



## **Metropolitan Council Meeting**

Wednesday, July 28, 2010

Robert Street Council Chambers

4:00 P.M.

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**Metropolitan Council Meeting**

Wednesday, July 28, 2010

Council Chambers

4:00 P.M.

**Part I - Narrative**

**Attendance:**

Peter Bell, Chair; Roger Scherer, Tony Pistilli, Craig Peterson, Polly Bowles, Peggy Leppik, Annette Meeks, Lynette Wittsack, Kris Sanda, Georgeanne Hilker, Sherry Broecker, Rick Aguilar, Daniel Wolter, Wendy Wulff

Members absent: Robert McFarlin, Natalie Steffen, Kirstin Sersland Beach

**Call to Order and Approval of Agenda**

A quorum being present, the Chair called the regular meeting of the Metropolitan Council to order at 4:03 p.m. It was moved by Sanda seconded by Hilker to approve the agenda. Motion carried.

**Minutes**

It was moved by Scherer seconded by Broecker, to approve the minutes of the Metropolitan Council Meeting of July 14, 2010. 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*

2010-239 - Authorization to Award Contract for Disk and Tape Backup System Upgrade, Software

It was moved by Wolter and seconded by Pistilli

"That the Metropolitan Council authorize the Regional Administrator to

1. execute a contract with Applied Communications to provide software and services to upgrade and consolidate the Council's multiple data backup processes for a term of three (3) years at a cost not to exceed \$400,493, and
2. issue a Purchase Order, utilizing State of Minnesota Contract

#442683, to Applied Communications for hardware and related maintenance to upgrade the Council's data backup processes for a term of three (3) years in an amount not to exceed \$257,377."

Motion carried.

2010-251 - Rush Line Express Coach Bus Service Agreement

It was moved by Wolter and seconded by Pistilli

"That the Metropolitan Council authorize the Regional Administrator to enter into an agreement with the Rush Line Task Force to contract and administer the Rush Line Express coach bus service demonstration route on behalf of the task force beginning in September 2010."

Motion carried.

2010-253 - Adoption of Service Availability Charge (SAC Rate for City of Elko New Market

It was moved by Wolter and seconded by Pistilli

"That the Metropolitan Council

1. adopts a base Service Availability Charge (SAC) rate of \$3300, effective upon adoption, for the rural growth center community of Elko New Market subject to the community entering into an agreement with the Council;
2. authorizes the Regional Administrator to enter into an agreement with the community of Elko New Market to specify terms for contingent loans for part of the reserve capacity charges and other SAC matters, including but not limited to the terms on Attachment A."

Motion carried.

2010-254 - Authorization to Execute a Master Contract for Total Maximum Daily Load and Permitting Assistance Services with HDR Engineering, Inc.

It was moved by Wolter and seconded by Pistilli

"That the Metropolitan Council authorize its Regional Administrator to execute a Master Contract for Total Maximum Daily Load (TMDL) and Permitting Assistance Services with HDR Engineering, Inc. in the amount of \$500,000."

Motion carried.

2010-255 - Authorization for Rosemount Incorporated Sole Source

It was moved by Wolter and seconded by Pistilli

"That the Metropolitan Council authorize the Regional Administrator to purchase replacement parts for the metering and instrumentation equipment for ongoing maintenance and service repairs on a sole source basis from Rosemount Incorporated for the original equipment manufacturer instrumentation equipment

and related parts to this equipment at all wastewater treatment plants and lifts stations for an amount not to exceed \$750,000 over a five year period."

Motion carried.

2010-256 - Authorization to Negotiate and Execute Contract for Tort and Property Damage Defense Counsel

It was moved by Wolter and seconded by Pistilli

"That the Metropolitan Council authorizes the Regional Administrator to negotiate and execute four contracts for legal defense related to tort and property damage claims, in an aggregate amount not to exceed \$1,650,000 over the three year term of the contracts."

Motion carried.

2010-257 - West Lakeland 2030 Comprehensive Plan Update, Review No. 20632-1

It was moved by Wolter and seconded by Pistilli

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

1. authorize West Lakeland Township to put its 2030 Comprehensive Plan Update into effect;
2. adopt forecasts as revised in Table 1 of the Review Record;
3. change the Township's geographic planning area designation from Diversified Rural to Rural Residential in the Council's *2030 Regional Development Framework*;
4. advise the Township to implement the Advisory Comments for Transportation, Surface Water Management, and Land Use."

