

MINNESOTA VALLEY TRANSIT AUTHORITY  
Regular Board Meeting  
December 9, 2009 – 4:30 p.m.  
Eagan Bus Garage

**Board Members Present:**

Elizabeth Kautz, Burnsville  
Gary Hansen, Eagan  
Tom Lovelace, Apple Valley  
Wally Lyslo, At Large  
Jane Victorey, Savage  
William Droste, Rosemount  
Will Branning, Dakota County

**Others Present:**

Beverly Miller, Executive Director  
Tom Bright, facilities Manager  
Lois Spear, Finance Officer  
Robin Selvig, Customer Relations Manager  
Mike Abegg, Planning Manager  
Samantha Porter, Operations Manager  
Tom Pepper, Eagan TWG  
James Strommen, Kennedy & Graven  
Sam O'Connell, Dakota County  
Connie Massengale, Schmitt & Sons  
Dan Schmitt, Schmitt & Sons  
Bill Forboard, Schmitt & Sons  
Katie Mintz, SunCurrent  
Katie Humphrey, Star Tribune

**I. Call to Order**

The meeting was called to order at 4:30 p.m. by Chair Elizabeth Kautz.

**II. Public Comments**

There were no public comments.

**III. Approval of Agenda**

Motion by William Droste and seconded by Will Branning to approve the amended agenda. Motion carried.

**IV. Consent Agenda**

The meeting minutes were pulled from the Consent Agenda. Motion by William Droste and seconded by Jane Victorey to approve the remainder of the Consent Agenda. Motion carried. Resolutions adopted at the meeting are attached to these minutes.

Jane Victorey referenced the note from the MVTA attorney James Strommen, wanting to clarify the action taken by the Board. Mr. Strommen indicated that the Board can either authorize the MVTA Executive Director to sign the UPA agreements/change orders up to \$50,000 but then information provided to the Board is not subject to ratification. If the Board wants to ratify the agreements, it cannot transfer the authority to the Executive Director to sign such agreements. Motion by Jane Victorey and seconded by Gary Hansen to clarify the minutes to read as follows: *Motion by Jane Victorey and seconded by Will Branning to ratify the UPA Agreements and raise the Executive Director's authority to \$50,000 on UPA items only and bind the MVTA upon her signature on a change order up to \$50,000. Further, for informational purposes only, MVTA staff will provide additional background in the packet with an explanation of change orders in the amount of \$20,000-\$50,000; along with information about if the project is within budget and status of the contingency budget. Motion carried.* The clarification of the motion carried. Motion by Jane Victorey and seconded by Gary Hansen to approve the Minutes. Motion carried.

**V. Old Business**

A. Approve Met Council Agreement for Lakeville Cedar Service

Motion by William Droste and seconded by Gary Hansen to approve an agreement with the Metropolitan Council for the Lakeville Cedar service, subject to legal counsel review. Will Branning questioned if the MVTA Board is limited by the CTIB contribution of 50 percent of the funds. It was explained that this is for background only and the funding will come to the MVTA via the Metropolitan Council. Motion carried.

B. Braun Contract Amendment

Motion by Tom Lovelace and seconded by Jane Victorey to amend the contract with Braun Intertec to reflect the additional concrete and masonry testing and trips to the site. Motion carried.

C. SRF Contract Amendment #2 for Apple Valley Transit Station

Motion by Wally Lyslo and seconded by Gary Hansen to approve an amendment to the SRF contract for the Apple Valley Transit Station reflecting changes given that all three sites (AVTS, 140<sup>th</sup>, 147<sup>th</sup>) were not constructed at the same time and providing for additional construction management at the AVTS site. Motion carried.

D. SRF Contract Amendment for 140<sup>th</sup> & 147<sup>th</sup>

Motion by Wally Lyslo and seconded by Gary Hansen to approve an amendment to the SRF contract for the 140-147<sup>th</sup> St. Station Stops reflecting changes given that all three sites (AVTS, 140<sup>th</sup>, 147<sup>th</sup>) were not constructed at the same time. There were questions about the 140<sup>th</sup> and 147<sup>th</sup> St. Station Stops, but Dakota County Commissioner Branning noted that these sites are still under discussion. Design is at 90 percent complete, but would need to be modified for a specific site and funding would need to be procured for construction. Motion carried.

