



Minnesota Ballpark Authority Meeting Minutes – September 18, 2009

Chair Steve Cramer called the meeting of the Minnesota Ballpark Authority for September 18th, 2009 to order at 1:00 p.m. The roll was taken. All Commissioners were present. Kathleen Lamb, Legal Counsel, was also present.

Commissioner Barb Sykora moved approval of the agenda, seconded by Commissioner Mike Vekich and approved unanimously – 5 YEAS, 0 NAYS.

APPROVED

Commissioner Joan Campbell moved approval of the August 21st, 2009, meeting minutes, seconded by Commissioner Sykora and approved unanimously – 5 YEAS, 0 NAYS.

APPROVED

CHAIR REPORT

Chair Steve Cramer reported the following:

- Chair Cramer and Dan Kenney toured the new 'green' roof of the Target Center. Grass was installed on the 113,000 square foot roof making it the largest green roof in Minnesota. The roof adds insulation which will keep the facility warmer in the winter and cooler in the summer.

EXECUTIVE DIRECTOR REPORT

Executive Director Kenney reported the following:

- The ABC Ramps Working Group which involves the City, Hennepin County, MnDOT, Twins and MBA, met to discuss a number of ongoing coordination issues. The City's proposed improvements to Ramp B which include a new exit and entrance on Second Avenue is behind schedule but will be in place in March 2010. The City's conversion of First Avenue and Hennepin Avenue to two way traffic will take place the weekend of October 10th. In addition, the conversions of Marquette and Second Avenue to more transit use are almost complete. The projects are all part of the City's Access Minneapolis Plan that was adopted in 2007. The MBA has requested more information about the City's communication plan that will reintroduce Downtown Minneapolis to the general public. The City will provide that to the ABC Working Group which will help

develop specific messages about getting to and from Target Field. In addition the Twins have engaged Marsh to assist on the Incident Management Plan for Target Field.

- Mr. Kenney, Ed Hunter and Dave St. Peter took MnDOT Commissioner Tom Sorel on a tour of the ballpark to thank MnDOT for their partnership related to the commercial lease, attachment of the wind veil to the B Ramp, the elevated walkway and to discuss a potential opportunity for MnDOT to enhance the medians in the 394 corridor.

ACTION ITEMS:

09-MBA-40: To authorize the Chair and Executive Director to enter into Amendment No. 2 to Professional Services Agreement BP072207 with **URS Corporation**, 700 Third Street South, Suite 600, Minneapolis, MN 55415 (“URS”) for ongoing services associated with site surveying, preparation of legal exhibits, preparation of property legal descriptions, preparation of street vacation documents, and preparation of property conveyance documents.

Background:

On January 1, 2007, after due diligence and consideration, Hennepin County entered into a consultant services agreement with URS for the services described above, in an estimated contract amount of \$389,370, to be billed on a time and materials basis. In November of 2007 that contract budget was exhausted.

In November of 2007, Minnesota Ballpark Authority (“MBA”) staff recommended that the Hennepin County contract be closed, and a new professional services agreement be entered into between URS and the MBA, using the same billing rates set forth in the Hennepin County Contract, on a time and materials basis. Subsequently, via authorization given in MBA Resolution 07-MBA-29, the Chair and Executive Director executed MBA Contract BP072207 for this work (the “Agreement”), in an amount Not-To-Exceed \$500,000 without further Board approval.

In March of 2009, MBA staff requested authorization from the Board for the Chair and Executive Director to execute Amendment No. 1 to the Agreement. That request became necessary as the MBA continued to rely on URS to provide additional surveys, and preparation of exhibits and interrelated matters associated with added project scope, including the Ramp “A” elevated walkway; the revised plaza extension, preparation of street vacation documents, and as-built documentation for City-owned utilities. As a result of the foregoing, the Board gave authorization via MBA Resolution 09-MBA-28, for the Chair and Executive Director to execute Amendment No. 1 to the Agreement, in an amount Not-To-Exceed \$241,000, to be billed on a time and materials basis.