Motion carried.

2010-258 - Amending the Administrative Review Guidelines to include criteria for Agricultural Preserves

It was moved by Wolter and seconded by Pistilli

"That the Metropolitan Council modify the Council's guidelines for *Administrative Review of Certain Plan Amendments* to allow administrative review of land use changes that are due to enrollment in the Metropolitan Agricultural Preserves Program. The guidelines would be modified to also state that minor comprehensive plan amendments (see attached):

- Propose a land use change to guide land at no more than one unit per 40 acres to meet requirements of the Metropolitan Agricultural Preserves Program (Minn. Stat. Ch.473H)."

Motion carried.

*Report of the Transportation Committee*

2010-117 SW - Authorization to Award Contract for East Metro, West Metro and Hopkins Area Transit Service

It was moved by Peterson and seconded by Hilker

"That the Metropolitan Council authorize the Regional Administrator to execute a five year contract with First Transit, Inc. to provide regular route express and local transit service in the East Metro, West Metro, and Hopkins areas of the Twin Cities transit system beginning in October 2010 in an amount not to exceed \$16,071,328."

Motion carried.

2010-248 - Approve Final Design of Public Artwork for 15 Central Corridor Light Rail Stations

It was moved by Peterson and seconded by Hilker

"That the Metropolitan Council approve the final artwork designs for 15 Central Corridor Light Rail Transit (CCLRT) stations."

It was suggested that the Council consider corporate sponsorship for future art projects at light rail stations.

Motion carried, Meeks dissenting and Wolter recusing himself from discussion and the vote.

2010-249 - Central Corridor Light Rail Transit: Construction Change Order Greater than 5% for the Advanced Traffic Improvements Contract with Graham Construction Services

It was moved by Peterson and seconded by Broecker

"That the Metropolitan Council authorize an additional \$195,000 above the standard 5% allowable contract change order contingency to provide for the removal and disposal of additional quantities of contaminated soils for the Advanced Traffic Improvements Contract."

Motion carried, with Meeks abstaining and Wolter recusing himself from discussion and the vote.

2010-250 - Central Corridor Light Rail Transit: Construction Change Orders Greater Than 5% for the Fourth Street Advanced Utility Relocation Contract

It was moved by Peterson and seconded by

"That the Metropolitan Council authorize an additional \$650,000 above the standard 5% allowable contract change order contingency to acknowledge the cost of removing and disposing of contaminated soils, extending a chilled water service

to the Operation and Maintenance Facility, removal of a concrete tank structure, and relocation of areaway utilities."

Motion carried, with Meeks abstaining and Wolter recusing himself from discussion and the vote.

2010-267 SW - Adopt TPP for purpose of Public Hearing and Authorization for Public Hearing

It was moved by Peterson and seconded by Scherer

"That the Metropolitan Council:

1. Adopt the Draft 2030 Transportation Policy Plan including any necessary modifications to incorporate comments made by TAB on July 21, the Transportation Committee on July 26 and the Metropolitan Council on July 28, for purposes of a public hearing:
2. Authorize that a public hearing on the Draft 2030 Transportation Policy Plan be held on September 27, 2010, at 5 pm at Heywood Office Building, with continued acceptance of public comments until 5 pm, October 7, 2010."

Motion carried.

2010-262 SW - Rail Support Facility Construction near Hiawatha and 26<sup>th</sup> Street East in Minneapolis, Project 62314

It was moved by Peterson and seconded by Leppik

"That the Metropolitan Council authorize the Regional Administrator to award and execute a contract with the lowest responsive and responsible bidder, Meisinger Construction, for the construction of a Rail Support Facility, adjacent to the Hiawatha corridor near 26<sup>th</sup> Street East in Minneapolis, Minnesota, at a cost of \$5,000,000."

Motion carried, with Meeks dissenting.

2010-263 SW - Central Corridor Light Rail Transit: Cooperative Funding Agreement with Ramsey County

It was moved by Peterson and seconded by Broecker

"That the Metropolitan Council rescind Business Item 2010-222 Central Corridor Light Rail Transit: Subordinate Funding Agreement with Ramsey County."

Motion carried, with Meeks dissenting and Wolter recusing himself from discussion and the vote.

It was moved by Peterson and seconded by Scherer

"That the Metropolitan Council authorize the Regional Administrator to negotiate and execute a Cooperative Funding Agreement with Ramsey County relative to the Civil East Construction in Saint Paul for \$350,000."

