

**REVISED**

**AGENDA FOR THE WEST HAYMARKET**  
**JOINT PUBLIC AGENCY (JPA)**  
**TO BE HELD TUESDAY, May 15, 2012 AT 3:00 P.M.**

**CITY-COUNTY BUILDING**  
**555 S. 10<sup>TH</sup> STREET**  
**CITY COUNCIL CHAMBERS ROOM 112**  
**LINCOLN, NE 68508**

1. Introductions and Notice of Open Meetings Law Posted by Door (Chair Beutler)
2. Public Comment and Time Limit Notification Announcement (Chair Beutler)

*Individuals from the audience will be given a total of 5 minutes to speak on specific items listed on today's agenda. Those testifying should identify themselves for the official record.*

3. Approval of the minutes from the JPA meeting held April 20, 2012 (Chair Beutler)
  - (Staff recommendation is for the JPA Board to approve the minutes as presented)
4. West Haymarket Progress Report (Paula Yancey)
  - Public Comment
5. Approval of Payment Registers (Steve Hubka)
  - Public Comment
  - (Staff recommendation is for the JPA Board to approve the payment registers)
6. Review of the April 2012 Expenditure Reports (Steve Hubka)
  - Public Comment
7. WH 12-26 Resolution approving Change Order No. 1 to the Agreement with TCW Construction Inc. to perform PCB Remediation of the Alter Sliver approved by Resolution WH 00262. This Change Order is for the final reconciliation of soil quantities that needed to be removed in order to meet the required PCB levels required under the JPA's agreement with BNSF. (Paula Yancey)
  - Public Comment
  - (Staff recommendation is for the JPA Board to approve the payment registers)
8. WH 12-27 Resolution approving Amendment No. 1 to the November 1, 2011 Consultant Agreement for Extended Program Management Services and Extended Project Management Services between P.C. Sports and the West Haymarket Joint Public Agency to amend the Scope of Services to add creative schematic design service for the Pedestrian Bridge for a fee of \$9,900. (Paula Yancey)
  - Public Comment
  - (Staff recommendation is for the JPA Board to approve the payment registers)

9. WH 12-29 Resolution granting Lincoln Electric System a permanent utility easement on or across certain described JPA Property for underground utility lines and underground utility facilities. (Rick Peo)
  - Public Comment
  - (Staff recommendation is for the JPA Board to approve the payment registers)
10. Set Next Meeting Date: Friday, June 1, 2012 at 3:00 in City Council Chambers Room 112
11. Motion to Adjourn

**WEST HAYMARKET JOINT PUBLIC AGENCY (JPA)**  
**Board Meeting**  
**April 20, 2012**

Meeting Began At: 3:00 P.M.

Meeting Ended At: 4:25 P.M.

Members Present: Chris Beutler, Eugene Carroll, Tim Clare

**Item 1 -- Introductions and Notice of Open Meetings Law Posted by Door**

Chair Beutler opened the meeting with introductions of the Board members. He advised that the open meetings law posted at the back of the room is in effect.

**Item 2 -- Public Comment and Time Limit Notification**

Chair Beutler welcomed public comment. He stated that individuals from the audience will be given a total of five minutes to speak on specific items listed on today's agenda. Those testifying should identify themselves for the official record and sign in.

**Item 3 -- Approval of the minutes from the JPA meeting held April 6, 2012**

Beutler asked for corrections or changes to the minutes of the April 6, 2012 meeting. Hearing no changes, Carroll moved approval of the minutes. Clare seconded the motion. Motion carried 3-0.

**Item 4 -- West Haymarket Progress Report**

Paula Yancey, PC Sports, distributed the project status update, attached hereto, on the Pinnacle Bank Arena and associated infrastructure projects.

Demolition began on Phase 2 of 'N' Street between 8<sup>th</sup> and 9<sup>th</sup> Streets. This work was within the recently awarded contract to Constructors approved at the last JPA Board meeting. Work is expected to be completed in August.

On the USPS Parking Lot Project, 7<sup>th</sup> and 'R' Street is now open to public traffic. This project is essentially complete and ready to be turned over to the City.