**VI. New Business**

A. Election/Committee Process for 2010

The Board briefly discussed the process for election of officers at the January 2010 Board meeting. Jane Victorey agreed to solicit and gather names of those interested in serving as officers. Nominations will also be accepted from the floor on the date of the Board meeting.

**VII. Committee Reports**

A. *Finance Committee*

Jane Victorey provided the Finance Committee report, starting with the 2010 Operating Budget. She indicated that the Finance Committee met three times in an effort to determine how to proceed for 2010, and the budget being proposed would bring the MVTA fund balance down to 1.8 months of reserves, which is below the MVTA's stated policy. It was noted that there were several funding allocation changes that contributed to the bottom line: the MVTA received no discretionary funds in the second half of 2009 and will receive no discretionary funds in 2010. Further, MVST collections have been down. Finally, there are more modes requiring operating dollars (i.e., Northstar), but operating dollars have been decreasing across the region. The Finance Committee plans to meet at least quarterly in 2010 to monitor MVTA's budget and if it appears that the fund balance is approaching the 1.8 months of reserves, there would be further discussions regarding other measure including service reductions. Further, the Finance Committee does not want to trigger anything that would be labeled a significant weakness on the financial reports.

The discussion then turned to the Capital Improvement Program (CIP), which was adopted in draft form at the October meeting. There were no changes to the proposed CIP. William Droste noted that he would vote against the CIP as he believes that there are projects that are identified with a higher priority than the Rosemount service, despite Rosemount's involvement for so many

years. He specifically cited a transfer station in Eagan at a cost of \$165,000. Will Branning commented that he has been working hard to address the needs of Rosemount and stated that “you can’t advance transit if you don’t have a facility.” There was discussion about the CMAQ funding for a Rosemount station, and whether or not the project could be advanced. Beverley Miller indicated there is a process that can be followed to advance fund a project.

Motion by Will Branning and seconded by Jane Victorey to approve the Operating Budget and Capital Improvement Program. Motion carried with William Droste voting “nay.”

Motion by Will Branning and seconded by Gary Hansen approving an increase in MVTA benefits from \$830 to \$855/month. Motion carried.

#### *B. STA*

Beverley Miller reported that STA met and is preparing comments on a number of policies proposed by Met Council staff, which will then be forwarded to the Policy committee that will review the policies. A new advisory committee is being formed to work on developing a systematic approach to transit station development across the region. Will Branning volunteered to serve on the Committee on behalf of STA.

#### *C. Marketing Committee*

Gary Hansen provided the Marketing Committee report, noting that plans are progressing for the Jan. 8 Grand Opening event at the new Apple Valley Transit Station. A number of speakers have been contacted, but we are still awaiting confirmation from several. The committee was joined by Apple Valley Mayor Mary Hamann Roland and Administrator Tom Lawell at the site on Monday for a walk through to aid in planning the event. High school bands are being invited to provide music. The ribbon-cutting will take place in the skyway across Cedar Avenue. Save the Date announcements have been distributed and invitations will follow. Cake, cookies and beverages will be served.

### **VIII. Staff Reports / Update**

Attorney James Strommen informed the Board of the status of the title transfer for the new Apple Valley Transit Station. Barb Ross had started this effort and has passed it off to Kennedy & Graven. Progress was being made toward this goal until Wednesday, when Strommen received an e-mail from county staff regarding its intent to recommend to the Regional Rail Authority board that consent to the AVTS transfer from Met Council to MVTA be conditioned on agreements being reached with the Cities of Apple Valley and Lakeville regarding the Cedar corridor including streetscaping and other elements. He will forward information to Will Branning and Liz Workman and he and Beverley Miller will plan to attend the Regional Rail Authority meeting on Dec. 15.

### **IX. Adjournment**

Motion by Will Branning and seconded by William Droste to adjourn the meeting at 6:12 p.m.

**Minutes Prepared By:** Robin L. Selvig

**Next Regular Meeting Scheduled:** January 27, 2010, 4:30 p.m. Eagan Bus Garage, 3600 Blackhawk Road, Eagan.

All regularly Scheduled Board Meetings will be held on the **FOURTH** Wednesday of the month at the posted time and location unless otherwise notified.

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_