



### **Minnesota Ballpark Authority Meeting Minutes – December 21, 2007**

Chair Cramer called the meeting of the Minnesota Ballpark Authority for December 21, 2007 to order at 1:00 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 November 9, 2007 minutes, seconded by Commissioner Wade and approved unanimously – 5 YEAS, 0 NAYS.

**APPROVED**

#### **PUBLIC COMMENT**

- None

#### **CHAIR REPORT**

**Chair Cramer reported the following:**

- The Minnesota Ballpark Authority signed a contract with the Minneapolis Urban League to assist with the ballpark project's recruiting and hiring goals.
- Commissioners have expressed interest in a trip to Washington D.C. during the first quarter of 2008 to tour the Washington Nationals Ballpark scheduled to open for the 2008 baseball season. Commissioner Wade said that tremendous perspective could be gained by touring a ballpark still under construction and talking to those who are involved in the design and construction. Ed Hunter added that the New York Yankees and New York Mets are also building new ballparks and both are HOK projects. These could also be considered as options for this upcoming tour. Susie Helget was instructed to look into making plans for this trip.

#### **EXECUTIVE DIRECTOR REPORT**

**Executive Director Kenney reported the following:**

- All ballpark parcels have now been conveyed from Hennepin County to the MBA and the MBA is now the official owner of the ballpark site. The final settlements with Land Partners and Hines were closed December 12, 2007.
- The project team continues to finalize the GMP (Guaranteed Maximum Price) budget.

- We have had productive meetings with the City of Minneapolis regarding the Cedar Lake Bike Trail. The City will engage a design firm to do the work for the trail that will be located on the MBA's property.

### **ACTION ITEMS**

**07-MBA-30 Resolution:** To adopt the 2008 Minnesota Ballpark Authority Strategic Plan.

#### **Background:**

On November 16, 2007, the MBA Board held a strategic planning work session. The objectives of the meeting were to define the roles and responsibilities of the MBA as the ballpark moves from design and construction to operation and beyond and to identify specific goals to measure the performance of the MBA.

From that work session, MBA staff has drafted a 2008 Strategic Plan laying out the goals and action plans that were discussed for approval by the MBA Board.

#### **Action Requested:**

**BE IT RESOLVED** that the MBA Board adopts the MBA 2008 Strategic Plan which includes specific goals and action plans on internal and external communications and prioritizing MBA roles and responsibilities for developing the ballpark as a civic asset for the community.

Discussion: Commissioner Vekich requested that the goals include more detail and that the measures involved should have timetables included. He also suggested that language be added to identify who will be responsible for completing the goals. Lastly, he suggested that the document provide a better definition of the constituencies that the ballpark should report to. Commissioner Vekich asked that a new draft of the work plan with these suggested changes be circulated for discussion at the January 18, 2008 meeting.

*Commissioner Michael Vekich moved to refer the item back to staff. Commissioner Wade seconded the motion. The motion was approved unanimously – 5 YEAS, 0 NAYS*

**APPROVED**

**07-MBA-31R1 Resolution:** To accept and approve the Minneapolis City Council's action on the Ballpark Implementation Committee's recommendations.

#### **Background:**

The 2006 Ballpark legislation established the Ballpark Implementation Committee as an alternative land use and development review process for the ballpark project. The ten-member Committee included equal representation from the City of Minneapolis and Hennepin County, with both elected officials and citizens.

The Ballpark legislation states that the Minnesota Ballpark Authority "must consider the ballpark implementation committee's recommendations as they relate to the design and construction of the ballpark, after the recommendations are considered by the City Council."

The Ballpark Implementation Committee completed its review of the project and made its recommendations on October 31, 2007. On December 7, 2007, the Minneapolis City Council acted on the Committee's recommendations, which are attached for your review along with the City staff report.

**Action Requested:**

**BE IT RESOLVED** that the Minnesota Ballpark Authority accepts and approves the Minneapolis City Council's action on the Ballpark Implementation Committee's recommendations.