In that same March 2009 timeframe, the MBA initiated the negotiation of the Northstar O&M Agreement between the Twins and Metropolitan Council, for the ongoing operational and maintenance responsibilities in and around the ballpark, as they pertain to the light rail and commuter rail systems. As both the Twins and Metro Transit are “tenants” in MBA-owned facilities, it was imperative that the MBA lead the preparation of that agreement, to assure that the MBA’s interests were met. Subsequently, as the result of these negotiations, URS at the request of the MBA prepared approximately fifteen different exhibits and/or legal descriptions for the Northstar O&M Agreement, that depict the areas of operational and maintenance responsibilities, and recordable property agreements. That O&M Agreement was finally executed on September 8th, 2009. In large part because of the preparation of this complicated document, the balance for the URS contract is nearly exhausted.

Given that ballpark construction is nearing completion, it is important that the MBA, Hennepin County, the City of Minneapolis, and others work to finalize and record the necessary easements, property descriptions, and agreements needed to support the Opening Day of Northstar Revenue Operations on November 16, 2009, and to support the Opening Day of Baseball at Target Field, on or about April 11, 2010. Towards that end, a task-list has been prepared and is available to Board members for review, which details planned budgets for many of those identified tasks, as well as the identification of tasks that may require the participation of URS in the future. With their history on the project, and the efforts completed to date, it is only logical that the URS contract scope and budget be extended until these efforts are complete.

Presently, ballpark project staff believes that URS services will likely need to be retained to some degree into the spring of 2010.

Staff Recommendation:

It is the recommendation of staff that the Agreement be amended via Amendment No. 2, to increase the cost by \$300,000, for a Total Not-To-Exceed Agreement amount of \$1,041,000. All billing rates and procedures pursuant to the Agreement still apply.

Costs for this work fall within the current 2009 and within the recently approved 2010 MBA administrative budget.

Therefore, **BE IT RESOLVED** that MBA's Chair and Executive Director are authorized to enter into Amendment No. 2 to MBA Contract BP072207 with URS Corporation, for services described above, in an amount not to exceed \$300,000.

Commissioner Vekich moved approval, seconded by Commissioner Campbell and approved unanimously – 5 YEAS, 0 NAYS.

APPROVED

DISCUSSION ITEMS:

A. October MBA Work Session – Susie Helget, Administrative Manager

The work session is scheduled for October 8th at 1:30 pm. Discussion items will include a staff update on the MBA move to Target Field, MBA oversight responsibilities post construction under the terms of the lease agreement, the MBA's potential role in future development in the vicinity of the ballpark, MBA investment management strategies and a review and discussion about the MBA mission/vision statement. Ms. Helget said that a draft agenda would be sent out next week for review and comment. Commissioner Wade requested that the meeting be scheduled for the afternoon to make sure that there is sufficient time allotted to cover all agenda items.

B. Construction and Planning Update – Ed Hunter, MBA Project Manager

Mr. Hunter has been reviewing costs of improvements on 7th Street west of the ballpark as well as improvements on Second Avenue. Light poles need to be replaced and the City will be asked to help out on those added costs. Federal documents associated with the ARRA grant for 3rd Avenue N improvements are under review by FHWA. The HERC facility has begun landscaping renovations on the west side by the ballpark. The scope includes moving two doors to control odors around the facility. Modifications to the roof structure of the Vertical Circulation building are underway to accept installation

of the Al Price sculpture. The first mural is being installed on the Fifth Street Panels. Populous is done with the design of the triangle on the south side of Target Center.

C. Construction and Planning Update – Dan Mehls, Mortenson Construction

Mr. Mehls reported that the Mortenson has moved their offices into the Ford Building. The plaza work is ahead of schedule. The Wind Veil is in the final stages of design approval and fabrication will start in mid-October. The work force crews have been scaling down; the current 650 workers will be reduced to 450 by October. Of the million square feet of space, architects have punch-listed 250,000 square feet (over 25% complete). Commissioning and start up systems continue to be tested. All outstanding code issues have been addressed with the City. The Twins will start moving furniture into their Administrative Offices in the ballpark in November. Security has been heightened around the perimeter of the building. On November 13th and 14th there will be an event to celebrate the opening of the Northstar Rail line and Hiawatha LRT extension opening.

