



**MINNESOTA SPORTS FACILITIES AUTHORITY MEETING TENTATIVE AGENDA
THURSDAY, OCTOBER 3, 2013, 5:00 P.M.**

**Hubert H. Humphrey Metrodome, Halsey Hall Room
900 South 5th Street, Minneapolis, MN 55415**

1. CALL TO ORDER
2. ROLL CALL
3. ADOPTION OF AGENDA
4. APPROVAL OF AUTHORITY MEETING MINUTES:
 - Regular Meeting, August 23, 2013
 - Special Meeting, September 4, 2013
5. CHAIR'S REPORT
6. BUSINESS
 - a. Report Items
 - i. Employment Assistance Firm Contract
 - b. Action Items
 - i. Authorize Negotiations/Contract for Real Estate Title Insurance & Related Services
 - ii. Approve Construction Services Agreement Change Order No. 3; Bolander Item
 - iii. Approve Stadium Development Agreement
 - iv. Approve Stadium Use Agreement
7. PUBLIC COMMENTS
8. DISCUSSION
9. ANNOUNCE FUTURE MEETINGS – FRIDAY, OCTOBER 25, 2013 AT 9:00 AM – Board Meeting
10. ADJOURNMENT



MINNESOTA SPORTS FACILITIES AUTHORITY REGULAR MEETING MINUTES

FRIDAY, AUGUST 23, 2013, 9:00 A.M.

**Hubert H. Humphrey Metrodome, Halsey Hall Room
900 South 5th Street, Minneapolis, MN 55415**

1. CALL TO ORDER

Chair Michele Kelm-Helgen called the meeting of the Minnesota Sports Facilities Authority to order at 9:03 AM.

2. ROLL CALL

Commissioners Present: Chair Kelm-Helgen, Commissioner Butts Williams, Commissioner Benson, Commissioner McCarthy and Commissioner Griffith.

3. ADOPTION OF AGENDA

Chair Kelm-Helgen presented the agenda. Commissioner Benson moved approval of the agenda, seconded by Commissioner Butts Williams and approved unanimously – 5 YEAS, 0 NAYS.

APPROVED

4. APPROVAL OF AUTHORITY MEETING MINUTES

Approval of Authority Minutes for Regular Meeting of July 19, 2013. Commissioner McCarthy moved approval of the July 19, 2013 Regular Meeting Minutes, seconded by Commissioner Benson and approved unanimously – 5 YEAS, 0 NAYS.

APPROVED



5. CHAIR'S REPORT

Chair Kelm-Helgen offered the following remarks.

"We have been on time and on budget for the past year. However, 2 weeks ago, the New Jersey Court ruling added a level of complexity to our work and our schedule. The legislation already required a level of due diligence on the Team's financing, but now we have engaged an independent legal and forensic accounting firm to do a deeper analysis of the Team's finances.

This due diligence was intended to run concurrently with the other stadium project work and is expected to be completed by September 15th. Our construction consultant, Scott Stenman, will share an updated schedule that shows some minor adjustments that will keep the July 2016 date intact.

However, to meet this schedule, some important work needs to continue. Having received numerous questions about the schedule from the public, the Authority thought it was of critical importance to clarify the construction schedule. To keep the July 2016 date intact, the new stadium's use and development agreements need to be finalized. This must occur before the state and NFL can move ahead with their financing arrangements. We wanted to highlight where we're at in the process with the public as that is our responsibility."

Chair Kelm-Helgen also offered an update on the Employment Assistance Firm (EAF) contract. The Authority is working and meeting with the group of partners who are participating through Summit Academy's contract proposal. The good news is that Mortenson is working with subcontractors to scope out significant pieces of work to move towards accomplishing the equity goals. The next step is to have Summit Academy and their partners sit down with the Authority's Equity Director to identify in greater detail where the workforce is at in each of the specialty trades. The Authority is making substantial progress and the goal is to have the contract finalized at the next meeting.

Chair Kelm-Helgen reported that there remains a great sense of urgency around the new stadium's parking plans. The Authority is working through negotiations and plans to have things finalized at the next board meeting as well.

6. BUSINESS

a. Report Items

i. New Stadium Project Schedule

The Authority's construction consultant, Scott Stenman, described the following master project schedule to the board.