Discussion: Dan Kenney briefed the board on the meetings of the Implementation Committee which were held over a period of 11 months. He said that the Implementation Committee reviewed the design of the ballpark and its impacts into the surrounding area of downtown Minneapolis as part of the alternative land use approval process outlined in the ballpark legislation. He said that Commissioner Vekich will offer an amendment to the "Be it Resolved" clause so it is consistent with what the City Council adopted. Commissioner Sykora asked whether there were any areas the city had offered to take responsibility for and help fund. Mr. Kenney said in relation to public access through the concourse, the Twins and the Authority agreed to allow access through the concourse from 6AM – 10PM on non game days in response to the City of Minneapolis request to see access available through the concourse in the evening. If the City would like the concourse open beyond that timeframe on non-game days it would be considered a City funded security plan. The City has also expressed an interest in providing traffic control on game days, but a plan for this has not been developed yet. Mr. Kenney said that in the event there are material changes made to the design, the chairs of the Implementation Committee will review the changes and decide whether it is necessary to reconvene the Committee. Chair Cramer asked Ms. Lamb what the MBA's obligations are under the statute. Kathleen stated that her recollection was the MBA was to review and consider the City Council actions with respect to the Implementation Committee.

*Commissioner Campbell moved the resolution. Commissioner Sykora seconded the motion.*

Commissioner Vekich offered the following amendment 07-MBA-31R1 to the Board Action on proposed resolution 07-MBA-31:

**BE IT RESOLVED** that the Minnesota Ballpark Authority accepts and approves the Minneapolis City Council's action on the Ballpark Implementation Committee's recommendations, contingent upon the execution of a security plan funded by the City of Minneapolis and acceptable to the Authority, to provide security to extend public pedestrian access through the main concourse beyond 10PM on non-game days.

*Commissioner Vekich moved to approve the amendment. Commissioner Wade seconded the motion. The amendment 07-MBA-31R1 was approved unanimously – 5 YEAS, 0 NAYS*

The resolution as amended was approved unanimously – 5 YEAS, 0 NAYS

**APPROVED**

07-MBA-32 Resolution: To adopt the amended 2007 Minnesota Ballpark Authority operating budget.

**Background:**

This amended budget reflects a reallocation of funding for legal costs involved in the comprehensive work of McGrann Shea law firm. When the MBA's Operating Budget was set in December of 2006, it was anticipated that the Grant, Lease, Use and Development Agreements would constitute a majority of the MBA's legal work for the year. In fact these Agreements were just a fraction of the Agreements that needed to be negotiated and executed in 2007. The MBA's attorneys played key roles in negotiating acceptable terms with BNSF, MnDOT, the Northstar Project and the final terms of the condemnation settlement on the ballpark site. The budget reallocation addresses the expanded scope of the MBA's legal services and also recognizes the delayed capital outlay for the MBA office build out.

**Action Requested:**

**BE IT RESOLVED** that the amended 2007 Minnesota Ballpark Authority Operating budget of \$2,030,429.00 be adopted.

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

**APPROVED**

07-MBA-33R1 Resolution: To authorize the adoption of the 2008 Minnesota Ballpark Authority operating budget.

**Background:**

The Executive Director presented the proposed 2008 Minnesota Ballpark Authority operating budget to the Authority on August 17, 2007. The Authority then authorized the Executive Director to submit a proposed 2008 MBA operating budget to Hennepin County to approve as called for in the Grant Agreement between the Minnesota Ballpark Authority and Hennepin County.

The Hennepin County Board approved the proposed 2008 MBA operating budget on December 18, 2007. The attached budget reflects those costs and includes continued budgeted amounts with MEDA, Summit Academy IOC and Leer Communications at the same monthly rates as 2007.

In addition, in response to input from the MBA Board we have added \$200,000 to the Consulting-Legal line item for 2008. These resources were reallocated from the Hennepin County Ballpark Project office consulting line item.

**Action Requested:**

**BE IT RESOLVED** that the 2008 Minnesota Ballpark Authority Operating budget of \$2,656,755.00 be adopted.

*Commissioner Vekich moved to approve the resolution with the following amendment:*

**BE IT RESOLVED** that the 2008 Minnesota Ballpark Authority Operating budget of \$2,656,755 be adopted; and

BE IT FURTHER RESOLVED that the terms of the contracts of MEDA in the amount of \$82,500, Summit Academy in the amount of \$120,000 and Leer Communication and Consultants in the amount of \$52,800 be extended through 2008.