The Amtrak Station Project has shown substantial progress. The interior work has started including electrical rough-ins, wall framing and doorframe installation. Sheathing installation is occurring on the exterior of the building. The Amtrak platform slab is essentially complete. The next phase will be the canopy installation, which will go on top of this platform.

Several pictures are included in today's packet with regard to the Watson Brickson demolition, including the one showing demolition of building 2. They show all the steel, wood and concrete being separated for recycling. The next phase of the Watson Brickson Project will involve more environmental remediation. After the initial testing early on, it will now be followed by more

elevated environmental testing to determine what remediation efforts will be needed ongoing. This site used to have an old coal and gas plant on it, so it is known that there are elevated levels of arsenic and petroleum products in the soil. The extent needs to be determined to know what actions are needed to move forward on this site. This testing will happen as soon as Haes Contracting is out of the site.

Yancey introduced a group of Environmental Studies students from the University of Nebraska at Lincoln who have been working on a project on arena sustainability and recycling. They presented their project called Pinnacle Bank Arena Recycling Program.

Kiana Mathew introduced the project and provided a handout of the attached slides to be used in today's presentation. The students were given a choice of projects by the Cleaner Greener Lincoln Program to research. The projects included: 1) public opinion within Lincoln, 2) funding sources for supporting a recycling program, 3) other Big Ten school recycling programs, 4) other academic arena programs, and 5) vendors.

To gather public opinion, the students surveyed UNL students and surveyed some members of the public at the Iowa vs. Nebraska game. They asked how strongly people support a state of the art recycling program at the new Pinnacle Bank Arena. They asked people to answer on a 1-5 scale with 1 being do not support a recycling program and 5 being the strongest support.

Sixty-nine percent of respondents answered as strongly supporting such a program, with only 3% responding with a 1 or 2. Secondly, they looked at the willingness to pay extra at events to be sure the products are biodegradable or recyclable. Only 70 or 16.3% said they were unwilling to pay more. The majority of the market is willing to pay more to be sure products are sustainable. They took that further and asked the strongest supporters (people who answered 5 on the previous question) how much more they would be willing to pay. Conclusions from the final question show that there is 1) overall support for a recycling program at the new Pinnacle Bank Arena, 2) there are people willing to pay extra to support such a program, and 3) that participation in the program depends on availability and convenience of recycling bins.

Jesy Hansen addressed the funding viability of a recycling and composting program for the arena. The research shows the costs and benefits of recycling versus not recycling are quite substantial, especially when the tipping fees for hauling to the landfill are considered. Recycling creates a possible cash return, especially if you are using a compactor. Recycling 1,000 tons prevents \$20,000 in tipping fees. If you have a compactor, you can bail the cardboard, which increases the profit. Looking at funding considerations at other Big Ten schools, Michigan State had \$1.6 million in general funding and last year generated over \$2.3 million from the sale of unneeded materials. Their billable services are \$700,000 and sale of recyclables are over half of that amount. Ohio State has corporate sponsorship and internal grants that help finance their program. Their biggest expense is people standing by recycling containers informing the public. Penn State has alleviated that expense by having volunteers to educate the public at events. They use radio and social media education, as well as other institutions that help public education. Minnesota keeps it simple by using consistent receptacles, the same as used on campus, to aid with familiarity of use. They also save \$45/ton by composting.

Local possibilities include use of Industrial Services Waste Management, which hauls to the landfill, to recyclers, and to Prairieland Dairy. They also haul grease. They can donate carts and containers and can provide a compactor. If Prairieland Dairy were involved, they would be interested in donating the mulch back to the Arena for landscape uses. There is also the potential for composting in collaboration with UNL and/or the Bluff Road Landfill.

Other considerations are that musicians prefer sustainable venues, which would increase the number of acts coming to this site. Also, an idea is to utilize past Nebraskans who have some notoriety for professional publicity or as spokespeople for the recycling program. In addition, there are volunteer opportunities for the students. There is such a program at the Ice Box Arena. Finally, they recommend community involvement via social media.