Chair Kelm-Helgen stated this schedule is in jeopardy as the Team has canceled meetings on the use and development agreements. The Team notified the Authority that they would not conduct any further negotiations until the due diligence process had been completed. If these agreements are not finalized by September 15, 2013, then Team financing could slip from the planned November 1, 2013 disbursement, which would then push back the state bonding disbursement. This will ultimately push back the construction schedule, which would result in major costs to the project.

Commissioner Griffith relayed that as the Authority acts as the project's developer, it is on the hook for project cost overruns. The Authority must properly protect the budget with contingencies established for schedule delays. Even with a conservative amount of contingency at this point, there is a potential for significant cost overruns. The Authority now has a partner across the table that has issues outside of this transaction that could cause schedule delays. The documents need to be in final form and signed by September 15, 2013, otherwise the Authority will carry the financial risk. Commissioner Griffith suggested that the Authority give the documents back to the Team in the form the Authority wants to have them signed. If it doesn't happen by September 15th, then everyone will have to take it day by day.

Chair Kelm-Helgen, Commissioner Butts Williams, Commissioner Benson and Commissioner McCarthy voiced support to Commissioner Griffith's approach.

Chair Kelm-Helgen stated that these agreements have been discussed for over a year. The Authority is willing to work nights and weekends and will do whatever it takes to complete them. It is in everyone's best interest to keep this schedule in place. The Authority has been saying that the due diligence process will not affect the schedule. However, with the Team's new position, it is important to let the public know now that there is a chance that it could slip.

ii. June 2013 Budget Report

Attached is the second quarter budget report for the Minnesota Sports Facilities Authority, for the period from January 1, 2013 through June 30, 2013.

The budgetary comparison report for the operating, repair/replacements and concessions account includes the Authority's adopted 2013 annual budget, actual revenues and expenses for the first and second quarter 2013, the change in account balance, and the ending account balance as of June 30, 2013. The Authority's second quarter 2013 operating revenues totaled \$2,388,452, operating expenses totaled \$5,980,761, and non-operating revenues and expenses were \$177,323. As of June 30, 2013 the account balance decreased by \$3,414,986, and the ending account balance was \$8,665,237. The decrease in the account balance is due to the seasonal nature of Metrodome events and the majority of Authority's revenues and expenses are reported in the second half of the year. For example the Minnesota Vikings NFL football games are played in the third and fourth quarter of the year therefore the associated revenues and expenses will be reported in the same time period.



The budgetary comparison report for the stadium project trust account includes the project budget, actual revenues and expenses for 2012, actual revenues and expenses as of June 30, 2013, and a project-to-date column. As of June 30, 2013 the stadium project trust account revenues totaled \$8,340,336 which includes operating contributions from the Minnesota Vikings of \$469,031 and capital contributions from the Minnesota Vikings of \$7,871,305 expenses totaled \$8,340,336, and the ending account balance was \$0. Project-to-date revenues totaled \$11,720,455, project-to-date expenses totaled \$11,720,455 for a net account balance of \$0.

Also attached is the June 30, 2013 cash and investment summary and a detailed list of investments.

Recommendation: No action is required at this time. This is for informational purposes only.

b. Action Items

i. Approve & Authorize HKS Design Services Agreement Revision No. 1

Staff has negotiated a revision to the HKS contract. This contract revision has been approved by the principals of the Team and Authority ("SDC Group").

The contract revision provides for HKS's sub-consultant, Thornton Tomasetti, to provide certain structural steel detailing services to Mortenson's structural steel provider. That provider has yet to be selected. In addition, the contract revision provides for payment of extra costs related to HKS services for the schematic design roll out in May of this year. Finally, a credit for HKS design services not utilized for a retractable roof is received.

The contract revision provides for an **added** contract payment to HKS in the amount of \$1,157,680. With acceptance of this contract change, the HKS contract value is now \$35,157,680.

Recommendation: The Authority approves Design Services Agreement Revision No. 1 to HKS Inc. in the Add Amount of \$1,157,680. Furthermore, authorize the Chair and CEO/Executive Director to execute Design Services Agreement Revision No. 1 with HKS Inc. as outlined above and in accordance with the attached. Commissioner Benson moved to approve the recommendation. Commissioner Griffith seconded the motion.

