

MINNESOTA VALLEY TRANSIT AUTHORITY  
Regular Board Meeting  
October 27, 2010 – 4:30 p.m.  
Burnsville Bus Garage, 11550 Rupp Dr., Burnsville, MN 55337

**Board Members Present:**

Gary Hansen, Eagan  
Jane Victorey, Savage  
Sharon LaComb, Apple Valley  
William Droste, Rosemount  
Wally Lyslo, At-Large  
Jon Ulrich, Scott County

**Others Present:**

Beverley Miller, Executive Director  
Shaun Morrell, Planner  
Robin Selvig, Customer Relations Manager  
Tom Bright, Facilities Manager  
Lois Spear, Finance Officer  
James Strommen, Kennedy & Graven  
Samantha Porter, Operations Manager  
Lori Peterson, Eagan Personnel Consultant  
Terri Heaton, Springstead  
Connie Massengale, Schmitt & Sons  
James Clark, Messerli & Kramer

**I. Call to Order**

The meeting was called to order at 4:32 p.m. by Chair Will Branning. Roll call followed and all Board members were present.

**II. Public Comments**

Jim Drahos of Eagan addressed the Board regarding service from the Cedar Grove Transit Station. Eagan resident addressed the MVTA Board at its meeting on Oct. 27. He rides the bus from Cedar Grove and was very complimentary regarding drivers, timeliness and interaction with MVTA staff. His concern is the Cedar Grove to Mall of America trip timing. He said that since September, there has been a "negative Tsunami" effect on connections at the Mall of America, particularly to the light rail. He asks that timing be done in reverse- what time do buses need to be at MOA to make connections, and then what time should they leave Cedar Grove in order to meet those connections.

Will Branning noted that when station-to-station BRT is up and running, it will be timed to connect with LRT. Michael Abegg explained that changes are typically locked in place three months ahead of a service change - right now, nothing could happen before March. MVTA Staff will report back at December Board meeting.

**III. Approval of Agenda**

Additions were made to the Agenda (item V-B, Terri Heaton and the COP Update; V-C, Motions to conduct a Phase II environmental audit at the Adelman property in conjunction with the expansion of the Eagan Bus Garage; VI-C – discussion of the Transitway Guidelines; and Item VII-B was removed and replaced with a discussion regarding representation on the I-35W Solutions Alliance. Motion by William Droste and seconded by Gary Hansen to approve the revised agenda. Motion carried.

**IV. Consent Agenda**

Item C was pulled from the Consent Agenda. Motion by Jane Victorey and seconded by Jon Ulrich to approve the remainder of the Consent Agenda. Motion carried. Resolutions adopted as part of the Consent Agenda are attached to these minutes.

Bill Droste commented on a meeting of community and school leaders held recently in Rosemount where the need for a passenger van to transport students to various activities is needed. He asked if there were an opportunity for the MVTA to procure such a van for this purpose or if the MVTA could otherwise help. Michael Abegg provided information that the MVTA could not purchase a van that would operate in revenue service that was not accessible, and that the FTA does have rules about the types of service the MVTA can provide. Beverley Miller said the MVTA would like to better understand the need and perhaps there is an opportunity to work together. Motion by Bill Droste and seconded by Sharon LaComb. A roll-call vote followed:

Sharon LaComb – Aye	Wally Lyslo – Aye	Jane Victorey – Aye
William Droste – Aye	Gary Hansen – Aye	Jon Ulrich – Aye
Will Branning – Aye	Dan Kealey – Aye	

Motion carried.

**V. Old Business**

**A. Award Agreement for Rosemount Park & Ride**

Lois Spear presented information regarding an agreement to for design and construction administration services related to the Rosemount Park & Ride. The procurement process was described and Bonestroo, the low proposal was recommended for the work. Motion by Dan Kealey and seconded by Gary Hansen. A roll-call vote followed:

Sharon LaComb – Aye	Wally Lyslo – Aye	Jane Victorey – Aye
William Droste – Aye	Gary Hansen – Aye	Jon Ulrich – Aye
Will Branning – Aye	Dan Kealey – Aye	

Motion carried.

