

MINNESOTA VALLEY TRANSIT AUTHORITY

Regular Board Meeting  
March 23, 2005 – 4:30 p.m.  
Burnsville Transit Station

**Board Members Present:**

William Droste, Rosemount  
Margaret Schreiner, At Large  
Kevin Lienau, Savage  
Elizabeth Kautz, Burnsville  
Will Branning, Dakota County  
Meg Tilley, Eagan  
Ruth Grendahl, Apple Valley

**Others Present:**

Beverley Miller, Executive Director  
Michael Abegg, Planner  
Robin Selvig, Customer Relations Manager  
Lois Spear, Finance Officer  
Tom Bright, Facilities Manager  
Tom Pepper, Eagan  
Wally Lyslo, At Large Alternate  
Tom Knier, Laidlaw Transit  
Barb Ross, Best & Flanagan  
Shira Kantor, Star Tribune

**I. Call to Order**

The meeting was called to order by Chair William Droste at 4:32 p.m.

**II. Public Comments**

There were no comments from the public.

**III. Approval of Agenda**

Several items were added to the agenda: V. Old Business item “C” regarding the County Road 31/County Road 46 project; VI. New Business item “D” regarding Joining LOGIS; and VII. Staff Reports item “B” Legal Counsel Report. Discussion of the parking permit situation in Apple Valley would be covered under the STA report.

Motion by Elizabeth Kautz and seconded by Ruth Grendahl to approve the revised agenda. Motion carried.

**IV. Consent Agenda**

Bill Droste pulled the Operations/Expense Reports from the Consent Agenda for discussion. Motion by Margaret Schreiner and seconded by Elizabeth Kautz 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 reviewed the MVTA’s financial statement for January, expressing concern about the nearly \$176,000 operating loss included on the statements. Finance Office Lois Spear joined the meeting and distributed a document labeled “MVTA 2005 General Fund Forecast as of 3/23/2005.” She noted that MVET funds are about \$1 million below forecast. She reviewed the MVTA’s fund balance reserves, including items approved as one-time expenditures in 2004 but that were actually moved into 2005, and funds approved for use in constructing the Eagan Bus Garage. It was discussed that the previously approved leveraging of fund balance for buses and the Eagan Bus Garage will likely result in a short-term debt. However, given that the bonding bill has not yet been adopted, this is still subject to change. Ms. Spear also indicated that the Board has

discussed having three months of reserves in the fund balance, and noted that the projected 2005 deficit of \$361,603 will also be covered by Fund Balance, leaving just more than \$500,000 in remaining available Fund Balance. Motion by Elizabeth Kautz and seconded by Meg Tilley to approve the remainder of the Consent Agenda. Motion carried.

**V. Old Business**

*A. Data Collection*

Beverley Miller reviewed information included in the packet for a data collection effort to be conducted by Benschopf & Associates. Motion by Elizabeth Kautz and seconded by Meg Tilley to approve this item. Motion carried.

*B. Fareboxes*

Michael Abegg updated the Board on issues associated with fare box reliability. He indicated that he does not believe the issue is significant for MVTA, with an estimated loss of \$6,000 per year due to fare box maintenance issues. Mr. Abegg indicated that the MVTA providers are able to locate parts needed to keep the fare boxes in working order. He also indicated that a new system might result in fewer losses, but that implementation of the new fare system (Go-To card) will also result in fewer problems. It was noted that it is still appropriate to set aside capital funds for a fare box maintenance facility and funding for component parts of fare boxes.

*C. County Road 46/County Road 31 (Lebanon) Park & Ride*

Beverley Miller distributed a memo regarding the County Road 31/County Road 46 Park & Ride project (heretofore called Lebanon Park & Ride), requesting approval of the building and design plans for the project at the request of Dakota County. Will Branning indicated that the County could not proceed with the letting of bids for construction of the park & ride without this approval. He displayed a color-coded map of the project, indicating which portions of the property are undergoing condemnation proceedings, and where the transit station would be located. Ruth Grendahl expressed concern about the timing of this issue, indicating that the City of Apple Valley, another partner in the project, has not yet approved the building and design plans due to condemnation proceedings that are under way.

Other Board members questioned the status of the project, and Beverley Miller noted that the MVTA was not “in control of the project,” and therefore did not believe it was appropriate to be approving plans before this time. The Board was reminded that it approved an agreement with Dakota County to design the project, and that the actual design work was conducted by LSA Design. Further, the Board approved several amendments to the agreements with regard to the project as a result of changes in the site, escalating construction costs and fluid timelines.

The County has now initiated the necessary condemnation proceedings on its portion of the project, and therefore the project should proceed ahead at this time. It was noted that this project will also provide some parking relief in Apple Valley. Questions were raised by several Board members regarding who would operate service from the site, and how that service would be funded. Wally Lyslo questioned bus operations on the site, and Beverley Miller indicated that the flow of traffic was adequate. Kevin Lienau offered two comments regarding the transit operations at the site: 1) include a concrete pad

where buses are parking, and 2) provide signage at the site (noting there is no signage at the Savage Park & Ride and it has been difficult for potential bus rider to find the site).

