



Metropolitan Council Meeting

Wednesday, July 22, 2009

Robert Street Council Chambers

4:00 P.M.

Table of Contents

Part I - Narrative	1
Attendance:	1
Call to Order and Approval of Agenda	1
Minutes	1
Public Invitation	1
Part II - Exhibits	1
Business	1
Committee Consent List	1
2009-208 - Construction of 181 st Street Park and Ride in Lakeville, Urban Partnership Agreement (UPA), Project 63740	1
2009-228 - Authorization to Award General Obligation Bonds within Established Financial Parameters (Resolution 08 – Park Bonds, Series 2009B, Resolution 09 – Transit Bonds, Series 2009A; Resolution 10 – Wastewater Revenue Refunding, Series 2009C)	1
2009-229 - Technical Amendments to Legal Services Agreements, No Budget Impacts	2
2009-233 - 2009-2012 TIP Amendment: Project Scope Change Request: Maple Grove TAB Action 2009-41	2
2009-234 - 2009-2012 TIP Amendment: Project Scope Change, Southwest Metro Transit – Market Street Station, Project SP#91-080-06, TAB Action 2009-422	2
2009-235 - Authority to Execute an Interagency Agreement with MnDOT for Travel Behavior Inventory Federal ARRA Funds, Res 2009-11	2
2009-232 - Approval of Regional Dial-a-Ride Program Parameters	3
2009-249 - Authorization for Public Hearings and Approval of Public Hearing Content for Regional Dial-a-Ride Fares	3
2009-224 - New Metro Mobility and Regional Dial-a-Ride Vehicle Graphics	3
2009-230 - Counties Transit Improvement Board 2009 Grant Agreement Amendment #1 for Central Corridor Light Rail Project	3
2009-236 - Authorization to Amend and Extend Operations Contract with New England Fertilizer Company (NEFCO) to Incorporate Use of Biogas	3
2009-243 - Authorization to Enter into a Memorandum of Understanding with the City of Minneapolis related to Combined Sewer Overflow (CSO) Elimination Efforts	4
2009-245 - Authorization to Submit Phosphorus Reduction Grant Applications to the Public Facilities Authority (PFA), Resolution No. 2009-12	4

2009-247 - Authorization to Hold Public Meeting for Proposed Service Availability Charge (SAC) Rate Design Change for Outdoor Seating	4
Report of the Management Committee.....	4
Report of the Environment Committee	4
Report of the Community Development and Environment Committees.....	4
2009-244 SW - City of Minneapolis 2030 Comprehensive Plan Update, Review No. 20348-I Tier II Comprehensive Sewer Plan	4
Report of the Community Development Committee.....	5
Report of the Transportation Committee	5
Other Business	5
2009-256 - Land Use Advisory Committee (LUAC) Appointment	5
2010 Municipal Wastewater Rates and Service Availability Charge (SAC)	6
2010 Preliminary Operating Budget, Rates and Levies	6
Reports.....	7
Chair	7
Council Members	7
Regional Administrator	7
General Counsel	7
Adjournment	7
Part III - Certification.....	7

Metropolitan Council Meeting

Wednesday, July 22, 2009

Council Chambers

4:00 P.M.

Part I - Narrative

Attendance:

Peter Bell, Chair; Roger Scherer, Robert McFarlin, Craig Peterson, Peggy Leppik, Lynette Wittsack, Natalie Steffen, Kris Sanda, Sherry Broecker, Rick Aguilar, Kirstin Sersland Beach, Daniel Wolter, Wendy Wulff

Members absent:

Georgianne Hilker, Polly Bowles, Annette Meeks, Georgianne Hilker

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. It was moved by Wittsack seconded by Broecker to approve the agenda. Motion carried.