Neil Tabor's project aspect looked at other Big Ten peers to see what they were doing within their athletic facilities in the way of sustainability. Ohio State excelled in waste management at their arena. They implemented a composting program in conjunction with recycling. They established zero waste stations that are color coded to direct the public to the correct station. A volunteer presence is also used to give direction. At their football stadium last year, they were able to reach an average 75% diversion rate at every home game, peaking at 82% diversion during one single game. The two Michigan schools have good programs. They include a post game effort to pick up remaining recyclables left in the stands of their football stadiums. One of the two uses volunteers and the other employs personnel. Illinois does something interesting where they encourage people to bring specialty materials (such as batteries) for recycling in to the basketball arena creating further opportunities.

Other considerations involve adopting LEED and ASHRAE building standards, which have become very commonplace. UNO requires new buildings be built to LEED Silver certification or better. This is easily achievable using Energy Star products. Michigan's roof on Crisler Arena built in 1967 was able to cut power costs during peak hours 10% to 15% by reducing the roof temperature by 100 degrees. This saves on energy and costs. Other resource conservation methods throughout various institutions included occupancy light sensors, use of grey water and runoff for cooling and heating, and reuse of building scrap materials. When Minnesota built the TSF Bank Arena, which was the first LEED certified football stadium of any kind, they were able to recycle 98% of their building materials left behind. In addition, dual flush toilets are something that takes a little bit of **education**, but can save .5 gallon on each liquid-only flush. The container pictures show the Ohio State bins for composting, recycling and trash that can be used at any site.

The volunteer connection is an important aspect that needs to be integrated into an arena. Michigan, as stated previously, has a volunteer stadium post-game effort. This is a huge effort for the size of their arena. Nebraska has Go Green for Big Red, which has pregame volunteers handing out green bags for recycling purposes. Penn State takes that a step. They have auxiliary sites where fans can grab a trash or recycling bag to limit contamination. The advertisement sign on the box shown in the graphic paid for 25% of the recycling containers and the sign can be moved as needed. Penn State has a tipping cost for waste of \$70/ton where ours is \$21. Their recycling tipping costs are \$5 unbagged and \$15 bagged. Although, it is \$9,000 to put up each one of the sites with the sandwich boards, they were able to double their recapture rates.

Tom Batter explained that they also looked at arenas outside of the Big Ten footprint to see what was successful in recycling and composting. The first one reviewed was the Rose Garden Arena in Portland, Oregon. This was the first sports arena to achieve LEED Gold certification in 2010. In 2008, they began working with a consulting firm on ways to improve their environmental stewardship. One of the main areas addressed was composting and recycling. They began an in-house program allowing them to increase their waste diversion rate from 30% in 2007 to approximately 90% or essentially zero waste in 2011. They did this through the recycling containers used. They designed them and hired local businesses to construct them out of recycled materials.

As one of the last images shows, each container has four smaller bins split for compostable material, glass, mixed recyclables such as plastic and aluminum, and landfill directed waste. Each one has instructional graphics to guide guests as they presort and dispose. This provides for quick and confident discarding as guests become more familiar with their use, and encourages more waste diversion. Another arena reviewed was the Chesapeake Energy Arena in Oklahoma City, Oklahoma. They started out with a \$140,000 recycling grant awarded by the city. They initiated their GreenSpot sustainability campaign. They used social media to communicate with the public. Their RETHINK Campaign is reinforced at every event to keep awareness high and the words appear on their containers. Finally, they looked at the CenturyLink Center in Omaha, Nebraska. Essentially, this is an example of how we can perform better. They have no funding for recycling. They do have a recycling program, but it is at a cost to them and there is little public awareness.

To have a successful recycling/composting program requires some key items. Funding is essential to get things started. Public awareness is key, including clearly labeled recycling containers. The bins need to be located strategically and outnumber or be equal to amount of wastebaskets to facilitate ease of use.