Motion by Elizabeth Kautz and seconded by Kevin Lienau to approve the building and site plan for the project, with several notes: the MVTA would like a monthly communication from County staff regarding the status of this project, and the MVTA should have the “right of first refusal” with regard to operating the bus service from this location. Kautz expressed dissatisfaction with the “messiness” of how this has been handled, but she and others indicated they did not want to lose the federal funds associated with this project. Ruth Grendahl commented that no dollars are budgeted to operate service from this location, the site would not have been selected by the City of Apple Valley, and it will provide “no relief” to the situation at the Apple Valley Transit Station. The motion was then approved with Ruth Grendahl and Will Branning abstaining.

## **VI. New Business**

### *A. Memo Regarding At-Large Commissioner*

Barb Ross reviewed her memo regarding the appointment of the At-Large Commissioners. Board members agreed they would like language drafted removing the term-limits for the at-large position. Kevin Lienau also expressed interest in having the cities of Rosemount and Savage, at some future date and time when other cities might join the MVTA, as “charter” member cities that would also have a vote in selecting the at-large Board member. Motion by Elizabeth Kautz and seconded by Meg Tilley asking legal counsel to draft a revised Joint Powers Agreement for adoption by MVTA cities removing term limits for the at-large member and alternate. It was also asked that legal counsel draft language regarding “charter members” having a vote in the at-large positions for future consideration. Motion carried.

### *B. Bus Accessibility Standards*

Michael Abegg discussed the issue of accessibility, noting that the MVTA follows the requirements spelled out in the ADA guidelines. However, he said, the MVTA has had recent incidences when MVTA lifts could not accommodate a customer due to a wheelchair size and/or combined weight of passenger and chair being greater than that which the lift could handle. There is no clear regional policy on this issue at this time, and it is unclear if the MVTA has an obligation to accommodate these passengers or if they should be using Metro Mobility services. The MVTA will continue to research this issue and will keep the Board apprised as a policy is developed.

### *C. Fare Policy*

Michael Abegg also discussed the need to draft an MVTA fare policy. The issue has been raised by a rider questioning free rides by a sheriff’s deputy in plain clothes. To date, the MVTA has been unsuccessful in locating a regional policy, but has reviewed the *Metro Transit Operator’s Rule Book & Guide* which contains some language but has inconsistencies and ambiguities. It is proposed that the MVTA develop its own policy with these issues clearly defined, to be approved at a future MVTA Board meeting. Board members agreed that such a policy should be drafted, and that Mr. Abegg is on the right track.

### *D. Joining LOGIS*

Lois Spear reviewed the efforts of a committee to seek financial management software to meet the MVTA's needs. Committee members included George Ballenger (City of Apple Valley Finance Director), Tom Pepper (City of Eagan Chief Financial Officer), Bonnie Carlson (Southwest Metro Transit Administrative Services Director) and Ms. Spear. An RFP was issued and five responses were received. Two were immediately eliminated as being significant over the budget for the project. Three firms provided demonstrations, and all were considered capable of handling the MVTA's needs. Because Apple Valley and Eagan both use LOGIS, it was suggested that the MVTA also review that solution, and it was suggested that the MVTA join LOGIS as this is the best solution to meet the MVTA's needs. Motion by Will Branning and seconded by Meg Tilley approving joining LOGIS for the MVTA's financial management software. Ms. Tilley noted that Eagan has been very satisfied with LOGIS. Ruth Grendahl questioned the joining fee of "not too exceed \$25,000" and Ms. Spear noted that the LOGIS Executive Director suggested the fee could be "substantially less" than \$25,000. Board members agreed that it should be as the MVTA is not a new member, given that several MVTA Cities are already members of LOGIS. Motion carried.

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

### *A. Legal Counsel Report*

The Board went back to its original agenda, and Beverley Miller suggested that in the interest of time, the Executive Director report be foregone, and that the Board proceed with the Legal Counsel report. Barb Ross noted that the lease with Tom Baker had been drafted, and language requested by the MVTA Board has been included in the document. Mr. Baker would like to proceed with the signing of the lease as soon as possible. The question raised by Ms. Ross is whether or not Mr. Baker has spoken with Dakota County regarding space for the License Center in the new building. Commissioner Branning stated he did not know the answer without speaking with Tom Novak. This item was continued to the next MVTA Board meeting, or to a special meeting, if necessary, once an answer is obtained.

