

MINNESOTA VALLEY TRANSIT AUTHORITY  
Regular Board Meeting  
October 28, 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  
Jon Ulrich, Scott County  
Will Branning, Dakota County

**Others Present:**

Beverley Miller, Executive Director  
Shaun Morrell, Planner  
Lois Spear, Finance Officer  
Robin Selvig, Customer Relations Manager  
Mike Abegg, Planning Manager  
Tom Pepper, Eagan TWG  
Tom Bright, Facilities Manager  
James Strommen, Kennedy & Graven  
Sam O'Connell, Dakota County  
Connie Massengale, Schmitt & Sons  
Troy Beam, Scott County TWG

**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**

One item was added to the Agenda as item VIId regarding assignment of MVTA bus options to Plymouth Metrolink. Motion by William Droste and seconded by Will Branning to approve the amended agenda. Motion carried.

**IV. Consent Agenda**

Item B, Ratify UPA Agreements was pulled from the Consent Agenda. Motion by Jon Ulrich and seconded by William Droste to approve the remainder of the Consent Agenda. Motion carried. Resolutions adopted at the meeting are attached to these minutes.

Jane Victorey indicated that it might be appropriate for UPA contracts only to increase the executive director's authority to sign contracts to \$50,000 as some of the recent change-orders were above the \$20,000 authority. She further indicated that given that there is other review of these projects (i.e., Metropolitan Council), and the Board would still ratify the agreements, this would be a fairly low risk change. There was discussion about how these change orders impact the project budget and the amount of information to be provided by the Board regarding change orders. Further, there was concern expressed that this increase in authority could expose the Board. Attorney James Strommen commented that \$50,000 is a significant amount of authority for an executive, but that in this case it may be warranted.

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. Further, 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.

[NOTE from MVTA attorney James Strommen: If the Board seeks to delegate authority to the Executive Director to approve change orders (CO) up to \$50,000 on the UPA project, the Board does not retain its right to ratify the COs once the Director signs a CO. The requested explanation of the CO then is for informational purposes only (because the delegation waves the right to ratify). If that is the MVTA's intent, then the above minutes could be modified to add after the first line "bind the MVTA upon her signature on a change order up to \$50,000. . ." And after "further," in the next sentence, add "for information purposes only." If, on the other hand, the Board intended to retain the right to reject a CO upon review of the explanation, it is not truly delegating to the Director the authority to bind the MVTA on those COs. It would be good to confirm Board intent on the above motion in that regard.]

**V. Old Business**

*There was no Old Business.*

**VI. Committee Reports**

*A. Finance Committee*

The Finance Committee Report was moved up to accommodate the Treasurer's need to attend another meeting. Jane Victorey reported on the 2010-2015 Draft Capital Improvement Budget. She indicated that the plan includes needs but does not necessarily include funding to meet the needs. Will Branning noted that the Dakota County Regional Rail Authority (DCRRA) will be approving specifications for the Cedar Avenue BRT vehicles. Sam O'Connell mentioned that the Implementation Plan Update includes \$7.1 for station-to-station service vehicles vs. the \$4.7 million included in the draft CIP as noted by Jane Victorey. This is why the MVTA adopts a CIP – so everyone knows what's coming and what might need to be modified in future years. Dakota County, MVTA and Met Council staff is all working on BRT vehicle characteristics. Motion by Gary Hansen and seconded by Jon Ulrich to adopt the draft 2010-2015 Capital Improvement Budget. Motion carried.

Jane Victorey presented the 2009 Budget Amendment, indicating that while fare collection and MVST revenue is down, fuel costs are also down, helping to offset the reduction in revenue. The budget amendment keeps the MVTA within policy with 4.8 months of expenditures in the unreserved fund balance in the general fund. Motion by Wally Lyslo and seconded by William Droste to approve the amended 2009 budget. Motion carried.

The final item presented by the Finance Committee was designating a Reserve for Claims account to include all insurance dividends and a transfer of \$50,000 from the unrestricted/ unassigned fund balance to cover insurance claims given that the MVTA has raised its deductible from \$2,500 to \$10,000. This change was included in the amended budget. Motion by Will Branning and seconded by Gary Hansen to designate a Reserve for Claims account and transfer \$50,000 into the account. Motion carried.