**B. COP Update**

Terri Heaton of Springsted and Lois Spear provided an update on the status of Certificates of Participation and Build America Bonds (BAB) to be used for the Eagan Bus Garage Expansion. New budget estimates have been prepared and it was determined that the renovation portion of the project would need to be funded separate from the expansion of the bus garage. Heaton noted that given that the MVTA budgeted \$500,000 as the annual principal payment, the estimate would be a 20-year term not a 25-year term. It was also noted that the MVTA could delay principal payments for two years while using NTD funds to cover the cost of the renovation.

The BAB program continues to be very attractive and could be completed by year end. Items of note that may affect the timeline include:

- Additional staff parking will be needed; preferred option is to use MnDOT Right-of-Way on Highway 13 and this is being pursued.
- The MVTA currently has an easement with the Met Council that would need to be amended as additional structure would be built on this easement.

The RFP process for finding an underwriter will begin immediately and will follow a dual-track (BAB or Tax exempt bonds). The sale of the bonds would likely take place at the December Board meeting, with closing by the end of December.

**C. Resolutions regarding EBG Expansion**

Information from Corrine Heine was distributed to Board members. Beverley Miller apologized for the late notice about this, but indicated that some actions are needed related to environmental work associated with the Eagan Bus Garage expansion. A Phase I environmental report has been received and a Phase II is recommended. URS was contacted and indicated they could do the work at a cost not to exceed \$25,000 and that they could be on-site and have a report written within about 10 days. Issues of concern:

- Items identified as part of Phase I: 1) Old septic system on site; not certain if it was properly abandoned; may require removal; 2) Old well may not have been sealed and may require sealing; 3) Mn Department of Health or Agriculture reported a chemical spill in the southwest corner of the site – not groundwater concern as long as MVTA does not excavate below 20 feet (should not be an issue) but could involve some soils contamination (impacts expected to be minor); 4) Portion of old household or farm dump may exist on the north part of the site and could involve some additional costs in disposing of those items, if encountered; 5) Possible minor spills from farm equipment; 6) Sheds on the property have lots of cans of paint, fertilizer, etc. that owners should remove or there will be special disposal costs; and 7) House will be demolished and is expected to need asbestos and lead paint abatement.
- General concept is that the MVTA would pay costs for septic system, well sealing and asbestos/lead abatement because they are associated with the MVTA’s proposal to redevelop the site. The Adelmans would be asked to remove all paint cans and personal property and to reimburse the MVTA for any soil removed required by the chemical spill or special disposal costs of items in the household dump.

Motion by Dan Kealey and seconded by Gary Hansen to authorize the chairperson and executive director to negotiate and approve a contract with URS for a Phase II environmental investigation and report on the property at 3645 Sibley Memorial Highway, on the condition that the contract does not exceed a cost of \$25,000. A roll-call vote followed:

Sharon LaComb – Aye	Wally Lyslo – Aye	Jane Victorey – Aye
William Droste – Aye	Gary Hansen – Aye	Jon Ulrich – Aye
Will Branning – Aye	Dan Kealey – Aye	

Motion carried.

Motion by Gary Hansen and seconded by Jane Victorey to authorize the chairperson and executive director to negotiate a purchase agreement addendum to allow entry to conduct the Phase II environmental review. A roll-call vote followed:

Sharon LaComb – Aye	Wally Lyslo – Aye	Jane Victorey – Aye
William Droste – Aye	Gary Hansen – Aye	Jon Ulrich – Aye
Will Branning – Aye	Dan Kealey – Aye	

Motion carried.

