



Minnesota Ballpark Authority Meeting Minutes – November 21, 2008

Chair Steve Cramer called the special meeting of the Minnesota Ballpark Authority for November 21, 2008 to order at 3:00 PM. The roll was taken. All Commissioners were present. Kathleen Lamb, Legal Counsel, was also present.

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

APPROVED

Commissioner Joan Campbell moved approval of the October 17, 2008 meeting minutes, seconded by Commissioner Mike Vekich and approved unanimously – 5 YEAS, 0 NAYS.

APPROVED

PUBLIC COMMENT

- None

CHAIR REPORT

- No report

EXECUTIVE DIRECTOR REPORT

Executive Director Dan Kenney reported the following:

- 9 of the 13 Minneapolis City Council members have toured the ballpark site and reactions to the design have been positive. The Council will take up the discussion of the Mayor's proposed \$3 million for improvements around the ballpark in December.
- Work continues on the Transportation Management Plan which will include information on game day traffic management, communications and incident management. The plan is expected to be completed early 2009.
- Commissioner Vekich spoke at a press conference held earlier in the day on the two public art projects near the ballpark. He provided an overview of the public art selection process which will conclude on December 15th when artists will be chosen for public art in the Vertical Circulation Building and 5th Street Panels.

ACTION ITEMS:

08-MBA-16: To authorize the Chair and Executive Director to enter into Amendment No. 2 to Professional Services Agreement BP-070952 with **American Engineering Testing, Inc.**, 550

Cleveland Avenue North, St. Paul, MN 55114 (“AET”) for ongoing special inspection and testing services associated with site soils inspections, environmental testing and oversight, hot-spot removals, vibration and settlement monitoring, concrete, steel, CMU, and pre- and post-construction surveys.

Background:

In the spring of 2007, the Minnesota Ballpark Authority (MBA) issued a Request For Proposal for a variety of consultant testing and inspection services. On May 22, 2007, after due diligence and consideration, MBA staff presented to the Board Resolution No. 07-MBA-10 to enter into a consultant services agreement with AET for the services described above, in a contract amount of \$530,090, to be billed on a time and materials basis, which was adopted. Subsequently, MBA Contract BP-070952 was executed for this work. In January of 2008, Amendment No. 1 was authorized via MBA Board Resolution No. 08-MBA-01 in the amount of \$219,910, for continued services resulting from added scope and additional unforeseen contaminated materials on site, thereby increasing AET’s contract amount to \$750,000. Costs incurred against that contract are now nearing the total authorized contract amount.

AET has been instrumental in the testing of soils on the ballpark, in terms of structural characteristics, and in terms of contamination. Under the present contract scope, some remaining testing of that type will be required during the excavation of the playing field, and the completion of the south parking lot.

Further, additional services are now being requested of AET as related to the extension of the pedestrian plaza, and with the construction of the new elevated walkway between the ballpark and the “A” parking ramp. These services will include the following efforts:

- Pre-construction surveying of Target Center and the “A” ramp, and the monitoring (vibration and settlement) of those properties for damages that might result from this new construction;
- Assessment of soils associated with the elevated walkway piers and the plaza extension;
- Removal of unforeseen hazardous materials from the site;
- Code-required special inspections associated with the two projects, including cast-in-place concrete inspection and testing, NDE examinations of steel fabrication and welding, structural grout testing for CMU block; and other services as required.

With their history on the project, and the efforts completed to date, MBA staff recommends that AET’s contract scope and budget be extended until these efforts are complete.

Presently, MBA’s ballpark project staff estimates that AET’s services will likely need to be retained to some degree through the end of 2009.

Staff Recommendation:

It is the recommendation of staff that the existing MBA Contract BP-070952 be amended via Amendment No. 2 in the amount of \$130,000, at which point the new contract amount shall equal \$880,000, to be billed against on a time and materials basis. All billing rates pursuant to the existing contract shall apply.

Costs for this work will be funded as follows:

- \$80,000 from existing infrastructure contingency for remaining on-site soils testing associated with the playing field, and remaining south parking lot;
- \$25,000 from enhanced plaza design funding provided through the Twins;
- \$25,000 from elevated walkway funding provided by MnDOT.

Action Requested:

BE IT RESOLVED that MBA’s Chair and Executive Director are authorized to enter into Amendment No. 2 with AET, Inc., for services described above, in an amendment amount not to exceed \$130,000.

Discussion: Ed Hunter gave an overall description of work remaining under AET’s contract. Commissioner Sykora asked whether the amount would be enough. Ed stated he had some contingencies built into the figures he received from AET.

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

APPROVED

08-MBA-17: To authorize the Chair and Executive Director to complete negotiations and execute a Joint Powers Agreement with the Minnesota Department of Transportation and a First Amendment to the existing Maintenance Agreement with the Minnesota Department of Transportation and the Minnesota Twins for the purpose of designing, constructing, and maintaining an elevated pedestrian walkway between the ballpark and Ramp A.

Background:

The 2006 legislation creating the Minnesota Ballpark Authority (the “Authority”) authorized the Authority to acquire property rights related to the new ballpark. In the furtherance of the construction of the ballpark, the Authority secured from Mn/DOT the right to construct, maintain, and operate public infrastructure and ballpark related improvements over portions of the I-394 and I-94 rights-of-way. The public infrastructure and related improvements include, but are not limited to, a pedestrian plaza, a service road, and other related facilities (such as lighting, mechanical ventilation, and traffic management systems).