**VII. New Business**

*A. Fixed Price Fuel Program with State of MN<sup>1</sup>*

Lois Spear presented the Fixed Price Fuel Program item. She indicated that participation in this program will bring the MVTA into compliance regarding fuel acquisition and will provide pricing stability in the budget. It was suggested that with the price of fuel at a relative low right now, this is a good time to join such a program. The Board discussed the risk of participating in such a program and the biggest risk would be if the MVTA had to reduce consumption more than 23 percent from 2009. However, if such an instance would occur, the MVTA would have the

opportunity to find other buyers for the fuel committed to in the fixed price program. Motion by Wally Lyslo and seconded by William Droste to approve participation in the State of Minnesota's Fuel Consortium beginning Jan. 1, 2010. Motion carried.

*B. Marquette & Second Avenue Presentation*

Shaun Morrell provided an overview of the changes slated for Marquette and Second Avenues in downtown Minneapolis funded by the Urban Partnership Agreement. These changes are to take place beginning Dec. 14. A practice run was conducted on Sunday, Oct. 25, with 44 buses participating. Some adjustments will be made to the Standard Operating Procedures established for use of these lanes, and a full training package will be distributed to regional providers in the near future. Morrell also showed the training video produced by URS, depicting how the bus entering or exiting the curb-lane has the right-of-way. There will be a significant effort to train drivers as well as customers to this change. A draft of a flyer to be distributed to customers was given to Board members.

*C. Service Investment Plan*

Michael Abegg presented the concept of adopting a Service Investment Plan for the MVTA. He indicated that there are a number of reasons to do so, but specifically such a plan would comply with the MVTA's Strategic Plan and the need to provide a service improvement plan as part of the Metropolitan Transportation Policy Plan. He identified a series of "next steps" that would be discussed at monthly Board meetings beginning in January 2010. He indicated that a first step would be to work with City/County staff to review updated comprehensive plans. It was suggested that the MVTA consider a joint workshop with the Dakota and Scott County Boards to solicit input on draft goals, likely in the summer of 2010. There were discussions about what this effort should be called, but most Board members cited the need to have our plans documented and approved by the MVTA Board. Staff was given direction to proceed with this effort.

*D. Assignment of Bus Options to Plymouth*

Michael Abegg presented an item to assign authority to purchase option buses to the City of Plymouth. He indicated he believes the MVTA has sufficient vehicles in our current contract with Gillig to accommodate Plymouth's need for two buses. Motion by Wally Lyslo and seconded by Jon Ulrich authorizing the Chair and Executive Director to execute a Waiver & Release and an Intergovernmental Agreement to assign the option to purchase two buses from Gillig out of the MVTA's 2009 contract, to the City of Plymouth/Plymouth Metrolink. Motion carried.

**VI. Committee Reports - Continued**

*A. STA*

Beverley Miller reported that STA Executive Directors will be meeting to begin crafting the 2010 Legislative Agenda. The full STA Board is to meet Nov. 12 and the next STA Legislative Committee meeting is Dec. 3. Will Branning also reported on the consultant evaluation, indicating the general consensus was that the consultant provides good service but needs better communication. It was also discussed that there needs to be more interaction with Metropolitan Councilmembers, not just Council staff. Beverley Miller reminded Board members that Sherrie Munyon will be working with James Clark to help address some of these concerns. A brochure developed to help tell the story of the Suburban Transit Providers was passed around for Board members to see.

Beverley Miller also reported that Suburban Transit Providers have been meeting regularly with Metropolitan Council staff. She said there are a lot of discussions, but little consensus is being reached because each organization has its own guidance on policy issues and governance. At this point, the meetings continue.

**VIII. Staff Reports / Update**

Beverley Miller noted that the MVTA will have a Double-Decker bus in service from about Nov. 30-Dec. 18. During that time, customers will be polled about what they think of the bus and drivers/maintenance personnel will also be given an opportunity to offer input as the MVTA looks at buses that may be appropriate for service.

Finally, Beverley Miller reported that the MVTA will be conducting a system-wide Customer Survey in early November, to gather information about rider characteristics as well as reasons they ride the bus. A question has also been included to help determine the magnitude of needs for seniors.

**IX. Adjournment**

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

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

**Next Regular Meeting Scheduled: December 9, 2009, 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: \_\_\_\_\_