APPROVED

ii. Approve & Authorize Mortenson Construction Services Agreement Revision No. 1

Mortenson Construction, through a public procurement process, has determined that Carl Bolander & Sons ("Bolander") is the lowest responsive bidder for site preparation work on the Metrodome site in advance of necessary work by Xcel Energy. Xcel Energy has a major electrical distribution line that routes underneath the northern edge of the Eastside parking lot. That distribution line will be relocated upon completion of the Bolander scope of work by Xcel Energy's work force. This contract revision has been approved by the principals of the Team and Authority ("SDC Group").



Bolander will perform the work using 25.4% Targeted Group Businesses and in accordance with the Equity Plan, utilize a 32% minority workforce and 6% female workforce. Alex Tittle, the Authority's Equity Director, has reviewed and approved the Bolander proposal.

The contract revision provides for an **added** contract payment to Mortenson in the amount of \$364,873. Attached is the contract revision. This revision would be incorporated as part of the Mortenson general conditions. By contract, Mortenson is eligible for payment of \$500,000 for services up to provision of a guaranteed maximum price in late October. With acceptance of this contract change, the Mortenson contract value is now \$864,873.

Recommendation: The Authority approves Construction Services Agreement Revision No. 1 to Mortenson Construction in the Add Amount of \$364,873. Furthermore, authorize the Chair and CEO/Executive Director to execute Construction Services Agreement Revision No. 1 with Mortenson Construction as outlined above. Commissioner Benson moved to approve the recommendation. Commissioner Butts Williams seconded the motion.

APPROVED

iii. Approve & Authorize Mortenson Construction Services Agreement Revision No. 2

After discussions with Mortenson, the Team and staff have agreed to revise the Mortenson contract. Following are the basic changes that occur with Authority approval:

- In accordance with the statute, allow Mortenson to self-perform concrete work to better maintain control over the construction schedule and concrete quality. The concrete work will shift from a subcontractor scope to Mortenson's scope of work. While this will result in higher fees for Mortenson, it also has the capability of lowering that project scope cost. Mortenson will provide a Guaranteed Maximum Price (GMP) for this scope of work and also provide detailed information on the self-performed concrete work that can be audited by the stadium developer.
- Mortenson has agreed to assume certain contractual risks in regards to liquidated and consequential damages and not transfer those risks to its subcontractors. The Team and staff believe this will increase the pool of potential subcontract bidders for the project (potentially lowering project costs).
- Further incents Mortenson and provide savings to the project if Mortenson is able to complete the project with construction costs less than the GMP. The GMP will be developed in late October and be subject to agreement with the Team and Authority. In return, Mortenson will reduce its maximum construction contingency from \$36M to \$31M. This will require the Authority to procure an Owners Protective and Professional Indemnity (OPPI) policy in the amount of at least \$10M.
- Provides some cleanup language in regards to names and addresses.



Recommendation: The Authority approves Construction Services Agreement Revision No. 2 to Mortenson Construction as outlined above and in accordance with the attached. Furthermore, authorize the Chair and CEO/Executive Director to execute Construction Services Agreement Revision No. 2 with Mortenson Construction as outlined above. Commissioner Griffith moved to approve the recommendation. Commissioner Butts Williams seconded the motion.

APPROVED

iv. Authorize Resolution regarding Project Labor Agreement

As you may recall, the Authority at its meeting of September 14, 2012 discussed and endorsed the benefits of having a project labor agreement (“PLA”) for the new stadium construction. A PLA for the project is officially between Mortenson and the Minneapolis Building and Construction Trades Council. The Authority has directed Mortenson to have negotiations with the Council regarding entering into such agreement following approval by the Board.

Attached is a resolution by the Authority to provide this direction. Hammes Company has provided a letter in support of this resolution (attached as Exhibit A).

Recommendation: The Authority approves the attached Resolution 2013-01 for Use of a Project Labor Agreement. Furthermore, authorize the Chair and CEO/Executive Director to take such steps necessary to implement this resolution. Commissioner McCarthy moved to approve the recommendation. Commissioner Griffith seconded the motion.