*Commissioner Wade seconded the motion. The resolution was approved unanimously – 5 YEAS, 0 NAYS*

**APPROVED**

07-MBA-34 Resolution: To authorize the Chair and Executive Director to execute necessary agreements to contribute up to \$1 million from the Authority's interest earnings on construction bond proceeds to assist in efforts to achieve Leadership in Energy and Environmental Design (LEED) certification for the ballpark project.

**Background:**

The ballpark authorizing legislation provides that "if the authority obtains grants sufficient to cover the increased costs, the authority must ensure that the ballpark receives Leadership in Energy and Environmental Design (LEED) certification."

MBA Resolution 06-16 authorized seeking grants and other activities in support of efforts to obtain Leadership in Energy and Environmental Design (LEED) certification for the new ballpark.

While efforts to identify potential sources of grant funding have been ongoing, no outside funding has been secured to date. The project has reached a point in the design where timely decisions are needed related to LEED certification. If it is determined the project will seek certification, additional architectural work will be needed related to the overall design and mechanical systems, and it will impact how Mortenson will document building the project.

The Minnesota Twins have proposed that the Authority and the team partner to do the additional work needed to obtain enough points to seek the LEED certification. The MBA's commitment of up to \$1 million would be offset in the future if grants are secured. These funds will leverage additional team contributions for this same purpose, beyond their current \$145 million commitment. Expenditure of Authority funds will be determined through the Construction Executive Committee, where Chair Cramer and Vice Chair Vekich represent the MBA, and reported to the MBA Board at subsequent meetings. Use of funds to achieve this goal would also be made in a manner consistent with MBA's authority to use interest earnings as determined by legal counsel.

**Action Requested:**

**BE IT RESOLVED** that the Chair and Executive Director are authorized to execute necessary agreements to contribute up to \$1 million from the Authority's interest earnings on bond proceeds to assist in efforts to achieve Leadership in Energy and Environmental Design (LEED) certification for the ballpark project; and

**BE IT FURTHER RESOLVED** that expenditures of contributions from the Authority's interest earnings on bond proceeds shall be limited to LEED-related infrastructure;

**BE IT FURTHER RESOLVED** that the any LEED grant funds received will offset the amount contributed from the Authority's interest earnings; and

**BE IT FURTHER RESOLVED** that these LEED-related infrastructure expenditures will be authorized and tracked through the Ballpark Project’s Construction Executive Committee and reported to the MBA Board at subsequent monthly meetings.

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

**APPROVED**

07-MBA-35 Resolution: To authorize the adoption of the MBA staff holiday schedule.

**Background:**

The holiday schedule below serves the secular purpose of providing time off to MBA employees in conjunction with slow work periods and cultural events. This schedule is consistent with other public agencies holiday schedules.

<b>New Year’s Day</b>	<b>January 1</b>
<b>Martin Luther King Jr. Day</b>	<b>Third Monday in January</b>
<b>President’s Day</b>	<b>Third Monday in February</b>
<b>Memorial Day</b>	<b>Last Monday in May</b>
<b>Independence Day</b>	<b>July 4</b>
<b>Labor Day</b>	<b>First Monday in September</b>
<b>Veteran’s Day</b>	<b>November 11</b>
<b>Thanksgiving Day</b>	<b>Fourth Thursday in November</b>
<b>Thanksgiving Friday</b>	<b>Friday following Thanksgiving Day</b>
<b>Christmas Eve Afternoon</b>	<b>December 24</b>
<b>Christmas Day</b>	<b>December 25</b>
<b>New Year’s Eve Afternoon</b>	<b>December 31</b>

SUBSTITUTIONS: Employees may use paid vacation, deferred holiday or compensatory time hours, or unpaid leave, to observe religious holidays which fall on a scheduled work day.