Minutes

It was moved by Wolter, seconded by Wulff, to approve the minutes of the Metropolitan Council Meeting of July 6, 2009. 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

[2009-208](#) - Construction of 181st Street Park and Ride in Lakeville, Urban Partnership Agreement (UPA), Project 63740

It was moved by Sersland Beach and seconded by Wittsack

"That the Metropolitan Council Authorize the Regional Administrator to award and execute a contract with the lowest responsive and responsible bidder, Friedges Contracting, for the construction of the 181st Street Park and Ride in Lakeville, Minnesota at a cost of up to \$1,375,000. Award of this contract is contingent upon City of Lakeville City Council approval on July 20th."

Motion carried.

[2009-228](#) - Authorization to Award General Obligation Bonds within Established Financial Parameters ([Resolution 08](#) – Park Bonds, Series 2009B, [Resolution 09](#) – Transit Bonds, Series 2009A; [Resolution 10](#) – Wastewater Revenue Refunding, Series 2009C)

It was moved by Sersland Beach and seconded by Wittsack

"That the Metropolitan Council adopt Resolutions 2009-08, 2009-09, and 2009-10 authorizing issuance and award of sale of General Obligation Bonds and execution of other necessary documents to complete the sale of these bonds."

Motion carried.

2009-229 - Technical Amendments to Legal Services Agreements, No Budget Impacts

It was moved by Sersland Beach and seconded by Wittsack

"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>
Fredrikson Byron	Legal Services related to MOAC v. Metropolitan Airports Commission Contract No. 07P075	01/01/07- 12/31/10	\$250,000	\$100,000	\$350,000
Lockridge Grindal Nauen	Legal Services related to Housing, Land Use, Planning, Parks and Open Space Matters	09/09/01- 12/31/09	\$400,000	\$100,000	\$500,000

Motion carried.

2009-233 - 2009-2012 TIP Amendment: Project Scope Change Request: Maple Grove TAB Action 2009-41

It was moved by Sersland Beach and seconded by Wittsack

"That the Metropolitan Council concur with the Transportation Advisory Board (TAB) action to change the project scope to add parking spaces to the Silver Leaf Transit Station, and increase the funds by \$400,000, and to amend the 2009-2012 Transportation Improvement Program (TIP)."

Motion carried.

2009-234 - 2009-2012 TIP Amendment: Project Scope Change, Southwest Metro Transit – Market Street Station, Project SP#91-080-06, TAB Action 2009-42

It was moved by Sersland Beach and seconded by Wittsack

"That the Metropolitan Council concur with the Transportation Advisory Board (TAB) action to change the project scope of SP#90-080-06, Market Street Transit Station, to relocate 120 parking spaces and reduce the funds by \$250,000, and to amend the 2009-2012 Transportation Improvement Program (TIP)."

Motion carried.

2009-235 - Authority to Execute an Interagency Agreement with MnDOT for Travel Behavior Inventory Federal ARRA Funds, Res 2009-11

It was moved by Sersland Beach and seconded by Wittsack

"That the Metropolitan Council adopt the attached Resolution 2009-11 authorizing the execution of an Interagency Agreement with MnDOT to accept Federal ARRA Funds for the Travel Behavior Inventory (TBI) and authorize the Regional Administrator to execute said agreement with MnDOT."

Motion carried.

[2009-232 - Approval of Regional Dial-a-Ride Program Parameters](#)

It was moved by Sersland Beach and seconded by Wittsack

"That the Metropolitan Council approve the attached (Exhibit A) Regional Dial-a-Ride Program Parameters recommended by the Coordination Advisory Committee (CAC)."

Motion carried.

[2009-249 - Authorization for Public Hearings and Approval of Public Hearing Content for Regional Dial-a-Ride Fares](#)

It was moved by Sersland Beach and seconded by Wittsack

"That the Metropolitan Council

1. authorize a series of public hearings on potential fare adjustments for regional dial-a-ride services funded by the Council as shown in Attachment A, and;
2. approve information to be presented at public hearings, as shown in Attachment B, for the purpose of public comment and input prior to adoption of any regional fare adjustments."

Motion carried.