## **VIII. Committee Reports**

### *A. STA*

The Board then proceeded to the STA Committee Report. James Clark of Messerli & Kramer joined the Board, while draft legislation was distributed to Board members. Before he began his report on the draft legislation, he noted that he was listening to the Conference Committee, and that the \$10 million for the Cedar Avenue project is still included and that legislators from the MVTA area are in very strong support of this measure. He also indicated that Tom Poul is the lead lobbyist for STA, but in Mr. Poul's absence, he is happy to meet with the MVTA Board. He stated that his primary role was to get feedback on the draft legislation to take back to Mr. Poul and the legislators that are working on the bills.

Ruth Grendahl indicated that she was upset about the language of the bill. She stated that it was more of a detriment than a solution to the current problem. She said the fact that joining the transit taxing district is "voluntary" is "laughable" and she is not in support of the bill in its current form. She suggested a "delete all" of the language in the draft legislation, and that the transit taxing district should be tied to the MUSA line. She further noted that there should be language to update the transit taxing district at regular intervals. She also asked about whether or not any Democrats had been approached with

regard to this bill. Mr. Clark indicated that he was not aware that this issue had been discussed with any Democrats at this time, and he suggested that Rep. Frank Hornstein and Sen. Scott Dibble would be good candidates. He noted, however, that STA was trying to work with legislators in the affected areas, first.

Meg Tilley expressed concern about the phase in period, stating it should be no more than three years. She was also concerned about the “voluntary” participation.

Margaret Schreiner indicated there were only a couple of sentences that are critical – those providing for sharing of the tax collected between operations and capital expenses. Bill Droste agreed that the language needed modification and that it is a tax equity issue for residents in and out of the taxing district. He stated that riders don’t see city boundaries, they see corridors for transit.

Beverly Miller told Board members that Sen. Chris Gerlach called her today describing the language as including “maximum flexibility” and that the meat would be included in the service plan between any given city at the Met Council. Kevin Lienau questioned the service plan, noting concern about an agreement between a city and the Met Council in which another entity (i.e., MVTA) is named the service operator. Will Branning expressed concern about the ramp-up period, and that funds should not be taken from capital and other operations already in existence to subsidize the entry of new cities into the transit taxing district. He was also concerned that no solution to this issue be detrimental to the funding being sought for the Cedar Avenue project.

Motion by Ruth Grendahl and seconded by Meg Tilley to approve the language regarding funds collected from new areas to the transit taxing district being split between capital and operating costs for a maximum of a three-year phase in. Motion carried. Mr. Clark stated he would bring all the comments back to Tom Poul and STA, but believed the House and Senate bills were good “place holders” while final language was drafted.

Kevin Lienau assumed chairmanship of the Board as Bill Droste had to leave for another meeting. Margaret Schreiner also reported other information discussed at the last STA meeting, including the bleak MVET picture, which the Met Council was looking at increased expenditures associated with health care costs, gas and inflation-related issues. She said that Nacho Diaz and Judd Schetnan of the Met Council were gracious with the amount of time spent with STA, explaining these issues.

There was also discussion of the parking situation in Apple Valley. Correspondence was distributed to Board members, including a letter from Dakota County and a letter between Apple Valley’s attorney, Mike Dougherty, and Mike Ring of the Dakota County Attorney’s Office. The correspondence indicated that there was nothing to prevent the City of Apple Valley from using a permitting process. However, in conversations and e-mails today, the MVTA understands that the Federal Highway Administration has made a ruling that permitting is not allowed. Written confirmation of this ruling is pending. Ruth Grendahl stated that the City could certainly provide permits for on-street parking, and that permits could be used at the Apple Valley Transit Station until a suit is filed. Meg Tilley stated she is in favor of the permitting process, and that it could be expanded to other cities in the MVTA. She said that if riders cannot park at Apple Valley Transit

Station, they would move to another park & ride, and could potentially block residents from within the MVTA from finding a parking space or a seat on the bus.

*B. Strategic Planning Committee Meeting*

The Strategic Planning Committee (Elizabeth Kautz, Will Branning, Bill Droste and Jon Ulrich) will take on the MVTA's Strategic Plan. The Committee will meet and keep the Board apprised of its progress, with plans to have the full document available for approval at the June 2005 Board meeting. A meeting will be scheduled in the near future.

*B. Personnel Committee*

In the absence of the MVTA Chair, and the Chair of the Personnel Committee (Elizabeth Kautz), the Executive Director salary recommendation was continued until the April meeting.

**IX. Adjournment**

Motion by Meg Tilley and seconded by Ruth Grendahl to adjourn the meeting at 7:02 p.m. Motion carried.

**Minutes Prepared By:**

**Robin L. Selvig**

**Next Regular Meeting Scheduled: April 27, 2005, 4:30 p.m. Burnsville Transit Station, Second Floor Conference Room**

All regularly Scheduled Board Meetings will be held on the **FOURTH** Wednesday of the month at the posted time at the Burnsville Transit Station Second Floor Conference Room unless otherwise notified.

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

Date: \_\_\_\_\_