Chevelle Schreiner presented some vendor solutions. Chevelle provided a graph of product costs. The more sustainable products are slightly higher upfront, but will save money long term. To ensure sustainability products, other arenas have provided a list of restricted or allowable materials. Some have provided a directory of approved vendors or distributors, or done custom RFP's prior to bidding. And many arenas just provide materials to all vendors in the arena. Of course, compliance is required by all vendors. This does not just relate to food containers, but to practices (such as grease disposal and cleaning products) and equipment (such as use of Energy Star, fair-trade equipment, or locally-made countertops and seating) as well.

The conclusion is that a 75% diversion rate is achievable here, as long as the recycling program includes an in-house composting program.

Clare asked what the implementation cost would be to enable them to achieve the 75% diversion rate. Jesy replied with an in-house composting program, you would have to decide whether to use a local composter and consider the hauling fees of \$100/ton. If it were to be dropped off at Prairieland Dairy, it is about \$30/ton without the compost (with an option to negotiate to \$20/ton). Bluff Road only does yard waste composting currently and it is \$15/ton. Depending on how many recyclables and whether you have a composter on site makes a difference. Clare asked that they put the figures together for both options.

Beutler asked if the handout today comprised the totality of the results accumulated or if they will see a more comprehensive report. Jesy responded that there is a more detailed report to come. The Board thanked the students for their efforts and organization.

Beutler asked for public comment on any of the progress report items.

Jane Kinsey, Lincoln Watchdogs, came forward requesting clarification on a past newspaper article regarding the cost of the canopy. She said the newspaper reported the cost in the millions of dollars and questioned the source of that funding. Yancey explained that there are two canopies. There will be a new canopy on the Amtrak Station and Platform construction. Also, an existing historical canopy will be taken down, restored and reinstalled. Although not bid until summer, the estimate for this historical rehab is \$1.6 million. Both are part of the existing budget.

On the sustainability plans, Kinsey wondered if plans would be requested from anyone else. Beutler explained that they would probably be entering into a contact with SMG for management in which they will be addressing sustainability to some degree. The students were engaged as part of a public education process, as well as with the intent of them being tremendously helpful for us. The Board is certainly willing to listen to all input on sustainability ideas. The contract is yet to be negotiated with SMG. They run the current auditorium and would likely be the ones in charge of the new arena. Kinsey mentioned that recycling is a big business, and she can provide names of people who pick up recyclables free. They had two garbage haulers in a townhouse setting fighting for the recycling business free without doing any bids. The bins are good reminders and, because of the recycling business appeal, you may not even need to raise the price to divert those materials. Beutler asked Kinsey to pass along information to Tom Lorenz with SMG directly, or to Paula Yancey, or himself. If SMG is awarded the contract, Lorenz will be charged with the responsibility of doing these things as cheaply as possible.

Peter Bleed, 1315 N. 37<sup>th</sup>, came forward to speak on cultural resources. Bleed has been a supporter of the arena and believes it is good for the State. However, he is unsettled by recent events in the development that show what he believes is a disregard for the cultural resources of the area. His intent today is to urge the JPA Board to be aware of the situation.

Block 51 is where the Watson Brickson lumberyard was previously. On an isolated corner on the south side of the block is where the gasification factory sat. About two years ago, for three weeks, he directed an archeological field school of students in this area. It is an interesting area and shows an early part of Lincoln. It is an isolated area literally on the wrong side of the tracks and was an important part of the depot district. A hotel in the 1880's housed single men who were laborers. After about 1903, the area was changed into the lumberyard that became the Watson Brickson factory.

On the margins of this area, there was subsurface material that clearly reflected Lincoln's history. The demolition of Watson Brickson involved 90% recycling of materials and documentation of the outside of the structures. However, there was little attention to the inside. The buildings were chipped or shredded. There was no systematic or professional recovery of historic business records. The demolition was only to be surface level demo. But there was subsurface impact. Bleed was well treated and respected the demolition workers who were on site. They were doing a good job with what they were charged. But they went down below surface. There was evidence of an 1872-73-74 residence foundation. The building was gone before 1903, but the archeological potential to learn and document life, landscape, activities, and lifestyle of people that made our town is being compromised very dramatically. There are other areas in this project as well.

