



Metropolitan Council Meeting

Wednesday, September 10, 2008

Robert Street Council Chambers

4:00 P.M.

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Metropolitan Council Meeting

Wednesday, September 10, 2008

Council Chambers

4:00 P.M.

Part I - Narrative

Attendance:

Peter Bell, Chair; Roger Scherer, Tony Pistilli, Mary Hill Smith, Craig Peterson, Polly Bowles, Peggy Leppik, Lynette Wittsack, Kris Sanda, Georgeanne Hilker, Sherry Broecker, Rick Aguilar, Kirstin Sersland Beach, Daniel Wolter, Brian McDaniel

Members absent:

Annette Meeks, Natalie Steffen

Call to Order and Approval of Agenda

A quorum being present, the Chair called the regular meeting of the Metropolitan Council to order at 4:00 p.m. Chair Bell noted that Item 2008-235 has been added to the agenda, and Item 2008-236 removed from the Consent List. It was moved by Leppik, seconded by Wittsack, to approve the amended agenda.

Motion carried.

Minutes

It was moved by Broecker, seconded by Sanda, to approve the minutes of the Metropolitan Council Meeting of August 27, 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

2008-226 - Subway Lease for 28th Avenue Park-and-Ride

It was moved by Wittsack and seconded by Broecker

"That the Metropolitan Council authorize the Regional Administrator to negotiate and execute a lease agreement with Subway Real Estate Corporation for the retail space within the 28th Avenue Park and Ride for a 5-year term with three 5-year extensions."

Motion carried.

Joint Report of the Community Development and Management Committees

2008-210 - 2008 Unified Operating Budget Amendment

It was moved by Scherer and seconded by Pistilli

"That the Metropolitan Council Amend the 2008 Unified Operating Budget in accordance with the attached table and as indicated."

Motion carried on the following roll call vote:

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

Joint Report of the Management and Transportation Committees
2008-211 - 2008-2013 Capital Improvement Program and Capital Program and Budget Amendment

It was moved by Scherer and seconded by Broecker

"That the Metropolitan Council:

- amend the 2008 Authorized Capital Program (Multi-year authorization) by adding specific authority to the Transportation Division as follows:
 - Metro Transit \$ 351,394,041
 - Metropolitan Transportation Services \$ 8,096,309
- amend the 2008 Capital Budget (annual appropriation) by increasing spending authority to the Transportation Division as follows:
 - Metro Transit \$ 11,310,000
 - Metropolitan Transportation Services \$ 1,361,000
- approve new projects and transfers between capital projects as detailed in Attachment 1."

Motion carried on the following roll call vote:

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

Report of the Management Committee

All items were listed on the Joint Reports.

Report of the Transportation Committee

2005-235 – Adoption of the 2009-2012 Transportation Improvement Program (TIP) for the Twin Cities Metropolitan Area

It was moved by Smith and seconded by Bowles to **reconsider** the adoption of the 2009-2012 Transportation Improvement Program (TIP) for the Twin Cities Metropolitan Area.

(Item was previously approved at the September 3rd Special Council Meeting; however, State Register states that the item will be acted on by the Council on September 10th.)

Motion carried.

It was moved by Smith and seconded by Bowles

“That the Metropolitan Council:

1. Adopt the 2009-2012 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 2009-2012 TIP along with these comments to the Minnesota Department of Transportation and Minnesota Pollution Control Agency.”

Motion carried.

2008-236 - Recommend Adoption of Draft 2030 Transportation Policy Plan (TPP) for Public Hearing

It was moved by Smith and seconded by Peterson

"That the Metropolitan Council adopt the Draft 2030 Transportation Policy Plan incorporating recommended modifications (attached as part of Business Item) and attached technical corrections distributed at the September 10, 2008 meeting, for purposes of a public hearing on October 22, 2008, with continued acceptance of public comments until 5 pm, November 10, 2008.”

Motion carried.

Report of the Environment Committee

There was no report this week.

Report of the Community Development Committee

Item was listed on the Joint Report.

Other Business

2008-234 - Setting Public Hearing for the Metropolitan Council's 2009 Unified Operating Budget, 2009-2013 Capital Improvement Program and 2009 Capital Program and Budget

It was moved by Scherer and seconded by Pistilli

“That the Metropolitan Council set a public hearing on November 12, 2008 at 5:00 p.m. to cover:

- 2009 Unified Capital Budget
- 2009-2014 Capital Improvement Program
- 2009 Capital Program and Budget”

Motion carried.

Update on Regional Water Supply Plan

Keith Buttleman, Assistant General Manager-EQA, provided an update on the Metropolitan Area Water Supply Advisory Committee's progress in developing the water supply master plan. The master plan will include the 1) planning process; 2) goal and principles; 3) water sources and the forces affecting them; 4) components and implementation of the plan; 5) assessment, and 6) next steps. The advisory committee is in the process of reviewing the draft plan. It will next be reviewed at stakeholder workshops. Staff anticipates that the final plan will be brought to the Council for approval in December, before being presented to the Minnesota Legislature.

Fiscal Disparities Act

Deb Detrick, Planning Analyst, Community Development Division, explained that the fiscal disparities program is a system designed for the partial sharing of commercial-industrial property tax among all jurisdictions within a geographic area. Results and impacts of the program were discussed. Council members asked about the impact of school referenda, the impact of the program on taxes, and the prospect of communities deliberately seeking ineligibility to participate in the program. Staff will prepare and forward a response to these questions to Council members.

Reports

Chair

Chair Bell reminded the Council members of the retreat at the Minnesota Humanities Center scheduled for October 1, 2008

Council Members

There were no reports.

Regional Administrator

There was no report today.

General Counsel

Nils Grossman, General Counsel, report one new lawsuit, and one dismissal.

Adjournment

It was moved by Smith and seconded by Hilker that the meeting adjourn. Motion passed. Business completed, the meeting adjourned at 5:50 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 10, 2008.

Approved this 24th day of September 2008.

Respectfully submitted,

Susan M. Harder
Recording Secretary