

Council Chair Charles Zelle

Council Members

Abdirahman Muse

Deb Barber

Kris Fredson

Molly Cummings

Phillip Sterner

Reva Chamblis

Susan Vento

Chai Lee

Francisco J. Gonzalez

Judy Johnson

Peter Lindstrom

Raymond Zeran

Robert Lilligren

Wendy Wulff

Christopher Ferguson

Meeting Minutes

Wednesday, December 8, 2021, 4:00 p.m.

IN ATTENDANCE

Barber, Cummings, Ferguson, Fredson, Gonzalez, Johnson, Lee, Lilligren, Sterner, Vento, Wulff, Zeran, Chair Zelle

MEMBERS ABSENT

Chamblis, Lindstrom, Muse

CALL TO ORDER

A quorum being present, Chair Zelle called the meeting to order at 4:01 p.m. on the following roll call vote:

Aye: 12 Barber, Cummings, Ferguson, Fredson, Gonzalez, Johnson, Lee, Lilligren, Vento, Wulff, Zeran, Chair Zelle

Nay: 0

Absent: 3 Chamblis, Lindstrom, Muse

No response: 1 Sterner

AGENDA APPROVED

Chair Zelle noted that a roll call vote is not needed for approval of the agenda. Council Members did not have any comments or changes to the agenda.

APPROVAL OF MINUTES

It was moved by Cummings, seconded by Wulff to approve the minutes of the November 10, 2021, Council meeting.

Motion carried on the following roll call vote:

Aye: 12 Barber, Cummings, Ferguson, Fredson, Gonzalez, Johnson, Lee, Lilligren, Vento, Wulff, Zeran, Chair Zelle

Nay: 0

Absent: 3 Chamblis, Lindstrom, Muse

No response: 1 Sterner

PUBLIC INVITATION

The Council heard public testimony from ATU President Ryan Timlin and ATU Union Reps Ron Kammeuller and John Hawthorn on business item 2021-325: Rust Mitigation of Bombardier Light Rail Vehicles. They voiced their concerns on the work outsourced, the cost, and light rail vehicles transported out of state.

CONSENT AGENDA

Approval of the Consent Agenda (Items 1-15)

Consent Agenda Adopted

- 2021-283: That the Metropolitan Council Authorize the Regional Administrator to exercise bus purchase options utilizing the State of Washington's Master Contract 06719-01 with Gillig LLC, to purchase three, thirtyfoot expansion transit buses in an amount not to exceed \$1,525,000.
- 2021-296: That the Metropolitan Council:
1. Approve Three Rivers Park District's Eagle-Bryant Lake Regional Trail Master Plan.
 2. Acknowledge Three Rivers Park District's intent to split the Eagle-Bryant Lake Regional Trail Search Corridor into two distinct but interconnected regional trails – the Eagle Lake Regional Trail and the Bryant Lake Regional Trail – which will be formally documented in the next update of the Regional Parks Policy Plan, anticipated in 2024.
 3. Require Three Rivers Park District, prior to initiating any new development of the regional trail corridor, to send preliminary plans to the Metropolitan Council's Environmental Services Interceptor Engineering Assistant Manager.
- 2021-297: That the Metropolitan Council:
1. Approve Dakota County's Spring Lake Park Reserve Master Plan.
- 2021-298: That the Metropolitan Council approve a grant of up to \$25,650 to Scott County, using funding from FY2021 Parks and Trails Legacy Fund, to acquire the vacant 15-acre Muehlenhardt property for Blakeley Bluffs Park Reserve.
- 2021-301: Metropolitan Council approve the attached list of Authorized Financial Institutions for 2022.
- 2021-314: That the Metropolitan Council authorizes the Regional Administrator to negotiate and execute a Joint Powers Agreement number 211030 on behalf of the Metro Transit Police Department with the State of Minnesota's Department of Public Safety – Bureau of Criminal Apprehension (BCA). MTPD is also requesting that the Regional Administrator negotiate and executive an amendment to this JPA for Court Data Services.
- 2021-323: That the Metropolitan Council adopts Resolution 2021-40 authorizing the acquisition and condemnation of real property for the Interceptor 1-MN-320 Improvements, MCES Project No. 809205.
- 2021-324: That the Metropolitan Council pass Resolution 2021-41 authorizing the acquisition of permanent easements for the 8567 Forcemain Replacement at Channel Crossings,

Project No. 802863 and to initiate condemnation proceedings if direct purchase efforts are unsuccessful.

