



Minnesota Ballpark Authority Meeting Minutes – November 9, 2007

Chair Cramer called the meeting of the Minnesota Ballpark Authority for November 9, 2007 to order at 1:00 PM. The roll was taken. All Commissioners were present. Kathleen Lamb, Legal Counsel, was also present.

Commissioner Michael Vekich moved approval of the agenda, seconded by Commissioner John Wade and approved unanimously – 5 YEAS, 0 NAYS.

APPROVED

Commissioner Joan Campbell moved approval of the October 12, 2007 minutes, seconded by Commissioner Vekich and approved unanimously – 5 YEAS, 0 NAYS.

APPROVED

PUBLIC COMMENT

- None

CHAIR REPORT

Chair Cramer reported the following:

- The agreements between the MBA and the team regarding parking and future air rights development on the Southwest parcel will be finalized soon.
- The Hennepin County Board approved the new ballpark design at their board meeting on November 6, 2007.
- Chair Cramer, Dan Kenney and representatives from the Twins organization will meet later this month with local community agencies to discuss community hiring for the new ballpark as called for by the 2006 ballpark legislation.

EXECUTIVE DIRECTOR REPORT

Executive Director Kenney reported the following:

- The City/County Implementation Committee completed their work on October 31st. Their recommendations have now been forwarded to the City of Minneapolis as required by the ballpark legislation. The Minneapolis Planning Commission will review the recommendations on November 13 and it is anticipated that the City Council will take action on December 7th. One issue that remains open relates to the public access to the concourse on non-game days.
- Next week there will be a meeting with MBA staff, Mortenson Construction, MEDA and the Minneapolis Department of Civil Rights to discuss monitoring goal achievement related to women and minority employment for the ballpark. There will be quarterly reports from the Civil Rights Department to the MBA board beginning in 2008.

Commissioner Vekich reported that he and Mr. Kenney have met with representatives of Virchow Krause who will be involved in the ballpark construction audit. Virchow Krause will give a progress report to the MBA board in December.

ACTION ITEMS

07-MBA-26 Resolution: To approve the current, phased guaranteed maximum price (“Phased GMP”) design plans for the ballpark.

BE IT RESOLVED, that the Authority, consistent with the provisions of the Development Agreement and the Construction Management Agreement, approves the recommendation by the Authority representative that the current Phased GMP ballpark design plan set, dated October 2, 2007, on file in the Authority office, is consistent with the schematic-phase design plans approved by the Authority and contain the important program elements previously shown to and approved by the Authority; and

BE IT FURTHER RESOLVED, that the Authority adopts the representation by the Twins and their designated construction manager that the ballpark, as shown in the Phased GMP ballpark design documents, will be constructed as shown for a price that does not involve more County or Authority funds than the County or Authority is authorized by the Act to contribute; and that the Twins and their construction manager will obtain the prior written approval of the Authority’s and County’s designated project representatives to assure that any value engineering for cost savings will not eliminate or sacrifice elements of the ballpark design that are deemed important, necessary, or desirable to the public; and

***BE IT FURTHER RESOLVED**, that in the event that the Authority’s Project Representative and the Authority’s Construction Executive Committee members determine that the proposed Final GMP reflects material differences from the Phased GMP design plan set dated October 2, 2007, the Authority’s Project Representative and Construction Executive Committee members will report these findings to the Authority for its consideration; and

BE IT FURTHER RESOLVED, that the Executive Director and staff, in cooperation with the Twins and their construction manager, are directed to provide an update on the infrastructure design and scope to the Authority for consideration at its December meeting.

Discussion: Michael Wekesser, Senior Project Designer from HOK, talked briefly about the site plan and answered questions posed by Board members on the updated design. Jerry Bell, President of the Twins and Dan Mehls, Construction Manager of M. A. Mortenson, spoke on the construction status. Dan reported that the sloppy soil conditions have improved. Utility work has been completed, piles continue to be driven, vertical columns are being erected and to date the project is on schedule and on budget. Conceptual and schematic design are complete and the next level of design development is underway. Mr. Mehl’s stated that this is a design build project which saves on construction costs since it speeds up the process of starting construction before the final design is completed. The Phased GMP (guaranteed maximum price) will be complete in March.

Commissioner Vekich asked if the ballpark’s final product will be as it has been displayed today. Mr. Bell said yes, that this is what will be built.