[2009-224 - New Metro Mobility and Regional Dial-a-Ride Vehicle Graphics](#)

It was moved by Sersland Beach and seconded by Wittsack

"That the Metropolitan Council approve the new logos and exterior graphic designs for Metro Mobility and regional dial-a-ride vehicles." [Vehicle Graphics](#)

Motion carried.

[2009-230 - Counties Transit Improvement Board 2009 Grant Agreement Amendment #1 for Central Corridor Light Rail Project](#)

It was moved by Sersland Beach and seconded by Wittsack

"That the Metropolitan Council authorize the Regional Administrator to negotiate and execute Amendment No. 1 to the CY2009 grant agreement for the Central Corridor Light Rail Transit (LRT) Project reducing the original grant amount from \$26,011,818 to \$13,362,366."

Motion carried.

[2009-236 - Authorization to Amend and Extend Operations Contract with New England Fertilizer Company \(NEFCO\) to Incorporate Use of Biogas](#)

It was moved by Sersland Beach and seconded by Wittsack

"That the Metropolitan Council authorizes the Regional Administrator to execute a five-year extension and amendment to the contract with the New England Fertilizer Company (NEFCO) to provide operations, management and guarantees for the heat-drying facilities at the Blue Lake Wastewater Treatment Plant."

Motion carried.

[2009-243](#) - Authorization to Enter into a Memorandum of Understanding with the City of Minneapolis related to Combined Sewer Overflow (CSO) Elimination Efforts

It was moved by Sersland Beach and seconded by Wittsack

"That the Metropolitan Council authorize its Regional Administrator to negotiate and execute a Memorandum of Understanding with the city of Minneapolis relating to Combined Sewer Overflow Elimination Efforts."

Motion carried.

[2009-245](#) - Authorization to Submit Phosphorus Reduction Grant Applications to the Public Facilities Authority (PFA), [Resolution No. 2009-12](#)

It was moved by Sersland Beach and seconded by Wittsack

"That the Metropolitan Council approve the attached Resolution 2009-12 to authorize the Regional Administrator to submit phosphorus reduction grant applications to, and to execute any resulting grant agreements with, the Minnesota Public Facilities Authority (PFA)."

Motion carried.

[2009-247](#) - Authorization to Hold Public Meeting for Proposed Service Availability Charge (SAC) Rate Design Change for Outdoor Seating

It was moved by Sersland Beach and seconded by Wittsack

"That the Metropolitan Council authorizes staff to hold a public meeting to discuss a proposed change to the SAC rules for outdoor spaces and gather public input for Council consideration."

Motion carried.

Report of the Management Committee

All Items are on the Consent List

Report of the Environment Committee

Items are on the Consent List and Joint Report.

Report of the Community Development and Environment Committees

[2009-244](#) SW - City of Minneapolis 2030 Comprehensive Plan Update, Review No. 20348-I Tier II Comprehensive Sewer Plan

It was moved by Steffen and seconded by Leppik

"That the Metropolitan Council: adopts the attached Advisory Comments and Review Record, and the following:

Recommendation of the Community Development Committee:

1. Authorize the City of Minneapolis (City) to put its 2030 Comprehensive Plan Update into effect contingent upon the execution of the "2009 Memorandum of Understanding Relating to Combined Sewer Overflow Elimination Efforts" between the City and the Council;
2. Adopt the revised forecasts for population, households, and employment for the City, as shown in Table 2 of the Review Record; and
3. Advise the City to:
 - a. Update its Local Water Management Plan (LWMP) in 2009 to make the LWMP consistent with the 2007 Minnehaha Creek Watershed District plan and to meet this plan's updated requirements.
 - b. Send the Council a copy of the new LWMP for review and comment at the same time it is sent to the watersheds for review and approval.
 - c. Participate in Council activities to monitor redevelopment in developed communities.
 - d. Implement the advisory comments noted in the Review Record for Aviation, Transportation/Transit, Forecasts and Water Supply.

Recommendation of the Environment Committee:

Approve the City of Minneapolis's Tier II Comprehensive Sewer Plan contingent upon the execution of the "2009 Memorandum of Understanding Relating to Combined Sewer Overflow Elimination Efforts" between the City and the Council."