Motion carried, with Meeks abstaining and Wolter recusing himself from discussion and the vote.

*Report of the Community Development Committee*

Items are on the Consent List and Joint Report

*Joint Report of the Community Development Committee*

2010-215 - City of Hastings 230 Comprehensive Plan Update, Review No. 20609-1, Tier II Comprehensive Sewer Plan

It was moved by Pistilli and seconded by Hilker

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

1. Authorize the City of Hastings to put its 2030 Comprehensive Plan Update into effect;
2. Accept the revised forecasts as shown in Table 1 of the attached Review Record;
3. Advise the City to implement the advisory comments noted in the Review Record for Transportation, ISTS, Wastewater, and Land Use, and revised Table 1 in the Review Record;
4. Approve the City of Hastings' Tier II Comprehensive Sewer Plan;
5. Advise the City that the approved Tier II Plan covers areas only within the 2010 municipal boundaries. The City will need to amend its Comprehensive Plan and Tier II Sewer Plan to include the status change of the affected area(s) of the Township(s), prior to the construction of any sewer extensions or extension of Regional Wastewater Service to those Townships. In addition, it is recommended that the Community Development Committee address forecast revisions at its June 21 meeting."

Motion carried.

*Report of the Environment Committee*

2010-252 - Adoption of MCES 2011 Wastewater Rates Charges

It was moved by Wolter and seconded by Wittsack

"That the Metropolitan Council adopts the following wastewater rates and charges to be effective January 1, 2011:

- Municipal Wastewater Charge (annual) total of **\$172,784,609**,
- Sewer Availability Charge (SAC): **\$2,230** per Residence or Residential Equivalent Capacity,
- Temporary Capacity Charge (formerly "Add-on Service Charge"): **\$1.12** per thousand gallons,
- Industrial Strength Charge: **\$.155** per excess pound of TSS (total suspended solids),
- Industrial Strength Charge: **\$.0775** per excess pound of COD

- (chemical oxygen demand),
  - Standard (septage) Load Charge: **\$48.99** per thousand gallons,
  - Holding Tank Load Charge: **\$4.52** per thousand gallons,
  - Portable Toilet Waste Load Charge: **\$62.12**, per thousand gallons,
  - Collar County Load Charge: **\$61.49** per thousand gallons,
  - Strength component of Industrial Load Charge **\$3150** per excess pound of TSS,
  - Strength component of Industrial Load Charge **\$.1575** per excess pound of COD,
  - Encroachment Application Fee: **\$600 per easement**
  - Direct Connection Application Fee: **\$1,000 per application**
  - Out-of-Region Load Charge Component for hauled waste: **\$12.50 per thousand gallons**
  - Inflow & Infiltration Surcharge Exceedance Rate: **\$377,000** per mgd, and
  - Industrial Permit Fees as shown on Attachment A.
2. Further, that the Metropolitan Council authorizes the SAC reserve fund exception for an economic downturn as stated in Council policy 3-2-5 *[Use of the minimum reserve shall be allowed only in an economic downturn or natural disaster and as approved by the Council]."*

Motion carried.

*Report of the Management Committee*

2010-265 SW - Technical Amendments to Legal Services Agreements: No Budget Impacts

It was moved by Scherer and seconded by Pistilli

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

Law Firm	Services	Term	Current Price	Proposed Increase	New Price
Lockridge Grindal	Legal Services related to CCLRT, Minnesota Public Radio Contract No. 10P042	2/10/10-6/30/11	\$125,000	\$125,000	\$250,000
Lockridge Grindal	Legal Services related to Housing, Land Use and Planning, Regional Parks and Open Spaces, Environmental Matters and CCLRT Contract No. 01P143	9/9/01-12/31/10	\$750,000	\$250,000	\$1,000,000

Motion carried, with Wolter recusing himself from discussion and the vote.



2010-266 SW - Authorization to Implement the Effect of the Teamsters Local #320 (Full Time Police) Interest Arbitration Outcome

It was moved by Scherer and seconded by Pistilli

"That the Metropolitan Council authorize the Regional Administrator to implement the effect of the interest arbitration outcome effective for the period January 1, 2009 through December 31, 2010."

Motion carried.

