

**AGREEMENT BETWEEN
THE METROPOLITAN COUNCIL
AND THE CITY OF FOREST LAKE
WITH REGARD TO A TRANSIT SERVICE EXPANSION PLAN
UNDER MINNESOTA STATUTES, SECTION 473.4461**

THIS AGREEMENT is entered into by and between the Metropolitan Council, a public corporation and political subdivision of the state of Minnesota, and the City of Forest Lake, a political subdivision of the state of Minnesota.

WHEREAS:

1. Minnesota Statutes, section 473.446, subdivision 1, provides that for the purposes specified in the subdivision, and except as otherwise provided in the subdivision, the Metropolitan Council ("Council") shall levy each year upon all taxable property within the metropolitan area, as defined in section 473.121, subdivision 2 ("Metropolitan Area"), a regional transit capital levy as specified in the subdivision.
2. Minnesota Statutes, section 473.4461 provides that notwithstanding any provision of section 473.446 or any other law, the Council may not levy a tax under section 473.446, subdivision 1, in any city not included in the transit taxing district as it existed on January 1, 2001, unless the Council and the governing body of that city have agreed on a transit service expansion plan.
3. The transit taxing district is defined in Minnesota Statutes, section 473.446, subdivision 2.
4. The City of Forest Lake ("City") is located in the Metropolitan Area but was not included in the transit taxing district as it existed and was defined by statute on January 1, 2001.
5. The Council is currently providing as a pilot project certain express bus service from the Forest Lake Transit Center, stopping at the Running Aces Park and Ride facility in the City of Columbus, and continuing to downtown Minneapolis. The pilot project utilized emergency funds provided by the federal government for the service from January 7, 2008 through September 16, 2008. Washington County, Anoka County and Chisago County (the "Counties") and the Council funded the service from September 17, 2008 through December 31, 2008. The Council is funding the service in 2009, with Washington and Anoka counties funding the 2009 regional transit capital levy equivalent for Columbus and Forest Lake. The service was scheduled to terminate by December 31, 2009 unless both Columbus and Forest Lake agree to pay the regional transit capital levy effective January 1, 2010.

6. The Council and the City have reached agreement on a transit service expansion plan for the City in accordance with the provisions of Minnesota Statutes, section 473.4461.
7. The parties desire to enter into this agreement in order to formalize the agreement between the parties on the said transit service expansion plan, which agreement shall authorize the levy of a transit tax in the City in accordance with Minnesota Statutes, section 473.446, subdivision 1.

NOW, THEREFORE, the Metropolitan Council and the City of Forest Lake hereby agree as follows:

ARTICLE 1 – TRANSIT SERVICE EXPANSION PLAN

In accordance with the provisions of Minnesota Statutes, section 473.4461, the parties hereby agree on the following transit service expansion plan for the City of Forest Lake:

1.01 Forest Lake/Columbus Express Bus Service to and from Downtown Minneapolis. On or before the termination of the pilot express bus service described above, the Council will initiate regular express bus service serving the City that will consist of the following:

- five express trips each morning running from the Forest Lake Transit Center, stopping at the Running Aces Park and Ride facility in the City of Columbus, and continuing to downtown Minneapolis;
- one express trip each morning running from the Forest Lake Transit Center, stopping at the Running Aces Park and Ride facility in the City of Columbus, and continuing to the 95th Avenue Park and Ride where connections are available to other regular route service; and
- five express trips each evening running from downtown Minneapolis, stopping at the Running Aces Park and Ride Facility in the City of Columbus, and continuing to the Forest Lake Transit Center.

The described service will contain the following elements:

- service to be provided directly by the Council through its Metro Transit Division or by contract with another service provider;
- vehicles needed for the service to be acquired by the Council using federal and regional transit capital funds; and
- service to be initiated on or before January 1, 2010.

1.02 Consultation. Council staff will meet with City staff on an annual basis during calendar years 2010, 2011, and 2012 to review the service plan, ridership, and marketing strategies and receive input from City staff for the service to be provided by the Council as described in section 1.01.

1.03 Forest Lake/Columbus Express Bus Service to and from Downtown St. Paul. The Council will assist in implementing a pilot project express bus service between Forest Lake, Columbus, and downtown St. Paul to be funded by the Counties and operated by the Rush Line Task Force. Council assistance may include administering the contract with the service provider chosen by the Rush Line Task Force.

The described service is anticipated to contain the following elements, but the actual service to be provided will be at the discretion of the Rush Line Task Force:

- service to be provided under a contract between the Rush Line Task Force and a service provider chosen by the Rush Line Task Force;
- service to consist of four express trips each morning beginning at the Running Aces Park and Ride Facility in the City of Columbus, stopping at the Forest Lake Transit Center and the White Bear Township Theatre Park and Ride Facility, and ending at the Union Depot in downtown St. Paul; and four express trips each evening beginning at the Union Depot in downtown St. Paul, stopping at the White Bear Township Theatre Park and Ride Facility and the Forest Lake Transit Center, and ending at the Running Aces Park and Ride Facility in the City of Columbus; and
- pilot project service planned to be initiated on or before January 1, 2010 and run for approximately one year.

