



Minnesota Ballpark Authority Meeting Minutes – September 21, 2007

Chair Cramer called the meeting of the Minnesota Ballpark Authority for September 21, 2007 to order at 1:05 PM. The roll was taken. All Commissioners were present except for John Wade. Kathleen Lamb, Legal Counsel, was also present.

Commissioner Campbell moved approval of the agenda, seconded by Commissioner Vekich and approved unanimously – 4 YEAS, 0 NAYS.

APPROVED

Commissioner Sykora moved approval of the August 17, 2007 minutes, seconded by Commissioner Vekich and approved unanimously – 4 YEAS, 0 NAYS.

APPROVED

PUBLIC COMMENT

None

Commissioner Vekich made a motion to close the meeting to the public pursuant to the attorney client privilege exception to the open meeting law, Minnesota Statutes Section 13D.05, for the purpose of discussing County of Hennepin, Petitioner, versus, Land Partners II, LLLP. The motion was seconded by Commissioner Campbell.

CHAIR REPORT

- After the public was invited back to the meeting, Chair Cramer reported that the Board heard from Hennepin County Attorney Mike Freeman as to the status of the current legal dispute between Hennepin County and Land Partners II on the ballpark land and took no action in the closed proceeding.
- An additional Board meeting has been scheduled for November 9, 2007 for the purpose of taking action on the final public approved design of the ballpark and the associated phased Guaranteed Maximum Price.

EXECUTIVE DIRECTOR REPORT

- Mr. Kenney reported that the City/County Ballpark Implementation Committee met and one of the key issues they discussed was the transparency of the ballpark design at street level. An animated presentation was put together showing the view at street level by the public. Another issue was general pedestrian access through the main concourse and a workable compromise will be discussed at the October 31, 2007 meeting of the Implementation Committee.
- The Northstar Cooperative Agreement has been executed by all parties.

- The terms of the Agreement between the Minnesota Ballpark Authority and the City of Minneapolis Civil Right Department to monitor the women and minority employment goals for the ballpark project have been agreed to, it is hoped that the finalized agreement will be executed by both parties in the coming week.
- The monthly report in the meeting packets now includes interest earnings from the trust account.

ACTION ITEMS

07-MBA-22 Resolution: To authorize the Executive Director and Commissioner Vekich to engage in negotiations to contract with Virchow Krause to conduct an annual audit of the ballpark project and should negotiations prove successful, to authorize the Chair and Executive Director to execute a contract for these services. In the event these negotiations prove unsuccessful, the Executive Director is authorized to issue an RFP for ballpark project audit services.

Discussion: Mr. Kenney noted that Virchow Krause provided technical advice and assistance to the MBA in all the major Agreements ratified in April 2007. Commissioner Vekich and he feel they are well suited to provide audit services for the ballpark as this project moves forward. This action would give Mr. Kenney the authority to begin contract negotiations with Virchow Krause. If negotiations are unsuccessful, Mr. Kenney and Commissioner Vekich would have the authority to seek additional responses. Commissioner Vekich noted that he believes that this is a good process. He believes that it was important for the MBA to conduct its own audit for the construction project since the Twins are taking the lead on the construction of the ballpark.

Commissioner Campbell moved to approve the resolution. Commissioner Sykora seconded the motion. The resolution was approved unanimously – 4 YEAS, 0 NAYS

APPROVED

DISCUSSION ITEMS

A. Project Update: Louis King, Summit Academy

Mr. King reported that one placement has been made to date on the ballpark project since Summit Academy entered into an agreement with the Minnesota Ballpark Authority. Summit Academy educates people on industry standards within the construction market. Ninety-three percent of the people receiving training are African-American. They have a 42% completion rate and 16.5% of these people received employment; a total of 277 people. As the ballpark project continues to move forward and more employees are needed they will be able to place more people in the field. Mr. King said that he would like to sit down with ballpark officials and look at the actual schedule of the project and tie it back to labor demands. This will help Summit Academy’s trainers to understand when the demand will occur so they can schedule accordingly.

Project Update: Yvonne Cheung Ho, Tim Kennedy – MEDA

The Metropolitan Economic Development Association (MEDA) works with entrepreneurs of color to launch and grow their businesses with one-on-one general business consulting and planning, minority certification assistance and provide a connection to the community with leadership training and development. MEDA’s goal with the ballpark project is to maximize participation of minority and women-owned businesses and to assist M/WBE businesses to fulfill contracts successfully. They are being visible in community out-reach events to work with certified firms they have not met yet.