- 2021-328: That the Metropolitan Council authorize the Regional Administrator to negotiate and execute a METRO Gold Line Bus Rapid Transit (Gold Line) Master Utility Agreement (MUA) #21M085 with Northern States Power Company in an amount not to exceed \$4,800,000.
- 2021-330: That the Metropolitan Council authorize the sole-source purchase of 163 additional bus mobile validator (BMV) devices for Metro Transit and Metropolitan Transportation Services vehicles from Cubic Transportation Systems for an amount not to exceed \$540,000.
- 2021-331: That the Metropolitan Council authorize the Regional Administrator to execute a Memorandum of Understanding (MOU) with the Minnesota Department of Transportation (MnDOT) per state statute for the revenue use and distribution of MnPASS (E-Z Pass) revenues.
- 2021-332: That the Metropolitan Council adopt the Regional Transit Safety performance targets and approve an amendment to the 2022-2025 TIP to incorporate the targets as shown in the attachment.
- 2021-334: That the Metropolitan Council adopt an amendment to the 2022-2025 TIP to increase the cost of MnDOT's railroad bridge rehabilitation project.
- 2021-335: That the Metropolitan Council adopt an amendment to the 2022-2025 TIP to adjust the funding and length of MnDOT's I-94 maintenance project in the East Metro.
- 2021-336: That the Metropolitan Council adopt an amendment to the 2022-2025 TIP to increase the scope, cost and length of MnDOT's US 169 noise wall project in Edina.

It was moved by Lee, seconded by Ferguson.

Motion carried on the following roll call vote:

Aye:	13	Barber, Cummings, Ferguson, Fredson, Gonzalez, Johnson, Lee, Lilligren, Sterner Vento, Wulff, Zeran, Chair Zelle
Nay:	0	
Absent:	3	Chamblis, Lindstrom, Muse

BUSINESS

Community Development

2021-342 SW: That the Metropolitan Council:

1. Approve Dakota County's Minnesota River Greenway Regional Trail Master Plan Amendment for the Fort Snelling State Park segment.
2. Require Dakota County to send preliminary plans to the Metropolitan Council's Environmental Services Interceptor Engineering Assistant Manager prior to initiating any new development of the regional trail corridor.

It was moved by Lilligren, seconded by Sterner.

Motion carried on the following roll call vote:

Aye: 13 Barber, Cummings, Ferguson, Fredson, Gonzalez, Johnson, Lee, Lilligren,
Sterner Vento, Wulff, Zeran, Chair Zelle
Nay: 0
Absent: 3 Chamblis, Lindstrom, Muse

2021-349 SW: That the Metropolitan Council extend Planning Assistance grant agreements until June 30, 2022 for grantees with incomplete 2040 Comprehensive Plans.

It was moved by Lilligren, seconded by Johnson.

Motion carried on the following roll call vote:

Aye: 13 Barber, Cummings, Ferguson, Fredson, Gonzalez, Johnson, Lee, Lilligren,
Sterner Vento, Wulff, Zeran, Chair Zelle
Nay: 0
Absent: 3 Chamblis, Lindstrom, Muse

Environment – Reports on consent agenda

Management – Reports on consent agenda

Transportation

2021-240: That the Metropolitan Council approve the results of the 2021 Title VI Service and Facilities Standards Monitoring Study, which shows no disparate impact on communities of color and no disproportionate burden on low-income communities.

It was moved by Barber, seconded by Wulff.

Motion carried on the following roll call vote:

Aye: 13 Barber, Cummings, Ferguson, Fredson, Gonzalez, Johnson, Lee, Lilligren,
Sterner Vento, Wulff, Zeran, Chair Zelle
Nay: 0
Absent: 3 Chamblis, Lindstrom, Muse

2021-306: That the Metropolitan Council (Council) authorize the Regional Administrator through the Southwest Light Rail Transit (SWLRT) Council Authorized Representative to negotiate and execute a change order for Contract 15P307A with Lunda McCrossan Joint Venture (LMJV) in an amount not to exceed \$3,671,582.67.

It was moved by Barber, seconded by Cummings.

Motion carried on the following roll call vote:

Aye: 13 Barber, Cummings, Ferguson, Fredson, Gonzalez, Johnson, Lee, Lilligren, Sterner Vento, Wulff, Zeran, Chair Zelle
Nay: 0
Absent: 3 Chamblis, Lindstrom, Muse

2021-311: That the Metropolitan Council authorize the Regional Administrator to negotiate and execute Amendment No. 7 to Contract 14P156 with HDR Engineering, Inc. to add \$2,500,000 for a total contract amount not to exceed \$6,445,113.

It was moved by Barber, seconded by Fredson.

Motion carried on the following roll call vote:

Aye: 13 Barber, Cummings, Ferguson, Fredson, Gonzalez, Johnson, Lee, Lilligren, Sterner Vento, Wulff, Zeran, Chair Zelle
Nay: 0
Absent: 3 Chamblis, Lindstrom, Muse

2021-325: That the Metropolitan Council authorize the Regional Administrator to negotiate and execute contract 20P035 with RailCar Corporation for rust mitigation/fleet improvement services on the Bombardier, Type 1, Light Rail Vehicles (LRV's) in an amount not to exceed \$7,704,246.

Interim Chief Operations Officer Brian Funk gave a presentation on business item recommendations, why it's necessary, considerations and strategies, workforce shortage, and summary.

Council Members had a robust discussion. Council Members had concerns about the delay, cost and funding, outsourcing, the bid process, transparency with ATU Union, hiring process, and taking responsibility.

Council Member Sterner had a question regarding the maintenance program.

Council Member Cummings stated we should have anticipated this years ago but understands the urgency. She would like to take the time to get questioned answered.