## **Other Business**

### **Reports**

2011 Preliminary Unified Operating Budgets, Rates and Levies

Regional Administrator Tom Weaver introduced the presentation, noting the following financial accomplishments:

- Since 2003, Council levies have increased by only 8.7%, while all other metro levies have increased by 54.7%;
- Maintained a strong financial position through economic crisis and state budget shortfalls;
- Withstood significant reductions to MVST and SAC collections with prudent planning and intervention;
- Significantly improved operating reserve positions;
- Maintained our Aaa bond rating;
- Refunded bonds for a net savings of \$12.7M over the life of the bonds

Agency-Wide, Levies, Regional Administration

Wes Kooistra presented the 2011 Council Budget Overview:

- The 2010 adopted budget was \$745.1M; the 2011 Proposed budget is \$760.6M

Community Development

Beth Reetz presented a 2003-2010 Review of Community Development:

- Structural budget solution was realized for the Council's owned housing program, FAHP;
- 90+% of Comp Plans will be finalized by year's end – with no plan modifications;
- Creation of Regional Parks Foundation;
- Creation of Land Acquisition for Affordable New Development (LAAND);
- Significant increases in park acreage, trails mileage and visits;
- Improved information dissemination (MetroStats, web-based community Profiles, Local Planning Handbook);
- Natural Resources Digital Atlas

Transportation Division

Brian Lamb and Arlene McCarthy presented a 2003-2010 Review of Metro Transit and Metropolitan Transportation Services

- Opened the Hiawatha light rail service in 2004 & Northstar commuter rail service in late 2009;
- Central Corridor design and start of construction;
- LPA selection in Southwest corridor;
- Provided an immediate and sustained response to the I-35W Bridge collapse until opening of the new bridge;
- Implemented the \$133M federal UPA grant in the I-35W and Cedar Avenue BRT Corridors;
- Marquette & 2<sup>nd</sup> Avenue South hosts over 1,400 express bus trips and saves 40,000 commuters approximately 6,600 hours of time through downtown Minneapolis daily;
- Reached a ridership 25 year high of nearly 95 million in 2008;
- Increased Regional Park and Ride capacity from 15,500 to 28,700 spaces or an 85% increase;
- Added approximately 100 miles of bus only shoulder lanes to the region;
- Metro Mobility meets growing demand (11% since 2003);
- Modified and enhanced the Metro Mobility certification process;
- Restructured Regional Dial-a-Ride service (Transit Link);
- Sector service restructuring/service improvements;
- Transitway planning and development advanced in many corridors;
- Three Transportation Policy Plan Updates;
- Initiated the Go Greener program resulting in Metro Transit fleet of 97 hybrid and 884 biodiesel buses;
- 2003 low sulfur diesel, 2011 ultra-low sulfur diesel with 5% biodiesel mix;
- Implemented HASTUS (new scheduling system) resulting in annual operational savings of \$3-\$4 M

#### Environmental Services

Bill Moore presented the Environmental Services 2003-2010 Accomplishments

- Expanded regional wastewater system;
- New Metro Plant incinerators reduced many emissions by 90%;
- New processes cut phosphorus discharges by two-thirds;
- Reduced energy consumption;
- System to reduce inflow and infiltration;
- Regional Water Supply Master Plan;
- Increased operating reserves

#### **The Council Budget Schedule:**

AUG 25 Adopt Preliminary Operating Budget, Rates and Levies  
SEP 22 Present Preliminary Capital Program  
OCT 27 Set Budget and Levies for Public Comment  
DEC 8 6:00 PM Allow Public Comment and  
Adopt Final Budget and Levies

Chair Bell noted the accomplishment lists are a major part of this Council's legacy. He believes the Council's fiscal stewardship has been remarkable and said it's hard to imagine another government agency that has performed as fiscally responsible as the Metropolitan Council. He believes the Met Council can be a model of how government can and should be run.

*Chair*

Chair Bell noted the April 26 issue of USA Today, carried a front page story about commuter options in MN:

[http://www.usatoday.com/news/nation/2010-07-26-1Agridlock26\\_CV\\_N.htm?loc=interstitialskip](http://www.usatoday.com/news/nation/2010-07-26-1Agridlock26_CV_N.htm?loc=interstitialskip)

There will not be a Council meeting on August 11; the next regularly scheduled meeting is August 25.

*Council Members*

There were no reports.

*Regional Administrator*

There was no report.

*General Counsel*

There was no report.

**Adjournment**

Business completed, the meeting adjourned at 6:10 pm

**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 28, 2010.

Approved this 25th day of August 2010.

Respectfully submitted,



Pat Curtiss, Secretary

