

From: Padilla, Howie
Sent: Wednesday, July 8, 2015 1:04 PM
To: Lamb, Brian
Cc: Kerr, Drew; Harwood, James; Porter, Marilyn; Schadl, John; Vadis, Meredith; Kollodge, Bonnie; Moorer, Marquell
Subject: Points for Meeting tonight
Attachments: Downtown East Station pedestrian bridge, 07.08.2015.docx; DOC063015-06302015130337.pdf

Also for the media update:

Tunnel intrusion: Todd Wilson of KSTP-TV channel 5 is reporting on a recent tunnel intrusion on the Blue Line light rail tracks (criminal complaint attached). The assertion is that the man should not have been arrested and that a language barrier existed. Messages are as follows:

- * The suspect was seen walking on the tracks at one point in the tunnel, which is lit with flashing lights, then moving to the side by the wall.
- * Metro Transit officers were ultimately able to communicate with the man, which is explained in the reports and the complaint.
- * Officers have the ability to ask for interpreters if needed.
- * Several officers have voluntarily taken Spanish speaking classes in order to better work with the communities we serve, which is at the heart of community policing, a philosophy championed by Metro Transit Police Chief John Harrington.
- * We are not going to get into the business of quantifying the level of confusion and whether the person should have known he was in the area. We rely on the facts that there was an intrusion and the individual was charged based on those facts. I have no doubts that if there is other information, it will be presented in court.

R/

Howie

State of Minnesota
County of Hennepin

District Court
4th Judicial District

Prosecutor File No. 15021650
Court File No.

State of Minnesota,

Plaintiff,

vs.

ALVARADO URGILES ELIAS DOB: 11/01/1934

Defendant.

COMPLAINT

Order of Detention

The Complainant submits this complaint to the Court and states that there is probable cause to believe Defendant committed the following offense(s):

COUNT I

Charge: Trespass on Critical Public Service Facilities, Pipeline, Utility - Property Posted

Minnesota Statute: 609.6055.2(a)(3)

Maximum Sentence: 0-1 year imprisonment and/or 0-\$3000 fine

Offense Level: Gross Misdemeanor

Offense Date (on or about): 06/29/2015 to 06/29/2015

Control #(ICR#): 15021650

Charge Description: (a)Whoever enters or is found upon property containing a critical public service facility, utility, or pipeline, without claim of right or consent of one who has the right to give consent to be on the property, is guilty of a gross misdemeanor, if: (1) the person refuses to depart from the property on the demand of one who has the right to give consent; (2) within the past six months, the person had been told by one who had the right to give consent to leave the property and not to return, unless a person with the right to give consent has given the person permission to return; or (3) the property is posted. (b) Whoever enters an underground structure that (1) contains a utility line or pipeline and (2) is not open to the public for pedestrian use, without claim of right or consent of one who has the right to give consent to be in the underground structure, is guilty of a gross misdemeanor. The underground structure does not need to be posted for this paragraph to apply.

STATEMENT OF PROBABLE CAUSE

Your Complainant is an officer with the Metro Transit Police Department who states that he has read and reviewed the offense reports of Metro Transit Police Officers Grant Jacobs, Benjamin Ellringer and Sergeant David Hutchinson and, based thereon, alleges the following:

On June 29, 2015, at approximately 11:21 p.m., Officers responded to a report of a light rail tunnel intrusion at the Terminal 2 Station, in the jurisdiction of the Metropolitan Airports Commission, County of Hennepin, State of Minnesota. The report stated that the suspect entered the tunnel at the Terminal 2 Station and headed northbound. The report stated that the suspect boarded the Light Rail Train ("LRT") and was at the Fort Snelling Station.

Airport Police Officer Allina arrived at the Fort Snelling Station and spoke with the LRT operator. The LRT operator identified the passenger that had boarded the train. Officer Ellringer spoke with a man, later identified as the above-named Defendant, Elias Alvarado Urgiles, date of birth 11/01/1934 (a/k/a Elias Alvarado-Urgiles). The Defendant admitted that he had entered the tunnel because he had gotten lost trying to find a train.

Light rail service was delayed for approximately 40 minutes while officers swept the tunnel.

The tunnel is marked by signs prohibiting entrance. The tunnel is also alarmed with visually flashing lights and an audio warning.

SIGNATURES AND APPROVALS


Complainant requests that Defendant, subject to bail or conditions of release, be:
(1) arrested or that other lawful steps be taken to obtain Defendant's appearance in court; or
(2) detained, if already in custody, pending further proceedings; and that said Defendant otherwise be dealt with according to law.

Complainant	Richard Andrew Jensen Police Officer 2425 Minnehaha Avenue S Minneapolis, MN 55404-4117 Badge: 69215	Electronically Signed: 06/30/2015 10:18 AM
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Subscribed and sworn to before the undersigned.