Council Member Barber appreciates the questions and concerns. She stated there is urgency but doesn't believe there are resources to do the work in-house and says there is a risk to cost, investment, and safety of vehicles if voted down or delayed.

Chair Zelle stated this is a sensitive issue with our relationship and communication with ATU and asked Wes to comment. Wes said there is a path to improve communication and work with ATU going forward.

Chair Zelle thanked everyone for the robust conversation. He believes delaying the vote is not worth it because of the financial risk, and with all the investigation done, he does not think we would learn anything more.

Council Member Wulff commented on outsourcing and said she supports the one-time deal.

Council Member Ferguson said he is concerned this will not be a one-time issue and suggested we change the management to prevent the same mistakes and conversations in the future.

Council Member Johnson asked if we could take it to the Management committee moving forward.

Council Member Johnson voted no because she would like more time to have questions answered and a long-term plan. She said this is about the process and has her best interest for Metropolitan Council.

Council Member Zeran voted no because he thinks we can do the work in-house and look at having an apprenticeship program and agreement to have a labor and management committee moving forward.

Council Member Vento voted no because we are a planning agency and said this does not speak well of our planning.

Council Member Fredson voted no because of outsourcing work out of state, the project cost, and losing the opportunity to build a workforce.

It was moved by Barber, seconded by Wulff.

Motion carried on the following roll call vote:

Aye: 8 Barber, Cummings, Ferguson, Gonzalez, Lee, Lilligren, Wulff, Chair Zelle

Nay: 5 Fredson, Johnson, Sterner, Vento, Zeran

Absent: 3 Chamblis, Lindstrom, Muse

2021-333: That, for the purposes of holding a public hearing and receiving public comment, the Metropolitan Council:

- Release the attached draft amendment #1 to the 2040 Transportation Policy Plan to amend in the arterial bus rapid transit Network Next system and amend in six MnDOT freight project selections; and
- Authorize a public comment period from December 9, 2021, to January 24, 2022 on the draft document, including a public hearing to be held on January 10, 2022, at 4:00 PM.

It was moved by Barber, seconded by Fredson.

Motion carried on the following roll call vote:

Aye: 13 Barber, Cummings, Ferguson, Fredson, Gonzalez, Johnson, Lee, Lilligren, Sterner Vento, Wulff, Zeran, Chair Zelle

Nay: 0

Absent: 3 Chamblis, Lindstrom, Muse

OTHER BUSINESS

1. Information Item: SWLRT Quarterly update

Jim Alexander, SWLRT Project Director, Metro Transit, started the presentation with the 2021 construction highlights, systems contract work, construction activities, Franklin O&M facility, and real estate acquisition status. Jon Tao, OEO Consultant III in the Office of Equal Opportunity (OEO), presented the SWLRT DBE and Workforce participation report, and Manager of Community Outreach Sophia Ginis, Community Outreach Manager gave an update on communications and outreach.

Council Member Cummings encourages Council Members to take a tour.

2. Information Item: Comprehensive Plan Composite: Planning for Aging

Chair Zelle deferred this presentation due to the time.

At 6:00PM, Chair Zelle called for public comment on the Adoption of Resolutions for Metropolitan Council's 2022 Unified Budget and the 2021 Payable 2022 Tax Levies. Marie Henderson, CFO provided an update on changes to the Unified Budget since adoption of the Public Comment draft.

2021-310: Adoption of the following Resolutions for the Metropolitan Council's 2022 Unified Budget and the 2021, Payable 2022, Tax Levies:

2021-33: Adopting the Metropolitan Council's 2022 Unified Budget

2021-34: Adopting the Metropolitan Council's 2021 Tax Levy for General Purposes for Certification to the County Auditors

2021-35: Adopting the 2021 Tax Levy for the Livable Communities Demonstration Account in the Metropolitan Livable Communities Fund

2021-36: Adopting the 2021 Tax Levy for the Tax Base Revitalization Account of the Livable Communities Act

2021-37: Certifying the Tax Levy for 2021 for Debt Service on Future Transit Bonds

2021-38: Certifying the Tax Levy for 2021 for Debt Service on Future Parks Bonds

2021-39: Adopting the Metropolitan Council's 2021 Tax Levy for General Purposes for Certification to the Minnesota Commissioner of Revenue

It was moved by Ferguson, seconded by Johnson.

Motion carried on the following roll call vote:

Aye: 13 Barber, Cummings, Ferguson, Fredson, Gonzalez, Johnson, Lee, Lilligren, Sterner Vento, Wulff, Zeran, Chair Zelle

Nay: 0

Absent: 3 Chamblis, Lindstrom, Muse

REPORTS

Chair Zelle attended the Orange Line opening on Saturday, Dec 4 and appreciates Council Members and staff.

Council Members: None

Regional Administrator Mary Bogie introduced Georges Gonzalez the new deputy regional administrator and chief financial officer.

General Counsel: None

The meeting was adjourned at 6:27 p.m.

Certification

I hereby certify that the foregoing narrative and exhibits constitute a true and accurate record of the Metropolitan Council Meeting of November 10, 2021.

Approved this 8th day of December.

Liz Sund
Recording Secretary