Blead believes the JPA Board should recognize and speak for cultural resources and should receive a systematic standing during the planning process. He does not believe that it is systematically happening now. The Nebraska Historical Society Historic Preservation Office is not empowered or involved in a systematic way.

Beutler asked for clarification that Bleed does not believe anything illegal is being done, but with regard to cultural history of the City, we could do a better job. Bleed thought others could better address legalities. As an archeologist, he is concerned that someone decided that what is called a Section 106 process was not appropriate. That is the device used by the Federal government to set in process a systematic evaluation.

The Archaeological Resources Protection Act of 1979 (ARPA) says if something is there, we have to protect it. So, someone decided something was not there. He is not trying to say something was illegal, but to say this is our history and we should want to protect it.

Beutler reminded everyone that there was an archeological survey on the railroad land. Bleed, in fact, volunteered his labor in the process. They systematically looked for what was called the immigrant hotel and they became reasonably convinced that the history of that hotel simply does not survive. In that same process, they came up with a clearer statement to say that there was archeological history on the Block 51 area. Beutler believed we had covered what should have been, and today was the first time he was told there was a hotel in the Block 51 area. It is very important to bring this type of information forward. He questioned if there are other blocks within the development that we should be cognizant of this same concern. Bleed responded that agencies such as the Nebraska Historical Society Historic Preservation Office would be the appropriate contact. The information he is bringing forward today he believes was conveyed to the project managers and the City staff involved. He also has done a brown bag presentation on Channel 5, but he has not published much on this. He senses that the agency mentioned believes they should be a more regular partner in the planning process. The management of issues and timing are not systematically being discussed and worked through. There is great expertise even within the County-City Building.

Beutler reported that the location of a parking garage was changed due to historic preservation issues so some attention is being given. Bleed believes there is some attention and feels blessed to live in a community where those types of conversations happen and honored to be involved in those. The conversation that needs expansion on this project is the management and importance of these issues. He does not know what that process is right now. Beutler thanked Mr. Bleed for his comments and encouraged him to send any of the Board members a note if further comments.

Colby Mach, representing LIBA, came forward to express how impressed he was with the UNL students reporting today. He would encourage the students to reach out to the private sector to see if someone might provide the signage and bins that are needed in return of the recyclables. The People's City Mission in Lincoln has started an extensive recycling program. They are recycling cloth material and using the proceeds to fund the homeless in our community. They also have an extremely large volunteer donor base. There may be a partnering opportunity to save money as well and avoid increasing individual item cost. Beutler confirmed that Tom Lorenz with SMG was absorbing all the cost saving management ideas.

Dan Marvin spoke on the historic process to date. The Section 106 process is required when you have a federal action. That process was pursued during 2009-2010 through the Corps of Engineers. Also, there were conversations with Nebraska Historic Preservation Office, in particular Mr. Puschendorf. There as a 404 Permit related to the railroad track movement. This was considered a nationwide wetlands permit that required a 404 Permit. We felt we had entered into a process where the Historic Preservation communicated with the Corps and the Corps said the book was closed and there was no ongoing process needed to involve federal offices in a 404 Permit Section 106. That process closed in approximately February of 2010. There has not been any further federal action pending that required us to be involved with Nebraska Historic Preservation.

Leading up to that we engaged and paid the University some modest amount, around \$30,000, to do some work in that area. This included work on Watson Brickson and north of 'O' Street. This all lead up to the Judds contract involving a tremendous amount of earth movement that was needed to prepare the site north of 'O' Street for development. There were trenches dug in the

“hole of the donut” and the “Y” areas before the tracks were relocated to determine if there were any historic materials. We got what we thought was a green light to move forward with development. Not having a Section 106, we still felt it was our duty to do what we could, so Sinclair Hille was engaged to do a full recordation of Watson Brickson. It has not been posted on the HaymarketNow website as it is a huge .pdf file. It does talk about the history of the site, Block 51, back to about 1880.