APPROVED

**Minnesota Sports Facilities Authority
RESOLUTION NO. 2013-01
AUTHORIZE USE OF A PROJECT LABOR AGREEMENT**

WHEREAS, the Minnesota Sports Facilities Authority (“Authority”) makes the following findings:

- (a) The Authority is charged with overseeing construction of the People’s Stadium and related infrastructure, a major stadium project (“Project”), the construction of which is expected to exceed \$700,000,000 and will be used by Minnesota Vikings Football, LLC (“Team”) among other users;
- (b) The Project will demand a reliable source of more than 7,000 skilled construction workers in a variety of trades to complete the Project;
- (c) The Project will demand a high degree of skill and training of its construction workers, particularly given the size and complexity of the Project;



- (d) The Project also will require coordination of multiple trades on the same job site, including integration of work schedules and other terms and conditions of employment;
- (e) The Project also will take a substantial amount of time to complete, with an expected completion date prior to the start of the 2016 National Football League football season, and timely completion is essential for the Authority, the Team, and the public to avoid incurring significant additional costs and disruption and to capture stadium-related revenues as soon as possible;
- (f) Timely completion of the Project also is essential because it will be built on the existing Metrodome site, and after its demolition to make way for the new Stadium, the Metrodome will no longer be able to be used;
- (g) During the expected term of the Project, numerous collective bargaining agreements of local construction unions are scheduled to expire, and the guarantees of no work stoppages in those agreements are likewise scheduled to expire during the term of the Project;
- (h) A project labor agreement (“PLA”) is a form of multi-employer, multi-trade, pre-hire collective bargaining agreement covering terms and conditions of employment for construction employees on a project;
- (i) Throughout the country, public and private construction owners regularly utilize and require PLAs for billions of dollars worth of construction each year;
- (j) The Authority asked for input from its construction representative for the Project, Hammes Sports Company (“Hammes”), regarding the potential benefits of a PLA on the Project; Hammes responded by letter dated August 21, 2013, attached hereto as Exhibit A, in which Hammes recommended a PLA for the following four reasons:
 - (1) First, given the massive size of this Project, the need to maintain a tight schedule, as well as the high demand for labor in the Twin Cities’ construction market, ensuring a steady supply of skilled labor is critical to the success of the Project. A PLA will help ensure a steady supply of skilled labor;
 - (2) Second, Hammes confirmed several collective bargaining agreements between Mortenson (and other potential union subcontractors) and local trade unions will expire during the course of construction, and that a PLA would ensure that the negotiations of new collective bargaining agreements do not disrupt the Project and that there will be no strikes, lockouts, or other disruptions in the Project that may result from labor disputes;
 - (3) Third, the magnitude and complexity of this Project demands the highest skilled labor available. A PLA with the local trade unions can help ensure the most skilled labor is available for this Project; and



- (4) Fourth, the Equity Plan places significant demands on the contractors constructing the Project regarding their ability to achieve workforce goals. The Authority and Mortenson need the trade unions' help if they hope to achieve those goals. A PLA that makes specific reference to the Equity Plan and promises the trade unions' cooperation should help efforts to achieve the workforce goals.

- (k) In the State of Minnesota, public agencies and private owners have successfully completed projects on time and on budget using PLAs on numerous projects, including the following major stadium construction projects: Target Field, TCF Bank Stadium, and the Hubert H. Humphrey Metrodome. These projects were built timely, efficiently, safely, and with the highest quality.

- (l) PLAs have been shown to offer the following benefits to project owners, which would help enable the Authority to meet its above-stated goals for this Project:
 - (1) Promote cost-effective, timely, and safe construction and project delivery, by providing access to a reliable supply of well-trained and skilled construction trades personnel;
 - (2) Assure greater productivity and quality from construction trades personnel, thereby resulting in cost-effective performance, while also reducing maintenance and repair costs over the life of the Project;
 - (3) Establish uniform terms and conditions of employment for the contractors and construction trades employees working on the Project, integrate work schedules, and standardize work rules for the Project, thereby resulting in a well-coordinated, efficiently functioning construction worksite that will minimize delays; and
 - (4) Promote labor harmony and assure that construction will proceed without interruption from labor disputes by providing contractual guarantees against work stoppages and mutually-binding procedures for resolving labor disputes.

