

UNIVERSITY OF MINNESOTA

BOARD OF REGENTS

December 9, 2004

A meeting of the Board of Regents of the University of Minnesota was held on Thursday, December 9, 2004, at 8:45 a.m. in the Boardroom, 600 McNamara Alumni Center.

Regents present: David Metzen, presiding; Clyde Allen, Anthony Baraga, Peter Bell, Frank Berman, Dallas Bohnsack, John Frobenius, Lakeesha Ransom, and Maureen Reed.

Staff present: President Robert Bruininks; Senior Vice President and Provost Thomas Sullivan; Senior Vice President Robert Jones; Vice Presidents Kathryn Brown, Kathleen O'Brien, and Richard Pfutzenreuter; Interim Vice President Thomas Swain; General Counsel Mark Rotenberg; Executive Director Ann Cieslak; Provost David Carl; and Associate Vice President Margaret Carlson.

**ON CAMPUS FOOTBALL STADIUM ENVIRONMENTAL STUDY
AND RESOLUTION TO CONDUCT AN ENVIRONMENTAL REVIEW**

President Bruininks, Vice President O'Brien, and General Counsel Rotenberg presented information relating to the On-Campus Football Stadium Environmental Study.

President Bruininks reported that pursuant to the framing principles agreed upon by the Board of Regents, the University is committed to considering the environmental impact of a new stadium on campus. The review process is intended to assure that the University is fully informed about the environmental impacts of the proposed project and have an opportunity to consider ways of reducing or eliminating any such impact. He noted that the University's oversight of the environmental review process as described in Minnesota Statutes Chapter 116D and Chapter 4410 of the Minnesota Rules, is consistent with the principles agreed upon by the Board of Regents. He also indicated that consideration of this issue is timely as the outcome of the process will have an effect on future decisions relating to the project.

O'Brien provided brief comments regarding the history of the project, the site and surrounding area, cost and funding, and the current schedule for completion if the project proceeds.

Rotenberg reviewed the environmental review process as described in a letter to the Board dated November 29, 2004 and contained in the docket materials. He described the responsibilities that the Board will have as the Responsible Governmental Unit (RGU) that include:

- receiving public comments on the Environmental Assessment Worksheet (EAW) and approving the scope of the Environmental Impact Statement (EIS);
- receiving public comments on the draft EIS;

- following procedures for providing an opportunity for public comments on the EIS; and
- determining whether the final EIS appropriately analyzes all required topics and responds to public comments on the draft EIS.

Rotenberg also reported that the University will need to retain a qualified environmental consultant to coordinate the environmental review, environmental remediation, and transportation planning. Legal services will be provided through the Office of the General Counsel.

It was noted that work on the EAW will commence January 2005 with the public meeting on the proposed scope of the EIS to be held in Spring 2005. Public comments on the draft EIS should be scheduled by Fall 2005.

The following resolution was then presented for approval:

WHEREAS, the Board of Regents of the University of Minnesota previously directed the administration to use a number of principles to guide any future development of a football stadium on the Minneapolis campus for the use of the Gopher football team, and related athletic and academic purposes of the University; and

WHEREAS, the principles require that “any stadium on campus will be designed, constructed and operated in a manner that is compatible with the University campus environment, master plan and the commercial and residential neighborhoods near the stadium site,” and

WHEREAS, the principles state that “the University will seek to accommodate and respect the community and neighborhood needs during the planning process,” and

WHEREAS, the principles further state that “in accordance with its commitment to an open and inclusive planning process, the University will engage in a dialogue about stadium options with the University community, adjacent neighborhoods, local businesses, and other public agencies,” and

WHEREAS, consistent with those principles, the Board of Regents desires to assure that significant environmental effects that could result from the construction of a stadium on the Twin Cities Campus are identified and analyzed, that appropriate alternatives are discussed and that methods by which the environmental impacts of constructing a stadium on the Twin Cities Campus can be mitigated are considered prior to the time final decisions with respect to construction of the proposed stadium are made by the Board of Regents; and

WHEREAS, the Board of Regents has responsibility for approving the stadium project if it is undertaken;

NOW, THEREFORE, BE IT RESOLVED, that in conjunction with the stadium project, the University of Minnesota undertake the environmental review process described in Minnesota Statutes Chapter 116D and accompanying Minnesota Rules, which process includes an analysis of the potential significant environmental effects of the proposed stadium and provides opportunities for input from the

University community, adjacent neighborhoods, local businesses, and other public agencies, consistent with the principles.

A motion was made and seconded to approve the resolution.

In response to a number of questions, Rotenberg reported that because the Board of Regents has the responsibility for approving and supervising the stadium project, should it move forward, the Board should be the body that serves as the Responsible Governmental Unit. However, this designation will apply only for this specific project and does not obligate the Board in other environmental law areas. Other governmental agencies (City of Minneapolis and Hennepin County) will play a role as there are a number of permits to be issued for relocating of roads.

In response to a question from Regent Berman, O'Brien indicated that Phase I environmental testing has been completed on the site. Next steps are to proceed to Phase II, develop remediation plans, and determine the exact site for the stadium.

It was also noted that this environmental review does not require any legislative action to proceed. A delay of six to eight months until the legislative session is over, and action on stadium funding is known, adds significantly to the costs.

Regent Bell stated that he would recuse himself from voting due to a possible conflict of interest and he left the room.

The Board of Regents voted unanimously to approve the resolution.

The meeting adjourned at 9:32 a.m.

ANN D. CIESLAK
Executive Director and
Corporate Secretary