



Minnesota Ballpark Authority Meeting Minutes – December 4, 2009

Chair Steve Cramer called the meeting of the Minnesota Ballpark Authority for December 4th, 2009 to order at 1:00 p.m. 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 Joan Campbell and approved unanimously – 5 YEAS, 0 NAYS.

APPROVED

Commissioner Campbell moved approval of the October 16th, 2009, meeting minutes, seconded by Commissioner Wade and approved unanimously – 5 YEAS, 0 NAYS.

APPROVED

CHAIR REPORT

Chair Steve Cramer reported the following:

- Chair Cramer, Commissioner Campbell and Executive Director Kenney recently met with Minneapolis City officials on a variety of issues pertaining to the 2010 opening of Target Field. This group plans to meet regularly from now to opening day to make sure all of the priority issues of the Implementation Committee are being met.
- Chair Cramer participated in the official opening of the Northstar Rail line. It is a wonderful asset to the region and highlights the important role of Target Field as a centerpiece to downtown Minneapolis.

EXECUTIVE DIRECTOR REPORT

Executive Director Kenney reported the following:

- The Event Management Committee lead by Minneapolis Public Works department continues to meet. A specific point person will be appointed to lead the effort to manage downtown traffic. There is money in the Mayor's proposed budget for 2010 to fund that position not just for Target Field, but for events that occur downtown in the Convention Center, Target Center, and the Metrodome.
- The Strategic Communications Committee which is being led by Bob McFarlin is meeting to develop messaging strategies to get to and from Target field when it opens.

The first opportunity to educate the public will be when the Twins hold their Caravan in January and again at Twinsfest in late January.

- The landscaping improvements at HERC are in and new siding to cover up the doors by the promenade side of the ballpark will be covered the week of December 14th.

ACTION ITEMS:

09-MBA-42: To authorize the Executive Director and staff to print the Comprehensive Annual Financial Report, upon receipt of the State Auditor’s opinion letter.

Background:

The State Auditor’s Office has completed its review of the financial statements of the Minnesota Ballpark Authority for the period ended December 31, 2008. The MBA Audit Committee participated in an Exit Conference with Randy Vogt, Audit Director from the Minnesota State Auditor’s office on November 4, 2009. Mr. Vogt reported the MBA would be receiving an unqualified opinion, which is the highest that can be attained. The State Auditor’s opinion letter has been submitted and the MBA can proceed with publication of the Comprehensive Annual Financial Report.

Action Requested:

BE IT RESOLVED that the Minnesota Ballpark Authority authorizes the Executive Director and staff to proceed with the publication of the Comprehensive Annual Financial Report, upon receipt of the State Auditor’s opinion letter.

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

APPROVED

09-MBA-43: To adopt an amended 2009 Minnesota Ballpark Authority operating budget of \$2,547,950, reallocating expenses.

Background:

The Final 2009 Budget was adopted by Resolution No. 08-MBA-18, on December 19, 2008. Based on current projections management has determined it is appropriate to amend the final budget, in accordance with proper governmental accounting and financial reporting practices. The requested action reduces total budgeted expenses, providing a surplus of revenue over expenses.

The amended budget proposal represents a reallocation of expenses to better reflect actual costs in 2009. The amendment shows a budget surplus of \$25,710. The amended budget does not make any increase in revenue. Any surplus realized at year-end will benefit the current General Fund deficit.

Management recommends amending the 2009 General Fund Budget as follows:

ADOPTED 2009	PROPOSED AMENDED
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	<u>BUDGET</u>	<u>2009 BUDGET</u>	<u>CHANGE</u>
REVENUE			
<i>County Grant</i>	<u>\$ 2,573,660</u>	<u>\$ 2,573,660</u>	<u>\$ -</u>
EXPENSES			
Personal Services	\$ 358,260	\$ 358,500	\$ 240
Commodities	\$ 9,300	\$ 6,450	\$ (2,850)
Contractual Services	\$ 2,036,600	\$ 2,050,000	\$ 13,400
Capital Outlay	\$ 3,000	\$ -	\$ (3,000)
Other	\$ 166,500	\$ 133,000	\$ (33,500)
	\$ -	\$ -	\$ -
Total Expenses	<u>\$ 2,573,660</u>	<u>\$ 2,547,950</u>	<u>\$ (25,710)</u>
Excess (Deficit) of Revenue Over Expenses	<u>\$ -</u>	<u>\$ 25,710</u>	<u>\$ 25,710</u>
Beginning Fund Balance	(176,402)	(176,402)	-
Ending Fund Balance	(176,402)	(150,692)	25,710

Action Requested:

BE IT RESOLVED that the foregoing 2009 Minnesota Ballpark Authority Operating budget expenditures in the amount of \$2,547,950 be hereby amended.