- (m) Supporting the Equity Plan is a priority for the Authority, and the Authority finds that a PLA will help Mortenson in its good faith efforts to achieve the workforce goals of the Equity Plan by obtaining the unions' full cooperation in that regard;

- (n) Under *Building and Construction Trades Council of Metropolitan Dist. v. Associated Builders and Contractors of Mass./Rhode Island, Inc.*, 507 U.S. 218 (1993) and *Queen City Construction, Inc. v. City of Rochester*, 604 N.W.2d 368 (Minn. Ct. App. 2000), the Authority has the legal authority to require a PLA for the Project;

- (o) In its regular meeting on September 14, 2012, the Authority discussed, and approved in principle, a PLA for construction of the Project;



- (p) The Authority subsequently entered into a Construction Services Agreement for the Project with the Authority's Construction Manager, M.A. Mortenson Company ("Mortenson"); and
- (q) The Authority further studied the PLA issue and directed Mortenson to begin negotiating a final PLA with the construction trades unions, represented by Minneapolis Building & Construction Trades Council ("Council").

NOW, THEREFORE, BE IT RESOLVED, that the Authority shall require the use of a PLA between Mortenson and the Council for construction work on the Project, and the Authority specifically approves a PLA in substantially the same form as the draft PLA attached hereto as Exhibit B the final terms of which will be negotiated between Mortenson and the Council. The Authority shall require the use of a PLA or PLAs for all construction work on the Project, subject to any negotiated exclusions. The Authority's representatives are authorized to take such steps as necessary to implement this Resolution.

ADOPTED this 23rd day of August 2013, by the Minnesota Sports Facilities Authority.

v. Approve Adequacy of Environmental Impact Statement

The Minnesota Sport Facilities Authority (Authority) is the Responsible Governmental Unit (RGU) under the Minnesota Environmental Policy Act (MEPA) for the proposed Minnesota Multi-Purpose Stadium project (Proposed Project). As the RGU, the Authority is charged with determining whether the Final Environmental Impact Statement (EIS) for the Proposed Project is adequate under MEPA .

Under MEPA and the Minnesota Environmental Quality Board (EQB) rules implementing MEPA, the Authority must determine that a final EIS for the Proposed Project is adequate if the Final EIS:

- a) addresses the potentially significant issues and alternatives raised in scoping so that all significant issues for which information can reasonably be obtained have been analyzed;
- b) provides responses to the substantive comments received during the Draft EIS review concerning issues raised in scoping; and
- c) was prepared in compliance with the procedures of MEPA and the EQB rules implementing MEPA.

The action before the Authority board today, is to make an adequacy determination on the Final EIS under MEPA. The Authority board is making this adequacy determination based upon the entire record of the proceeding for the Proposed Project, including written reports, written and oral data, information, statements, and the MSFA's files and records related to the environmental review process for the Proposed Project.

With the Authority board determination that the Final EIS for the Proposed Project is adequate under MEPA, the Authority will issue findings of fact, conclusions, and an order to that effect. Enclosed for the board's consideration are proposed findings of fact, conclusions, and an order, prepared by Authority staff and its



consultant Kimley Horn. An order by the Authority board determining that the Final EIS is adequate under MEPA is a final action that will bring the environmental review process for the Proposed Project to a close.

The adequacy order would be signed by Authority Chair, Michele Kelm-Helgen, as reflected in the signature line on the attached draft.

Recommendation: The Authority approves the determination of adequacy for the Final Environmental Impact Statement in accordance with the attached. Commissioner Benson moved to approve the recommendation. Commissioner Butts Williams seconded the motion.

APPROVED

vi. Approve Proposal & Award Contract – Investment Portfolio Management Services

On July 22, 2013, the Minnesota Sports Facilities Authority (Authority) issued a Request for Proposal (RFP) for investment portfolio management services. Five proposals were received on August 8, 2013. The five proposals were reviewed and evaluated based on the criteria specified in the RFP. Four proposers were selected for an interview.

Interviews were held on August 12, 2013 and the interview panel included Commissioner Duane Benson, Mary Fox-Stroman, and Charlie Langhoff with Springsted Investment Advisors, Inc. Each interviewee was asked to make a presentation and respond to a variety of detailed questions. The panel discussed the following topics with each firm: investment management options and strategies, the firm's knowledge and experience with Minnesota Statutes Chapter 118A requirements, administrative processes, fees, and monthly reporting formats.