Motion carried.

Report of the Community Development Committee

Items are on the Consent List and Joint Report.

Report of the Transportation Committee

Items are on the Consent List.

Other Business

[2009-256](#) - Land Use Advisory Committee (LUAC) Appointment

It was moved by Steffen and seconded by Wulff

"That the Metropolitan Council approve the appointment of Karl Drotning to the Land Use Advisory Committee representing District 16."

Motion carried.

2010 Municipal Wastewater Rates and Service Availability Charge (SAC)

Bill Moore, Environmental Services' General Manager, presented a history of the Service Availability Charge (SAC), a onetime fee imposed by MCES to communities for each new connection or increase in capacity demanded of the metropolitan wastewater system. The communities pass the SAC fee, along with possible local fees, to the building owners or other responsible parties. One SAC unit equals 274 gallons of maximum potential daily wastewater flow capacity. A freestanding single-family residence is charged one SAC unit, a base unit. Other types of buildings pay a prorated SAC fee, based on the estimated potential capacity of wastewater they might generate.

Since its inception in 1973, the cost of reserve capacity allocated to individual communities was based on each community's projected demand. Many communities, particularly those in the early stages of development lacked the population and the tax base to finance the cost of future capacity. It quickly became apparent that an alternative method of paying for reserve capacity had to be developed. Following intensive study and discussion with customer communities, MCES developed the sewer Service Availability Charge (SAC) system (a pay as you grow system) for paying for reserved capacity.

The housing decline and more recently the general lack of development in the entire region, have created a decrease of SAC units collected by the Council, putting financial pressure on the SAC reserve fund balance and SAC rates. In addition, the methodology has some technical issues. Most significantly, over the last decade, declining sewer flow volumes have made the reserve capacity appear to be growing even while we collected substantial SAC fees thus causing the need for higher and higher SAC rates.

Staff is developing an alternative computation method to compute the reserve capacity which is used in computing the SAC. This new method will count SAC units paid as decreasing the remaining reserve capacity. Staff will host a public meeting on August 13 to hear comments on the proposal to change the methodology and its impact on MCES rates. Staff will bring a summary of the comments to the Environment Committee on August 25, followed by Council action. Councilmember Leppik invited all Council members to attend the August 13 public meeting.

2010 Preliminary Operating Budget, Rates and Levies

Regional Administrator Tom Weaver and Wes Kooistra, Chief Financial Officer introduced the presentation on the operating budget and the levy ceilings for 2010. The 2010 Metropolitan Council Budget Schedule is:

July 22	Presentation of Preliminary Operating Budgets, Rates and Levies
August 22	Adopt Preliminary operating Budget, Rates and Levies
September 9	Presentation of Preliminary Capital Program
September 23	Set Budget and Levies for Public Hearing
November 4	Hold Public Hearing (tentative)
December 9	Adopt Final Budget and Levies

2010 Proposed Levies, Rates and Unified Operating Budget

[2010 Community Development Division Proposed Budget Overview](#) - Guy Peterson

[2010 Proposed Budget Environmental Services](#) - Bill Moore

[2010 Proposed Operating Budget Transportation Division](#) - Brian Lamb, Arlene McCarthy

Reports

Chair

Chair Bell reported

- Council staff has begun another round of District Dialogues throughout the region. The first one will be July 29 in Anoka County;
- a Councilmember retreat will be scheduled this fall and suggestions for program topics are welcome.

Council Members

There was no report.

Regional Administrator

Regional Administrator Weaver reported Councilmember Kirstin Sersland Beach has been selected to participate in the Humphrey Institute of Public Affairs 2009-2010 Policy Fellows Program.

General Counsel

Acting General Counsel Mark Thompson had to report.

Adjournment

Business completed, the meeting adjourned at 6:15 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 July 22, 2009.

Approved this 12th day of August, 2009.

Respectfully submitted,

Pat Curtiss
Secretary