council members asked that affordable housing information be reflected when reporting on housing production.

Parks Financing 101

Arne Stefferud, Parks Planning Analyst, presented an introduction to Regional Parks capital improvement and operations funding. Stefferud focused on four topics:

- Capital Improvements and Reimbursement Policy for Capital Improvements
- Operations and Maintenance Appropriations
- Park Acquisition Opportunity Grants
- North Mississippi Regional Park Grants
- State Pass-through Grants

Reports

Chair

Chair Bell reported:

- he, Council Member Craig Peterson, and Council staff attended the Scott County district dialogue
- he is preparing for next year's legislative session and the upcoming RNC

Council Members

Council Member Bowles reported she and her son enjoyed their Metro Transit bus ride to attend the MN State Fair.

Regional Administrator

Regional Administrator reported Metro Transit is engaged in MN State Fair bus service and preparing for next week's Republican National Convention. Metro Transit will have a presence at MSP Airport and are selling an RNC commemorative ATM seven-day useage card. Transit Police Chief Indrehus will be posted at the Emergency Transportation Center during the convention run.

General Counsel

Mr. Grossman reported there are two new lawsuits.

Adjournment

Business completed, the meeting adjourned at 5:45 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 August 27, 2008.

Approved this 10th day of September, 2008.

Respectfully submitted,

Pat Curtiss
Secretary