Based upon the materials submitted by the proposers and the interviews, the interview panel unanimously agreed to award the contract to U.S. Bank for a flat asset based fee of 15 basis points for both investment management and custody reporting services. U.S. Bank services will include custody reporting, transaction settlement, cash transfers, investment policy review, performance review meetings, annual strategic reviews, and research and analysis tools that support the investment strategy.

The Authority currently has two checking accounts and a money market account at U.S. Bank. These accounts will continue to be maintained.

Recommendation: The Authority accepts the proposal for investment portfolio management services from U.S. Bank and authorizes the Chair and the CEO/Executive Director to execute a professional services agreement with U.S. Bank. Commissioner Benson moved to approve the recommendation. Commissioner Butts Williams seconded the motion.

APPROVED



vii. Authorize Issuance of a Request for Proposal – Real Estate Title Services, Financial Disbursement Services & Trustee Services

The Minnesota Sports Facilities Authority (Authority) together with the Minnesota Vikings, LLC (Team) plan to issue one or more Request for Proposals (RFP) to seek real estate title services, financial disbursement services, and potentially limited trustee services in connection with the development, design, and construction of the new stadium and related stadium infrastructure.

Title services will include procurement of title insurance on the project's real estate including an owner's policy for the Authority, a leasehold policy for the Team, and loan policies for the lenders. Title services will also include administration of project related payments to reduce the potential of mechanics liens (if possible) or other payment related claims. Financial services will include investment of available funds, disbursement of funds to project vendors, and administration of a reporting system.

The Authority will initiate a process of competitive procurement for these services. The process will use a RFP that seeks a range of title, disbursement and potentially limited trustee services.

Recommendation: The Authority authorizes the CEO/Executive Director to solicit Request for Proposals (RFP) for title services, disbursing services, and potentially limited trustee services or a combination of the above. Commissioner Butts Williams moved to approve the recommendation. Commissioner Benson seconded the motion.

APPROVED

viii. Approve Records Retention Policy

Because the Authority is a Minnesota political subdivision, the Authority must comply with certain record preservation, maintenance, and disposal requirements for government entities in the state of Minnesota. The Authority currently has in its possession older records from the Metropolitan Sports Facilities Commission that it would prefer to dispose of in preparation for moving offices. The Authority can only dispose of records via a Records Retention Schedule approved by the Minnesota Records Disposition Panel (consisting of the Attorney General, Director of the Minnesota Historical Society, and State Auditor) ("Panel"), or through an Application for Authority to Dispose of Records, also approved by the Panel. To avoid having to submit a new Application each time the Authority would like to dispose of records, the Authority should have in place an approved Records Retention Schedule. A Records Retention Schedule provides authority to dispose of continuing and future records.

Authority staff is completing its review of its records and has finalized a Records Retention Schedule in conjunction with ongoing and future records management. These documents must be submitted to the Panel for approval. Once these documents have been approved, the Authority will dispose, retain, and manage records pursuant to their authority.



Recommendation: The Authority approves the Application for Authority to Dispose of Records and Records Retention Schedule and recommends submission of these documents to the appropriate Minnesota state agencies for state approval. Commissioner McCarthy moved to approve the recommendation. Commissioner Benson seconded the motion.

APPROVED

7. PUBLIC COMMENT

Twelve individuals came forward to address the MSFA Board.

1. Chuck Turchick, Topic: Mr. Turchick questioned the accuracy and transparency of any financial audit or due diligence process as past incidents indicate that certain officials cannot be trusted to develop accurate numbers.
2. Justin Cunningham, Summit Academy, Topic: Mr. Cunningham questioned why no one has been able to guarantee Summit graduates that they will receive jobs on the new stadium project.
3. Jerry McAfee, Topic: Mr. McAfee commended the Authority's recent actions of hiring Summit Academy, Alex Tittle and Bolander but emphasized that he will be looking closely at how funds are spent in regards to equity efforts.
4. Bob "Again" Carney, Topic: Mr. Carney stated that while he was once supportive of the new stadium, he is now opposed to the new stadium project and will be organizing an effort to halt the project.
5. Captain Jack Sparrow, Topic: He has concerns about the costs associated with the stadium and supports Bob Carney's approach.
6. Al Flowers, Topic: Mr. Flowers raised concerns about why an agreement isn't in place yet for the Employment Assistance Firm.