Notary Public or Judicial Official	David Lund, Peace Officer License Number: 21143, Hennepin County, Minnesota. My license expires: 06/30/2016 Police Officer 2425 Minnehaha Avenue S Minneapolis, MN 55404-4117	Electronically Signed: 06/30/2015 10:26 AM
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Being authorized to prosecute the offenses charged, I approve this complaint.

Prosecuting Attorney	Christopher P. Renz Prosecuting Attorney 17 Washington Avenue N Suite #300 Minneapolis, MN 55401 	Electronically Signed: 06/30/2015 10:02 AM
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FINDING OF PROBABLE CAUSE

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant's arrest or other lawful steps be taken to obtain Defendant's appearance in court, or Defendant's detention, if already in custody, pending further proceedings. Defendant is therefore charged with the above-stated offense(s).

SUMMONS

THEREFORE YOU, THE DEFENDANT, ARE SUMMONED to appear on _____, _____ at _____ AM/PM before the above-named court at 7009 York Avenue S, Edina, MN 55435 to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

WARRANT

To the Sheriff of the above-named county; or other person authorized to execute this warrant: I order, in the name of the State of Minnesota, that the Defendant be apprehended and arrested without delay and brought promptly before the court (if in session), and if not, before a Judge or Judicial Officer of such court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon as such Judge or Judicial Officer is available to be dealt with according to law.

Execute in MN Only

Execute Nationwide

Execute in Border States

ORDER OF DETENTION

Since the Defendant is already in custody, I order, subject to bail or conditions of release, that the Defendant continue to be detained pending further proceedings.

Bail: \$6,000.00

Conditions of Release:

This complaint is issued by the undersigned Judge as of the following date: _____.

Judicial Officer <judge name>

Sworn testimony has been given before the Judicial Officer by the following witnesses:

**COUNTY OF HENNEPIN
STATE OF MINNESOTA**

State of Minnesota

Plaintiff

vs.

Alvarado Urgiles Elias

Defendant

Clerk's Signature or File Stamp:

RETURN OF SERVICE

I hereby Certify and Return that I have served a copy of this Order of Detention upon the Defendant herein named.

Signature of Authorized Service Agent:



Pedestrian bridge at Downtown East Station

*Metropolitan Council Meeting
Wednesday, July 8, 2015 – 4:00 p.m.*

- **This agreement shows that our commitment to providing a safe experience for our riders, not only while they ride our buses and trains, but also while they are at our stations. This bridge is in line with our mission of getting people where they need to be conveniently, consistently and safely.**
 - o This bridge has evolved in design to better accommodate crowds leaving any of the events at the new stadium:
 1. 30-foot wide makes getting from one side of the train station to the other much more safe and efficient.
 2. Added elevators will better assist riders who need their use for the bridge
 - o We were extremely diligent in examining the right way to construct this project.
 1. Modeling pedestrian traffic for different options.
 2. Taking into account various fans that might be walking through crowds at events near Downtown East.
 - o The bridge also provides additional safety for any pedestrians in the area where our trains might be passing.

- **This decision also allows us to move forward with building the structure, avoiding the possibility of additional costs by waiting to build it at a later date.**
 - o Constructing while the stadium near Downtown East is under construction allows us to defray potentially millions of dollars in the event that we decided later that the bridge should be built.
 - o In this way, we are staying true to our responsibility of being good stewards of public funds while staying true to our mission of safety.

- **We thank the Minnesota Sports Facilities Commission and the Vikings for their partnership in the project.**

Background and other relevant specific info:

At the Metropolitan Council meeting on May 27th, Business Item 2015-76 was amended and approved regarding negotiating and enter into an agreement with the MSFA and the Minnesota Vikings related to the Downtown East Light Rail Station area, surrounding block and proposed pedestrian bridge. Since that Council action, Council staff has continued to negotiate the terms of this agreement with the Minnesota Vikings. The newly negotiated terms are as follows:

- The Vikings will fund 50% of the actual cost of pedestrian bridge up to the amount of \$3,500,000. Any amount above and beyond \$7,000,000 will be the responsibility of the Met Council.



- The Vikings will receive 50% of all revenues generated from advertising at the LRT Station Platform for a period of 30 years commencing on August 1, 2016.
- The proposed pedestrian bridge will be 30' wide and include a second elevator bank. The Vikings will pay for all additional design costs associated with the additional bridge width. The current design contract with consulting firm EVS was executed by the Regional Administrator for the amount of \$496,281. The additional design fees will require a contract amendment to be authorized by the Council as any contract above \$500,000 requires Council approval. This Council action will also approve the contract authorization.

The following terms of the agreement remain the same from the previous Council action:

- Allows for Met Council use of MSFA property for queuing areas, platform access, and pedestrian bridge to accommodate transit needs.
- Met Council will receive \$300,000 in annual promotional support value from Vikings and the MSFA in exchange for LRT station naming rights and certain restrictions on station advertising
 - \$250,000 from Vikings
 - \$50,000 from MSFA
- Operation and maintenance costs of the pedestrian bridge are the responsibility of Met Council. Operation and maintenance costs are to be included in future operating budgets.