D. Community Participation Program – Lynn Littlejohn, Mortenson Construction

Ms. Littlejohn said that the project is exceeding the 30% SWMBE goal at 32%. Mortenson has procured approximately \$307 million dollars of work with \$99 million committed to SWMBE firms. Workforce minority participation has exceeded goals of 26% and 6% female. In the Community Workforce Program, 59 individuals have been hired to date. Of the SWMBE firms utilized on the project there have been a total of 121 companies of which 90% were local. Surveys were conducted with about 35 – 40 CWP employers on their experiences and best practices. Firms were overwhelmingly pleased with the opportunity to participate in the ballpark project. Many reported that the values of contracts they received were greater than any other project they have done previously which has built their capacity and gained them experience at a higher bidding level for future projects.

E. Transportation Interchange – Hennepin County Commissioner Peter McLaughlin

Commissioner McLaughlin presented information on a strategic plan that Hennepin County has initiated to develop a 21st century transportation interchange adjacent to the ballpark. Convergence of Light Rail, Commuter Rail, bicycle, bus and parking facilities are all factors considered in planning the transportation interchange.

F. MBA Financial Report – Brenda Juneau, MBA Finance Coordinator

Ms. Juneau presented the MBA financial reports through August, 2009, for the General Fund and Capital Projects Fund. Ms. Juneau pointed out the cash balance in the Authority Trust Investment Account is shown on page 1 of the financial report. Designated Funds are shown under the Equity column. All of the \$1 million designated for LEED have been expended, leaving a zero balance. Of the \$1 million dollars authorized for Infrastructure Enhancements and Public Art, \$78,000 has been used, leaving a balance of \$921,700. Donations for the Twins Tradition Wall were deposited in the amount of \$481,453. Juneau further pointed out that project interest earnings were separated from the Authority interest earnings, in the Capital Projects Fund, shown on page 2.

PERSONNEL EVALUATION:

A. Closed Executive Session – Performance Evaluation of Executive Director, Dan Kenney

Commissioner Vekich moved to close the meeting to the public pursuant to the personnel evaluation exception to the Open Meeting Law, Minnesota Statutes Section 13D.05 for the purpose of evaluating the performance of Executive Director, Dan Kenney. Motion seconded by Commissioner Wade. 5 YEAS, 0 NAYS

APPROVED

B. Summary of Conclusions of Evaluation and Resolution -

Commissioner Vekich made a motion to reconvene the MBA meeting, seconded by Commissioner Campbell. Commissioner Vekich made a motion to approve the following resolution seconded by Commissioner Campbell. 5 YEAS, 0 NAYS

APPROVED

09-MBA-41: To authorize the chair to execute an amendment to the employment agreement with the Executive Director of the Authority.

Background:

On August 18, 2006, the Minnesota Ballpark authority entered into an employment agreement with Dan Kenney, Executive Director of the Authority. Among other terms and conditions, the agreement states that each year of the Executive Director’s employment, the Authority shall review and may adjust the Executive Director’s base salary in its sole discretion. This resolution authorizes the Chair to enter into an amendment to that agreement.

Action Requested:

BE IT RESOLVED, that the Minnesota Ballpark Authority authorizes the Chair to enter into an amendment to the Employment Agreement with the Executive Director with the following terms:

1. Base Salary: Increase the annual base salary to an annual base salary of \$127,000, effective August 21, 2009.
2. Employment Term: Extend the employment through August 21, 2011.
3. All other terms and conditions of the employment agreement to remain the same.

The motion was approved unanimously – 5 YEAS, 0 NAYS.

APPROVED

Next meeting: October 16, 2009

There being no further business, Chair Cramer moved to adjourn. The motion was approved unanimously - 5 YEAS, 0 NAYS. The meeting of the Minnesota Ballpark Authority for September 18, 2009, was adjourned at 2:50 P.M.