7. Dennis Davis, Veterans Small Business Foundation, Topic: Mr. Davis highlighted how as the population changes, this project is not just about building a stadium, it is about building a workforce.
8. Babbington Johnson, Topic: Mr. Johnson raised concerns about why an agreement isn't in place yet for the Employment Assistance Firm and how he fears funding may be jeopardized.
9. Abdurizan Bihi, Topic: Mr. Bihi discussed how jobs are needed within the community to address many of the prevailing issues.
10. Ralph Wyman, Hire MN, Topic: Mr. Wyman raised concerns about why an agreement isn't in place yet for the Employment Assistance Firm and emphasized that it will take a real investment of funds to address equity issues.
11. Dan Rodriguez, Merrick, Inc, Topic: Mr. Rodriguez described how Merrick is one of the partnering organizations under Summit's proposal and highlighted the need for a world-class workforce.
12. Mohamed Fared, Topic: Mr. Fared discussed the chronic unemployment amongst the Somali community and how he and others will continue to push for job opportunities.

8. **DISCUSSION**

None

9. **ANNOUNCE FUTURE MEETINGS**

Friday, September 27, 2013 at 9:00am – MSFA Board Meeting, Halsey Hall.

10. **ADJOURNMENT**

There being no further business to come before the Authority, Commissioner Benson moved to adjourn the meeting, seconded by Commissioner McCarthy and approved unanimously – 5 YEAS, 0 NAYS. Chair Kelm-Helgen adjourned the meeting at 9:52 am.



ADOPTED this 3rd day of October, 2013 by the Minnesota Sports Facilities Authority

Duane Benson, Secretary

Ted Mondale, CEO/Executive Director



MINNESOTA SPORTS FACILITIES AUTHORITY SPECIAL MEETING MINUTES

WEDNESDAY, SEPTEMBER 4, 2013, 7:30 A.M.

**Hubert H. Humphrey Metrodome, MSFA Conference Room
900 South 5th Street, Minneapolis, MN 55415**

1. CALL TO ORDER

Chair Michele Kelm-Helgen called the meeting of the Minnesota Sports Facilities Authority to order at 7:36 AM.

2. ROLL CALL

Commissioners Present: Chair Kelm-Helgen, Commissioner Butts Williams (via phone), Commissioner Benson (via phone), Commissioner McCarthy and Commissioner Griffith.

3. MOTION TO CLOSE MEETING

Commissioner Griffith moved to close the meeting pursuant to Minnesota Statutes Chapter 13D for the purposes of discussing anticipated and/or pending litigation and legal advice relating to the due diligence inquiry and contracts with the Team. The motion was seconded by Commissioner Benson and approved unanimously – 5 YEAS, 0 NAYS.

APPROVED

4. MOTION TO OPEN MEETING

Commissioner Griffith moved to open the meeting, seconded by Commissioner McCarthy and approved unanimously – 5 YEAS, 0 NAYS.

APPROVED

5. ADJOURNMENT

There being no further business to come before the Authority, Commissioner Griffith moved to adjourn the meeting, seconded by Commissioner Butts Williams and approved unanimously – 5 YEAS, 0 NAYS. Chair Kelm-Helgen adjourned the meeting at 9:24 am.



ADOPTED this 3rd day of October, 2013 by the Minnesota Sports Facilities Authority

Duane Benson, Secretary

Ted Mondale, CEO/Executive Director



October 3, 2013

MEMORANDUM

TO: MSFA Commissioners

FROM: Ted Mondale/Alex Tittle

SUBJECT: Employment Assistance Firm Contract Report

On April 19, 2013, the Minnesota Sports Facilities Authority (Authority) issued a Request for Proposals (RFP) for an Employment Assistance Firm in accordance with Minn. Stat. § 473J.12. In May 2013, the Authority received one proposal from Summit Academy OIC. In July, the Authority board authorized the Chair and CEO/Executive Director to finalize negotiations and enter into contracts upon completion as outlined above with Summit Academy and its partners. The Authority representatives have completed negotiations and have finalized terms on the contract by and between Summit Academy.