* An amendment was added to the resolution as read by Commissioner Vekich:

Commissioner Campbell moved to approve the resolution. Commissioner Barb Sykora seconded the motion. The resolution was approved unanimously – 5 YEAS, 0 NAYS

APPROVED

07-MBA-27R1 Resolution: To authorize payment to Land Partners II, LLLP, et al. per the terms of the settlement of the condemnation proceedings and pursuant to the Grant Agreement regarding Ballpark Project between the Authority and Hennepin County (“Grant Agreement”), approved by the Authority on April 26, 2007 (Resolution 07-MBA-06). To authorize the granting of certain additional property interests to and assistance with obtaining certain access rights from MnDOT for Land Partners II, LLLP et al. To accept the conveyance from Hennepin County of certain real property and other property interests necessary for the construction and operation of the ballpark.

BE IT RESOLVED, that the Authority authorizes the Chair and Executive Director to complete payment, per the terms of and in accordance with the procedures required by the Agreement and Declaration of Trust for Ballpark Construction Funds Trust and Ballpark Disbursing Agreement, as amended, of the financial terms in the settlement agreement (\$14,495,000, plus interest on that amount at the rate of 6 per cent per annum since May 1, 2007, plus \$114,914).

BE IT FURTHER RESOLVED, that the Authority agrees to grant and assist with the Additional Property Interests and the MnDOT access rights, respectively, and the Authority authorizes the Chair and Executive Director to negotiate and enter into agreements with respect to the Additional Property Interests and the MnDOT access rights, to take such actions and execute such agreements as are determined to be necessary and appropriate in connection with the Additional Property Interests and MnDOT rights, and to direct staff to take such other actions as are determined to be necessary and appropriate in connection with the Additional Property Interests and MnDOT rights.

BE IT FURTHER RESOLVED, that the Authority agrees to accept conveyance of the parcels identified in the condemnation proceedings and certain temporary construction easements pursuant to its authority under Minnesota Statutes Section 473.75, et. seq. and the Grant Agreement, and the Authority authorizes the Chair and Executive Director to take such actions and execute any necessary agreements to perfect or accept such property interests as are necessary for the ballpark and infrastructure described in the Development Agreement, to pay for all ordinary and customary costs for conveyance and acceptance of such real property and temporary construction easements, to take all such actions as are necessary to fulfill the Authority’s rights and obligations thereunder, and to direct staff to take such other actions as are necessary to fulfill the Authority’s rights and obligations thereunder.

Commissioner Wade moved to approve the resolution. Commissioner Sykora seconded the motion. The resolution was approved unanimously – 5 YEAS, 0 NAYS

APPROVED

07-MBA-28 Resolution: To authorize the Chair and Executive Director to enter into a 5th Street North bridge access agreement, and utility easement/agreement with Land Partners II, LLLP (“LP II”), and Minikahda Ministorage IV, LLLP (“Minikahda”).

BE IT RESOLVED that MBA’s Chair and Executive Director are authorized to enter into an Agreement for Fifth Street North Bridge Deck Access Rights, Easements, and Utility Improvements, with Land Partners II, LLLP, and Minikahda Ministorage IV, LLLP.

Discussion: Mr. Hunter spoke of the need to gain an easement to maintain water utilities around the ballpark. Commissioner Sykora asked if these easements would be granted for the lifetime of the ballpark. Mr. Hunter said that was correct, entry onto the property would be granted as needed to insure the longevity of the facility.

Commissioner Vekich moved to approve the resolution. Commissioner Wade seconded the motion. The resolution was approved unanimously – 5 YEAS, 0 NAYS

APPROVED

07-MBA-29 Resolution: To authorize the Chair and Executive Director to enter into a Professional Services Agreement with **URS Corporation**, 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.

BE IT RESOLVED that MBA's Chair and Executive Director are authorized to enter into a Professional Services Agreement with URS Corporation, for services described above, in an amount not to exceed \$500,000 for the period beginning October 1, 2007 and ending December 31, 2009.

Commissioner Vekich moved to approve the resolution. Commissioner Campbell seconded the motion. The resolution was approved unanimously – 5 YEAS, 0 NAYS

APPROVED

DISCUSSION ITEMS

A. Construction and Planning Update: Mr. Hunter reported on the Testing and Inspection Contracts that were awarded to AET and Braun Intertec last summer. He stated that with every construction package that is awarded and permitted by the City comes additional special inspection and testing requirements as required by code. There are 25 – 30 inspectors working full time and will increase to 1000 at the height of construction. It is a monumental effort that Mortenson faces each week in prescribing engineering fixes to the non-conformance items presented by AET and Braun Intertec. To date there have not been any major exceptions. The weekly inspection reports are available at the MBA offices.

Next Meetings:

- November 16, 2007 2008 MBA Strategic Planning Work Session
- December 21, 2007 Next Regularly Scheduled MBA Board Meeting

There being no further business, Commissioner Wade moved to adjourn. Commissioner Campbell seconded the motion. The motion was approved unanimously - 5 YEAS, 0 NAYS. The meeting of the Minnesota Ballpark Authority for November 9, 2007 was adjourned at 2:05 P.M.