One of the ballpark design elements which was considered, but not included in the 2008 GMP Ballpark project budget, was an elevated pedestrian walkway between the ballpark and Ramp A. Since the time of the GMP budget approval, Mn/DOT has secured funding to construct this add alternate. The Joint Powers Agreement will provide the mechanism for the design and construction of the elevated pedestrian walkway in the most efficient and cost-effective manner.

MnDOT, the Authority and the Minnesota Twins have previously entered into a Maintenance Agreement assigning the responsibility for the maintenance and repair of the public infrastructure and related improvements constructed on the Mn/DOT rights-of-way. The Joint Powers Agreement and the First Amendment to the Maintenance Agreement will maintain these previously negotiated roles and responsibilities.

Action Requested:

BE IT RESOLVED that the Authority authorizes the Chair and Executive Director to execute the Joint Powers Agreement with the Minnesota Department of Transportation and the First Amendment to the Maintenance Agreement with the Minnesota Department of Transportation and the Minnesota Twins, LLC substantially in the forms on file with the Authority on the date hereof, with such necessary and appropriate variations, omissions and insertions as are not materially inconsistent with such forms as the Chair and Executive Director in their discretion shall determine, provided that the execution thereof by the Chair and Executive Director shall be conclusive evidence of such determination; and authorizes the Executive Director or his designee to take all such actions as are necessary to fulfill the Authority's rights and obligations thereunder.

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

Discussion Items:

A. **2009 MBA Greater Minnesota Tour – Susie Helget, Administrative Manager, MBA**
– Ms. Helget announced locations and dates for the 2009 MBA Greater Minnesota tour. Meetings will be held in Rochester (March 20), Moorhead (May 15) and Duluth (July 17). These locations have been booked and a draft itinerary will be circulated to Commissioners in the next few weeks. Commissioner Vekich noted that the Moorhead meeting date conflicts with the legislative session so the area legislators would not be available to come to this meeting. Ms. Helget said that she would look into moving that date to June when the legislature has adjourned. *Note: this date has now been moved to June 19, 2009.*

B. **Construction & Planning Update** – Ed Hunter, MBA
Mr. Hunter said that next week a meeting is scheduled with BNSF to walk through their property to confirm that the area is secure from ongoing construction activities. This will end the expense for their flaggers and outside inspections. Discussions continue with Northstar for installation of traction power equipment and occupancy of the Vertical Circulation Building. This is scheduled to take place on February 1st. Usage of the ESB parking lot has been returned to the Hennepin County building occupants. Final as-builts for the City's utility systems is 90% complete and will be turned over to the City of Minneapolis in the near future. Commissioner Vekich asked that Mr. Kenney and Mr. Hunter schedule a separate work session or meeting to discuss potential impacts on the proposed Hennepin County Regional Rail Authority transit hub.

Dan Mehls, Mortenson Construction

Mr. Mehls reported that the package for Food Service Design was awarded to Stafford Smith. The package for Interior Signage and Wayfinding is out for bid and will be awarded next week. Mortenson is working on alternates for the elevated pedestrian walkway and enhanced plaza design and plaza extension along the Target Center. The last concrete deck on the roof of the administrative building was poured on November 21, 2008 which is two months ahead of the initial target date. Mortenson has a recovery plan in place to catch up on structural steel. Canopy steel and outfield steel are being installed. Pre-cast stadia which are seating sections are now visible on site. The stone wall panels and glass curtain walls are 30% complete. Interior work is commencing such things as drywall partitions and ceilings and will continue through the winter. The bridge

over I-394 is substantially complete and estimations for the enhanced plaza are underway. Mortenson is developing a comprehensive turnover plan for the facility.

Commissioner Vekich asked if Mortenson is monitoring the financial viability of their sub-contractors in light of the current economic situation. Mr. Mehls said that one of the advantages of this project is that the ballpark legislation allowed Mortenson to go through the best value selection process so they were able to pick sub-contractors based on their past experience and financial stability and not just the lowest bid. Presently the primary sub-contractors are stable. There are contingency plans in place however and Mortenson will watch for indications of financial instability as the project continues.

Community Participation – Dan Mehls, Mortenson

Mr. Mehls reported that the project is still exceeding the 30% SWMBE goal at 31%. This represents about \$88 million of the \$280 dollars that has been committed to SWMBE owned firms. Approximately 65 SWMBE firms are involved on the project to date. Workforce reports an upper trend at 24% minority participation and overall 6% female. The goal is 25% and Mortenson has done some projections and anticipates reaching the minority participation by spring 2009. In the Community Workforce Program, to date 37 individuals have been hired. The expectation is to hire 50 individuals by the end of the project.

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

Ms. Juneau was not present and Mr. Kenney reported that the monthly financial report includes revenue and expenses through the end of October, 2008.

Next meeting: December 19, 2008

There being no further business, Commissioner Wade moved to adjourn. Commissioner Vekich seconded the motion. The motion was approved unanimously - 5 YEAS, 0 NAYS. The special meeting of the Minnesota Ballpark Authority for November 21, 2008 was adjourned at 3:45 P.M.