Summit Academy has partnered with seventeen (17) organizations to provide a comprehensive response to the Authority's RFQ/RFP. The agreed upon terms of the contract are detailed as the following:

1. MA Mortenson and their subcontractors will provide an updated workforce projection.
2. This projection will also be assessed by the associated labor union.
3. Summit Academy will respond to the workforce projection(s) directed by the Authority.
4. Summit Academy will be compensated for the administrative burden that this project will require.
5. Summit Academy will initiate their projection response via an outreach effort.
6. The outreach efforts will yield either a trained or untrained potential worker.
7. Untrained workers will queue in the workforce system, available to all subcontractors.
8. Untrained workers will be trained. Summit Academy will be compensated for the training.
9. When training is complete, the new graduates will enter the queued workforce system to anticipate placement.
10. Employment placement services will also be compensated through this project.
11. Project Manager for this contract will be the Equity Director of the Authority.

The potential of this contract is a method which will provide a system for the community to directly correlate and respond to the workforce needs being faced statewide in the construction industry. The Authority and Team have allocated a maximum of \$700,000 towards this contract. However, there are current efforts underway where MA Mortenson and others have committed a significant investment towards the success of meeting and/or exceeding the 32% minority and 6% women workforce goals established by the state of Minnesota.



October 3, 2013

MEMORANDUM

TO: MSFA Commissioners

FROM: Ted Mondale/Mary Fox-Stroman

SUBJECT: Authorize Negotiations/Contract for Real Estate Title Insurance & Related Services

The Minnesota Sports Facilities Authority (Authority), in collaboration with the Minnesota Vikings, solicited proposals for real estate title insurance and related services. The Request for Proposals (RFPs) was issued on September 17, 2013. Three proposals were received on October 2, 2013. The Authority and the Team named a selection committee to review the proposals and determine if interviews are necessary. The selection criteria include: capacity to handle a project of this magnitude, capitalization/financial strength, long-term credit rating, processing and reporting systems, experience and location of staff, and cost.

In order for the Minnesota Vikings to complete their financing for the stadium project by November 1, 2013 this selection needs to be completed on or before October 7, 2013. The selection will be contingent upon negotiation of a final contract. Based on successful conclusion of these negotiations, the authority to execute the contract is placed with the Authority's Chair and CEO/Executive Director.

Recommendation: The Authority delegates to the Chair and CEO/Executive Director its authorization to award the contract for real estate title insurance and related services. A report on the award of this contract will be provided at the next board meeting.



October 3, 2013

MEMORANDUM

TO: MSFA Commissioners

FROM: Ted Mondale/Steve Maki

SUBJECT: Approve & Authorize Mortenson Construction Services Agreement Contract Revision No. 3

Mortenson's subcontractor, Bolander, performed site work in advance of Xcel Energy's work to reroute an electrical distribution line along the North side of the main East parking lot. During Bolander's work, they discovered a cast in place on the concrete wall subsurface. A portion of that buried wall needed to be removed in order to provide a pathway for Xcel's work. The cost of that work was \$1344.00. All Bolander work has now been completed.

Recommendation: *The Authority approves Construction Services Agreement Revision No. 3 to Mortenson Inc. in the Add Amount of \$1344.00. This brings the final cost for the Bolander work to \$366,217. Furthermore, authorize the Chair and CEO/Executive Director to execute Construction Services Agreement Revision No. 3 with Mortenson Inc. as outlined above.*



October 3, 2013

Memorandum

TO: MSFA Commissioners

FR: Ted Mondale/Jay Lindgren

SUBJECT: Approval of the Development Agreement and Use Agreement

The Minnesota Sports Facilities Authority (MSFA) in collaboration with the Minnesota Vikings has drafted a Development Agreement that describes in detail how the two parties will work together to build the new Minnesota Multi-Purpose Stadium.

The Development Agreement details:

- How the stadium will be financed, including Stadium Builder Licenses
- What will be included in the design of the new stadium
- What the role of the stadium developer is
- How disputes between the two parties will be handled

The MSFA in collaboration with the Vikings have also drafted a Use Agreement that describes in detail how the Team will use the new stadium for the next 30 years, with terms of extension.

The Use Agreement details:

- That Team has the exclusive right to play professional football in the stadium
- Outlines the use fees and capital improvement payments the Team will pay annually
- Describes the different revenue streams for the Team and the Authority
- How the building will be managed

Recommendation: The Authority authorizes the Chair and the CEO/Executive Director to finalize and execute the Development Agreement and Use Agreement.