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

APPROVED

09-MBA-44: To authorize adoption of the 2010 Minnesota Ballpark Authority operating budget.

Background:

The proposed 2010 Minnesota Ballpark Authority Budget reflects a 6.4% decrease from 2009. Most of this decrease is a result of lower cost in the Hennepin County Ballpark Project Office expenses, along with savings in building rent and personal services. The MBA is requesting revenue from Hennepin County Sales Tax to cover a budget of \$2,408,000.

The Executive Director presented the proposed 2010 Minnesota Ballpark Authority operating budget to the Authority on August 21, 2009. The Authority then authorized the Executive Director to submit the proposed 2010 MBA operating budget to Hennepin County for approval, as called for in the Grant Agreement between the Minnesota Ballpark Authority and Hennepin County.

The Hennepin County Board is scheduled to approve a final budget on December 15, 2009. The attached budget reflects those costs.

Action Requested:

BE IT RESOLVED that the 2010 attached Minnesota Ballpark Authority Operating budget of \$2,408,000 be adopted, pending final approval by the Hennepin County Board.

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

APPROVED

09-MBA-45: To authorize the Chair and Executive Director to enter into an amendment to Professional Services Agreement BP072207 with **URS Corporation**, 700 Third Street South, Suite 600, Minneapolis, Minnesota 55415 (“URS”) to extend the term of the agreement 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, Hennepin County entered into a consultant services agreement with URS for the services described above.

In November 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. The Agreement had a termination date of December 31, 2009.

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. 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 September 2009, MBA staff requested that the Agreement be amended to increase the cost by \$300,000, for a Total Not-To-Exceed Agreement amount of \$1,041,000 with all billing rates and procedures pursuant to the Agreement to remain in place. Costs for this work fell within the current 2009 and within the recently approved 2010 MBA administrative budget. The Board authorized the Chair and Executive Director, pursuant to 09-MBA-40, 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.

The work is continuing to finalize and record the necessary easements, property descriptions and agreements – all included in the scope that has been previously agreed upon. MBA staff believes that URS services will likely need to be retained past the current termination date of December 31, 2009, in order to complete the scope. This will not affect the budget: costs for this work fall within the 2010 budget and within the previously authorized, not to exceed amount of \$1,041,000.

It is the recommendation of staff that the Agreement be amended to extend the term to December 31, 2010, all other terms and conditions staying the same.

Action Requested:

Therefore, **BE IT RESOLVED** that MBA’s Chair and Executive Director are authorized to enter into an amendment to MBA Contract BP072207 with URS Corporation to extend the term to December 31, 2010.

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

APPROVED

09-MBA-46: To acknowledge and accept a Public Infrastructure funding contribution from Hennepin County through an ARRA Regional Grant, for improvements to 3rd Avenue North, and to amend the Public Infrastructure budget as related to previously-authorized contractual undertakings and expenditures for that 3rd Avenue North scope of work.

Background:

By Resolution No. 09-MBA-30 dated April 17, 2009, MBA staff was authorized to proceed with certain identified and prioritized Infrastructure and streetscape projects, utilizing an estimated \$2 million in remaining Infrastructure contingency. The prospective project given the highest priority was the 3rd Avenue North pedestrian and bike improvements from 7th Street North to 12th Street North, which will serve as the primary connection between the Cedar Lake Trail and the Ballpark. This construction project was authorized by the Board, to be funded in an amount not to exceed \$1.2 million.

Thereafter, the Metropolitan Council awarded to Hennepin County an ARRA Regional Grant in an amount up to \$1.193 million to help fund these improvements. The ARRA Regional Grant funds are only available in the amount of the lowest qualified public bid.