Motion by Dan Kealey and seconded by Sharon LaComb to authorize the chairperson and executive director to waive the environmental contingency in the purchase agreement with Michael and Steven Adelman for the purchase of the property at 3645 Sibley Memorial Highway, on the condition that the Adelman's remove at their expense (or reimburse the MVTA for the expense of removing) all debris and personal property from the site and on such other terms and conditions as the chairperson and executive director deem advisable after receipt of the Phase II environmental report. A roll-call vote followed:

Sharon LaComb – Aye	Wally Lyslo – Aye	Jane Victorey – Aye
William Droste – Aye	Gary Hansen – Aye	Jon Ulrich – Aye
Will Branning – Aye	Dan Kealey – Aye	

Motion carried.

## VI. New Business

### A. Purchase of two Replacement Buses

Glenn Boden reviewed the packet memo regarding the purchase of two Gillig buses to replace two vehicles transferred to the MVTA by Metro Transit that have reached the end of their useful life. A grant with the Metropolitan Council is in process to cover the cost of these vehicles. Boden noted that the old buses would be returned to the Metropolitan Council. Motion by Wally Lyslo and seconded by Jane Victorey to authorize the chair and executive director to issue a purchase order exercising contract options with Gillig for the purchase of two transit buses at a price not to exceed \$832,266. A roll-call vote followed:

Sharon LaComb – Aye	Wally Lyslo – Aye	Jane Victorey – Aye
William Droste – Aye	Gary Hansen – Aye	Jon Ulrich – Aye
Will Branning – Aye	Dan Kealey – Aye	

Motion carried.

### B. Award Facility Repairs Study Agreement

Tom Bright requested that a contract be awarded to TKDA to conduct a baseline of facilities/site conditions, identify areas in need of repair or replacement and provide cost estimations for budgeting purposes. He reviewed the RFP process and indicated that of three responses received, TKDA proposed the lowest cost and has done similar work for Metro Transit and the Minnesota State Fair. The Board asked questions about whether or not this has been done in the past, and why it is being proposed at this time. Bright responded that it has not been done in the past, and is being proposed at this time due to the varying ages of MVTA facilities and the need for engineering expertise to get better estimates to place into the Capital Improvement Program. Funding was also a question and Bright said that the MVTA has provided some facilities improvement funding grants that will be used to cover the cost of the survey as well as begin to cover needed rehabilitation. Motion by Gary Hansen and seconded by Dan Kealey. A roll-call vote followed:

Gary Hansen – Aye	Jon Ulrich – Aye	Wally Lyslo – Aye
Dan Kealey – Aye	William Droste – Nay	Sharon LaComb – Aye
Jane Victorey – Aye	Will Branning – Aye	

Motion carried.

### **C. Transitway Guidelines**

Michael Abegg provided information about the Transitway Guidelines process based on presentations made to the Transitway Advisory Committee on Monday (Chair Will Branning represents the STAs on the Committee). He said that it was determined that a number of guidelines would be forwarded to the Transportation Committee for review at its Nov. 8<sup>th</sup> meeting and subsequent approval by the Met Council in December. Concerns expressed included:

- Recommendations being presented are not necessarily from the Committees themselves, but from Metro Transit and/or Met Council staff.
- The items are not guidelines but are more regulatory requirements.
- The timeline for adoption seems to have been shortened significantly (originally slated for approval in April 2011 and now pushing for approval in December 2010).
- There is no public review process or opportunity for public comment.

Jon Ulrich noted that the Transportation Advisory Board (TAB) was told last week that the guidelines would not be completed this year. Further, he said, TAB has had no opportunity to review and/or comment on the guidelines. The guidelines will be presented to CTIB on Friday, Oct. 29.

A consensus of the Board agreed to draft a letter for signature by Chair Branning to be sent to Chair Bell, Transportation Committee Chair Robert McFarland, and the three Met Council representatives that serve the MVTA service area, highlighting five key points:

- It's good that the region is considering regional guidelines
- There is understanding that there is a need for timeliness in agreeing on parameters (such as for purchase of vehicles)
- Expressing concern regarding the sudden revision of the timelines
- Input coming from Metro Transit/Met Council staff more than from the Committees themselves
- The need for a public comment process

Michael Abegg will draft the letter; Jim Strommen will review it. It was also suggested the letter be sent to the Office of the Legislative Auditor and the Board agreed.