B. Construction and Planning Update: Dan Mehls, Mortenson Construction and Rick Johnson, Hennepin County

Dan Mehls reported that Mortenson is taking a proactive step in developing a partnership in safety for the ballpark project. They applied to OSHA for a volunteer inspection program and no lost time accidents have occurred on the project to date. Mr. Mehls said that the first tower crane will be erected on site next week, about half of the dirt has been moved and piles will continue to be driven 100 feet into the ground for the ballpark foundation. About 250 of the 2,700 piles have been driven so far along Bassett Creek and the ballpark's Right Field. All arrangements have been made with MnDOT allowing them to redo some of the lanes in the 394 area. The relocation of BNSF tracks are proceeding smoothly and should be completed October 15th. On October 5th the first column will be erected. Bid package #5 for the superstructure of the building will be going out September 24th and bids will be accepted until October 16th. On October 23rd the phased GMP will also be distributed to stakeholders for their views and comment. The final public design and budget approval is expected to be wrapped up by November 9th.

Rick Johnson reported the updated ballpark design is going through the public approval process. It will be before the Hennepin County Board's General Government Committee on October 30th and before the full Hennepin County Board meeting on November 6th. The final Implementation Committee meeting is scheduled for 10-31-07. They had a successful meeting last week and the issue of facade transparency is resolved. Two more issues to discuss are public access on the concourse level and determining what happens if major design changes are made after final approval. There is currently a dispute with the contractor, Rehbein, regarding additional costs of soil disposal. The County, Ballpark Authority and the Twins do not believe Rehbein is entitled to additional compensation based on what was presented to them.

Lynn Littlejohn, Director of Community Affairs for Mortenson Company, reported workforce diversity participation of 29% with small women or minority-owned businesses to date on the project. Mortenson is pleased with the level of participation thus far.

C. MBA Website: Susie Helget, Administrative Manager

Ms. Helget said that she has been working on Phase II of the Ballpark Authority website with Andy Skoogman, Leer Communications, and is expected to newly updated site live by next week. The updated site will have a new design and will include more information on construction, a links to the Twins webcam, the monthly reports prepared for the monthly MBA board meetings and an FAQ page.

D. MBA Financial Report – Colleen Livermore, Finance Manager

In past reports showed only operating expenditures of the Authority General Fund. As of this month, the Authority capital projects fund has been added to the financial statement presentation. The intergovernmental earnings are the bond funds that have been contributed from the County to the Authority as of the end of August, 2007. This is a combination of cash and assets previously purchased by the County and now granted to the Authority. Investment income is being earned on the bond funds and the initial contribution from the Twins after the principal has been reduced by project expenditures to date. The investment earnings on the Twins' deposit are NOT included in revenue for the Authority and therefore are not shown on this report. There will be some differences between total project costs per the Twins' report and the total expenditures on the Authority's monthly financial report, one of which is inclusion on the Twins report of the most recent payment requisition dated in September 2007 and the fact that the Authority's financial report is as of August 31, 2007.

PERSONNEL EVALUATION

Commissioner Vekich made a motion 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 the Executive Director, Mr. Dan Kenney. It was seconded by Commissioner Campbell.

Upon reopening the meeting to the public, Chair Cramer offered resolution 07-MBA-23 to amend the employment agreement with the Executive Director of the MBA, Dan Kenney. The motion read as follows:

Be it resolved that the Authority authorizes the Chair to enter into an amendment to the Employment Agreement with the Executive Director with the following terms:

1. TERM: Extend the term of the agreement by one year, to expire on August 21, 2010; and
2. BASE SALARY: Increase the annual base salary to an annual base salary of \$117,500, effective August 21, 2007.
3. All other terms and conditions of the employment agreement to remain the same.

Commissioner Campbell moved to approve the resolution. Commissioner Vekich seconded the motion. The resolution was approved unanimously – 4 YEAS, 0 NAYS

APPROVED

Next Meeting:

- October 19, 2007
- November 9, 2007 – Added

There being no further business, Commissioner Sykora moved to adjourn, seconded by Commissioner Vekich. The motion was approved unanimously - 4 YEAS, 0 NAYS. The meeting of the Minnesota Ballpark Authority for September 21, 2007 was adjourned at 3:05 P.M.