ARTICLE 2 – EXTENSION OF COUNCIL LEVY TO CITY

The City acknowledges and agrees that in accordance with the provisions of Minnesota Statutes, section 473.4461, the Metropolitan Council's levy provided for in Minnesota Statutes, section 473.446, subdivision 1, shall be extended to all taxable property within the City of Forest Lake effective for taxes levied in 2009 (payable in 2010).

ARTICLE 3 – EFFECTIVE DATE

This agreement shall become effective upon execution of this agreement by the parties and delivery of fully executed copies of the agreement to each of the parties.

ARTICLE 4 – GENERAL PROVISIONS

4.01 City Council Meeting Minutes. A copy of an excerpt from the meeting minutes of the Forest Lake City Council, the governing body of the City of Forest Lake, wherein the City authorizes entry into this agreement is attached as Exhibit A and made a part of this agreement.

4.02 Interpretation. This agreement is intended to implement the requirement in Minnesota Statutes, section 473.4461, for an agreement between the Metropolitan Council and the City of Forest Lake on a service expansion plan, and shall be interpreted accordingly.

4.03 Future Service Adjustments. The City recognizes and acknowledges that the Council for the Minneapolis service described in section 1.01, and the Rush Line Task Force for the St. Paul service described in section 1.03, may in the future adjust the service levels described in this agreement based on customer demand and/or funding availability. The Council will consult with the City with regard to any such service level adjustments for service to be funded and provided by the Council as described in section 1.01 if any such adjustment reduces the level of service below that described in that section.


4.04 Amendments. The terms of this agreement may only be changed by mutual agreement of the parties. Such changes shall be effective only upon the execution of written amendments signed by authorized representatives of the parties.

4.05 Change in Law. The parties recognize and acknowledge that the requirements and provisions of this agreement may be repealed or modified by future law.

4.06 Execution In Counterparts. This agreement may be executed in counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

IN WITNESS WHEREOF, the above-named parties have caused this agreement to be executed by their duly authorized representatives on the dates indicated below.

CITY OF FOREST LAKE

By:  _____

Its: Mayor _____

Date: 6/26/09 _____

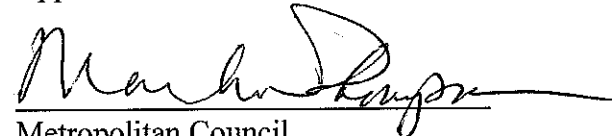
METROPOLITAN COUNCIL

By:  _____

Thomas Weaver
Regional Administrator

Date: 6-29-09 _____

Approved as to form:

 _____

Metropolitan Council
Office of General Counsel

EXHIBIT A

EXCERPT

**FROM THE MEETING MINUTES OF THE FOREST LAKE CITY COUNCIL
AUTHORIZING ENTRY INTO THIS AGREEMENT**



**CITY OF
FOREST LAKE**

Office of Administration
220 North Lake Street
Forest Lake, MN 55025
651.464.3550
651.464.4968 fax
www.ci.forest-lake.mn.us

EXCERPT OF THE MINUTES
CITY OF FOREST LAKE
CITY COUNCIL MEETING
MAY 11, 2009

The City of Forest Lake City Council met at their regular meeting on Monday, May 11, 2009 at 7:00 p.m. in the City Hall located at 220 Lake Street North with the following Council present: Mayor Stev Stegner, Councilmember Susan Young, Councilmember Bo Bogotty, Councilmember Jackie McNamara, and Councilmember Jim DuFour. No one was absent.

City councilmember Young offered the following motion and Bogotty seconded the motion:

Motion was made by Susan Young and seconded by Bo Bogotty to become a member and opt into the Metropolitan Council Transit Taxing District. Susan Young, Bo Bogotty, and Jim DuFour voted in favor. Jackie McNamara and Stev Stegner voted no. The motion carried. The motion carried as follows: In favor thereof: Young, Bogotty, and DuFour. Opposed: McNamara and Stegner. Absent: None

Stev Stegner
City of Forest Lake Mayor

Attest:

Charles P. Robinson
City of Forest Lake Administrator

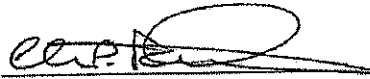
The City of Forest Lake is dedicated to providing friendly and efficient city services that enhance the quality of life for those who visit, work and live in the community.

Agreement between
the Metropolitan Council and the City of Forest Lake
with regard to a Transit Service Expansion Plan
under Minnesota Statutes, section 473.4461

CERTIFICATION

STATE OF MINNESOTA,
County of WASHINGTON,

I, Charles P. Robinson, the City Clerk/Administrator of the City of Forest Lake do hereby certify that the foregoing City Council meeting minutes were made by the City Council of the City of Forest Lake on May 11, 2009 and approved by the City Council on June 8, 2009.



Charles P. Robinson
City Clerk/City Administrator
CITY OF FOREST LAKE