### **VII. Staff Reports / Update**

Beverly Miller brought the Board's attention to the UPA change order included in the packet for informational purposes. Will Branning noted that he had heard that the MVTA was going to be invited to participate as an ex-officio member of the I-35W Solutions Alliance. Beverly Miller asked if any Board members would be interested in taking this on, when the official notification is received. Board members suggested that staff cover the meetings (Jon Ulrich is already a voting member and Dan Kealey is the Burnsville alternate). Michael Abegg reported that the combined meeting of city and county staff went very well with good discussion. Public meetings have been set for Nov. 15 (3-7 p.m. at the Burnsville Transit Station) and Nov. 18 (4-7 p.m. at the Dakota County Western Service Center in conjunction with the Cedar BRT meeting).

**VIII. Committee Reports**

**A. STA**

Beverley Miller thanked the Cities for responding promptly to the request that cities adopt resolutions in support of Prior Lake being admitted as a member of the Suburban Transit Association. All MVTA cities acted very promptly. She also reminded Board members that there is an STA Board meeting on Nov. 12 at 9 a.m. at the League of Minnesota Cities Building. The board will vote on the Prior Lake membership at this time. Finally, Miller reported on a meeting with Rep. Alice Hausman, stating it was a good meeting. Chair Branning added that it was 1-1/2 hours, congenial and time well spent.

**B. Finance/Personnel Issues**

Personnel consultant Lori Peterson of the City of Eagan then led the Board through some follow-up actions regarding Personnel decisions adopted at the September Board meeting. Motion by Jane Victorey and seconded by Jon Ulrich to set the 2010 and 2011 cost of living increase (COLA) for MVTA staff at zero percent. A roll-call vote followed:

Gary Hansen – Aye	Jon Ulrich – Aye	Wally Lyslo – Aye
Dan Kealey – Aye	William Droste – Aye	Sharon LaComb – Aye
Jane Victorey – Aye	Will Branning – Aye	

Motion carried.

Motion by Jane Victorey and seconded by Will Branning to set the merit increase cap to 2.6 percent given economic times and to be in concert with MVTA cities. A roll-call vote followed:

Gary Hansen – Aye	Jon Ulrich – Aye	Wally Lyslo – Aye
Dan Kealey – Aye	William Droste – Aye	Sharon LaComb – Aye
Jane Victorey – Aye	Will Branning – Aye	

Motion carried.

Peterson then presented information about an MVTA PTO Policy, including a summary of a draft policy and specific language options. Due to the time, this item was referred to the Finance Committee for review and costing and will be presented to the Board again in December.

Motion by Dan Kealey and seconded by Wally Lyslo to close the meeting at 6:56 p.m. for the purposes of discussing the Executive Director review. The meeting was re-opened at 7:25 p.m. At that time, Chair Branning thanked Beverley Miller for her work and stated that her performance has been outstanding. Motion by Jane Victorey and seconded by Gary Hansen to approve an increase of Beverley Miller’s salary to the top of her pay range (about a 1.1 percent increase). Board members then individually commented on the executive director’s performance and thanked her for her work during challenging and stressful times (UPA, tight deadlines, OLA). A roll-call vote followed:

Gary Hansen – Aye	Jon Ulrich – Aye	Wally Lyslo – Aye
Dan Kealey – Aye	William Droste – Aye	Sharon LaComb – Aye
Jane Victorey – Aye	Will Branning – Aye	

Motion carried.

Miller expressed appreciation to the Board for their confidence. She said involvement from the Board has been key, and that despite the stress and struggle related to activities, she really enjoys her job.

**IX. Adjournment**

Motion by Gary Hansen and seconded by William Droste to adjourn the meeting at 7:32 p.m.

**Minutes Prepared By:**

**Robin L. Selvig**

**Next Regular Meeting Scheduled: December 8, 2010, 4:30 p.m. Burnsville Bus Garage, 11550 Rupp Dr., Burnsville.**

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: \_\_\_\_\_