By Resolution No. 09-MBA-33 dated June 19, 2009, the first priority of these improvements was reaffirmed. MBA staff was authorized to proceed with the project and the expenditure of funds in a revised amount not to exceed \$1.4 million, with the costs to be paid from a combination of Infrastructure Contingency and ARRA Regional Grant funds via Hennepin County.

Action Requested:

BE IT RESOLVED, that the Hennepin County contribution to the project in the amount of \$701,666 from the ARRA Regional Grant is hereby acknowledged and accepted.

BE IT FURTHER RESOLVED, that the balance of the cost of the project shall be funded from the Infrastructure Contingency Fund in an amount not to exceed \$698,334.

No overall increase to the project budget is requested.

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

APPROVED

DISCUSSION ITEMS:

- A. **Stadium Access Advisory Committee Update – Margot Imdieke, Jeff Bangsberg**
Advisory Committee members Margot Imdieke and Jeff Bangsberg formally recognized the achievement of making Target Field one of the most accessible sports facilities in the country by presenting a “Barrier Free Design Award” to the MBA and its project partners. Both Mr. Bangsberg and Ms. Imdieke praised the MBA for its unwavering commitment to acting on the recommendations of the Target Field Access Advisory Committee. In accepting the award, Chair Cramer credited the dedication and hard work of the Advisory Committee in helping make sure Target Field would be fan friendly for everyone.
- B. **October 2009 MBA Work Session Items – Dan Kenney, MBA Executive Director**
Mr. Kenney outlined three potential areas around the ballpark for potential improvements in 2010 and beyond. At the end of first quarter 2010 Mr. Kenney and Ed Hunter will report on what remaining funds might be available from the Incentive Fund or Contingency Fund that could be used for improvements. Future funds may be received from the City of Minneapolis from the Cedar Lake Trail easement. The MBA Board will have an opportunity to make a policy decision on use of those funds in the future as well.
- C. **Report on Agreed Upon Procedures – Russ Fleming, Baker Tilly**
Mr. Fleming reviewed five pay requisitions, numbers 34 through 36, and looked at 27 items, all items greater than a half-million dollars and 25 items less than a half-million. All supporting documentation was appropriate and properly documented and reconciled to the pay requisitions as well as the G-703 reconciliation document of costs associated with the ballpark. Twins Change Orders requests 29 through 34 and the related Mortenson change orders have been reviewed and are properly reconciled to the cost schedule.
- D. **Construction and Planning Update – Dan Loosbrock, Mortenson Construction**
Mr. Loosbrock reported that of the million square feet of space, architects have punch-listed 65% to date. Mortenson is looking to obtain a temporary Certificate of Occupancy from the City of Minneapolis the week of December 22nd with a full C of O shortly thereafter. Anticipated substantial completion date remains at March 3, 2010. The outfield has been covered with felt for the winter and the heating element will be shut off for most of the field except for the in-field. Finish ceilings, mechanical, and flooring continue on all levels of the ballpark. LEED certification final design submittals have been filed with the U.S. Green Building Council. The USGBC is viewing deferred credits. Final LEED submittals will be transmitted the week of January 19th. General certification should be received prior to opening. Silver Certification which requires an award of 33 points is a possible outcome.
- E. **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 \$311 million dollars of work with \$100 million committed to SWMBE firms. Of the SWMBE firms utilized on the project there have been a total of 128 companies of which 90% were local. Workforce minority participation has exceeded goals with 26% total minority participation and 7% female (recently increased from 6%). In the Community Workforce Program, 62 individuals have been hired to date and the project exceeded the goal of 50 placements. Mortenson hosted an event on November 18th acknowledging 14 different firms for exceeding their

workforce diversity roles. Ms. Littlejohn will be briefing the Hennepin County Board on these successes at an upcoming board meeting.

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

Ms. Juneau presented the MBA financial reports through October 31, 2009, for the General Fund and Capital Projects Fund. The Operating Fund is under budget due to some contracts pending approval. The Capital Project Funds is 86% complete and on target.

Next meeting: January 15, 2010 HHH Metrodome

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 December 4th, 2009, was adjourned at 1:45 P.M.