HOLIDAYS ON SATURDAY AND SUNDAY: When New Year's Day, Independence Day, Veterans' Day or Christmas Day falls on Sunday, the following Monday is considered the official holiday. When these holidays fall on Saturday, the preceding Friday is considered the official holiday. When Christmas Day falls on a Saturday, Christmas Eve Day is observed on the Thursday preceding the Friday holiday. When Christmas Day falls on a Sunday or Monday, Christmas Eve is observed on the preceding Friday.

**Action Requested:**

**BE IT RESOLVED** that the MBA staff holiday schedule be adopted by the Minnesota Ballpark Authority.

Discussion: Ms. Helget said that MBA staff was requesting board approval of the draft holiday schedule which will be included in the MBA employee handbook and will remain the same in coming years once approved by the Board. She noted that this schedule provided the same amount of holidays as other public sector holiday schedules.

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

**APPROVED**

**DISCUSSION ITEMS**

A. Project Procedure's Report – Russell Fleming, Virchow Krause: Mr. Fleming presented an independent auditors report to the Board. He noted that this will be done on a quarterly basis from now on. Internal controls reports will continue to be done with Colleen Livermore and the Twins. Virchow Krause has reviewed nine pay requisitions and supportive documentation and to date no variances were identified. They will be issuing formal opinion reports along the way to continue to insure controls are in place.

B. Infrastructure Budget Update - Ed Hunter, MBA: Mr. Hunter said that the project budget continues to be regularly reviewed by all parties involved. He said that the \$43.215 million infrastructure CM managed construction cost still has open issues such as lane closure fees, and anticipated OCIP savings. Final costs for fiber optics and BNSF are in the process of being submitted by those parties so final cost allocation will be reached within the next month. Site acquisitions are known and captured. The overall project budget has gone from \$480 million to \$495 million which reflects the Twins contribution of \$15 million.

C. Construction and Planning Update – Troy Blizzard, M. A. Mortenson: Mr. Blizzard reported that ballpark construction continues to be on schedule. The first concrete elevated deck has been poured and stripped and construction crews are currently forming the first pour for the main concourse which is scheduled for January 23, 2008. Progress continues to be made on the Northstar Project's 5th Street bridge to the north and 5<sup>th</sup> street bridge abutment next to Ford Building, ballpark foundation work near BNSF to the West, 7<sup>th</sup> Street Bridge to South, and column work for the pedestrian bridge in the 394 corridor on the east. Construction crews will soon be working underneath both A & B ramps.

D. Community Participation – Lynn Littlejohn, M. A. Mortenson: Ms. Littlejohn said that the SWMBE project goal is 30% and the currently there is SWMBE participation of 31%. There are currently approximately 60 sub-contractors working on the project and 32 of them are small business and women owned. The finishes bid package will be procured in the spring and all contracts will be in place by June 2008. The workforce participation goal is slightly below project expectations so Mortenson is scheduling meetings with subcontractors regarding their participation levels and initiating action plans to increase these levels of participation. Data has been sent to the Civil Rights Department from the start of the project through October 2007.

E. Safety Exercise – Troy Blizzard: Mr. Blizzard reported that Mortenson coordinated a mock emergency event on December 7<sup>th</sup>, 2007. They coordinated this mock emergency with the City

of Minneapolis Fire Department and Hennepin County Medical Center and the goal of a response time of 3 minutes was achieved. Mr. Blizzard said that there were some good lessons learned from this exercise.

F. OCIP Enrollment Activity - Ed Hunter: Mr. Hunter spoke on the OCIP enrollment activity to date. He said that there have been 65 enrollment opportunities into the program of which 57 have resulted in negotiated deductions of insurance premiums. Eight enrollments are still under discussion. The OCIP funding and loss summary as reported by Willis shows actual incurred losses of \$880 versus anticipated losses of \$1.6 million, which is very good news for the project

**Next Meeting:**

- January 18, 2008

*There being no further business, Commissioner Campbell moved to adjourn. Commissioner Sykora seconded the motion. The motion was approved unanimously - 5 YEAS, 0 NAYS. The meeting of the Minnesota Ballpark Authority for December 21, 2007 was adjourned at 2:15 P.M.*