Once we had the contract to do the demolition of the Watson Brickson building, they checked internally within the City to be sure we were following procedures. Everyone thought we were good to go. Marvin did communicate to Mr. Bleed that if the opportunity presents itself we may be able to reintroduce people back into the area. It is sad if something we did would destroy the material prior, but it has rained with water standing previously at some point over the past 100 years. We felt we followed what was needed and had paid for a recordation of the building. The historic canopy asked about earlier is one of the most historic items we have in the area, and we are paying a significant amount to restore the historical value of that canopy. We will continue to investigate areas in a respectful way. We are working with the guidance of Mr. Ed Zimmer also, who has great credentials and interest in preserving and conserving historic items. Beutler thanked Marvin for his report.

#### **Item 5 – Approval of Payment Registers**

Steve Hubka, City Finance Director, brought forward the payment registers for the month of March for Board approval. With the increased activity on the site, there is a total of approximately \$7.640 million, including the payment to Engineering Revolving. Most notably is the payment to Mortenson for over \$5 million. All the vendors have appeared on past registers. In responding to Clare, Hubka confirmed that all the costs are within the budget, and that he is confident we are following audit procedures.

Being no public comment, Carroll made a motion to approve the payment registers. Clare seconded the motion. Motion carried 3-0.

#### **Item 6 – Review of the March 2012 Expenditure Reports**

Hubka explained that these reports reflect the amended budget. Being no public comment, the Board moved to the next agenda item.

#### **Item 7 -- WH 12-24 Resolution approving the West Haymarket Redevelopment Agreement by and between the City of Lincoln, Nebraska, TDP Phase One, LLC, and the West Haymarket Joint Public Agency, relating to the redevelopment of property generally located between 7th Street and the future Pinnacle Arena Drive and Q and R Streets and authorizing certain administrative actions on behalf of the JPA in accordance with the terms and conditions in said Redevelopment Agreement. (Rick Peo/Hallie Salem)**

Rick Peo, City Attorney’s Office, explained that this agreement is for the first phase in the redevelopment area. This agreement was previously on the City Council agenda and was approved by them following a public hearing. It has also been executed by TDP Phase One. It provides for certain activities to take place. The first involves the properties purchased by the JPA pursuant to the movement of the railroads and redevelopment. Part of that property is to be sold to TDP Phase One for redevelopment activities consisting of two aspects. One is the residential/retail/office area on Redevelopment Area A south of the arena and second is some additional retail on what is called The Yard on the Festival Block to the east.

The residential phase of that project will include an expenditure on TDP's part of \$21-\$30 million. The hotel would involve another \$20 million investment by TDP. In return, the JPA will be constructing some parking improvements. One is probably Parking Deck A to provide parking for retail, office, and the tenants within the TDP properties.

Another aspect of the agreement is the issuance of City TIF bonds to help fund the improvements. The JPA would be buying Series A bonds for approximately \$6 million. TDP would purchase Series B bonds for another amount of about \$2 million. JPA would be funding 78% of the purchase price with 22% from the developer. The primary purpose for that is to generate more "bang for your buck" since the JPA can purchase the bonds at a lower interest rate than the developer could, allowing more money to be spent on eligible TIF improvements. The JPA will make a little bit of return on its investment since the interest rate would be in excess of what would occur under normal investment policies. The reimbursement of the TIF bonds is guaranteed in several ways. One is the repayment from tax increments that are generated on the project; and, secondly, the redeveloper would be responsible for any shortfall in TIF taxes that would come in. The third assurance is the personal guarantees of the underlying members of this organization (WKR and Chief Industries) that they will cover any other type of deficiency. Because the JPA is only buying 78%, we feel that is a sufficient safeguard in itself. So, we do not feel there is any risk to the JPA to purchase the TIF bonds.

Carroll asked if the expenditure use and prioritization of TIF money is specifically spelled out in the contract, and believes all of the improvements give value to the entire area. Peo confirmed that is the case. Provisions for use of TIF funds have those requirements, and we feel those requirements are being meant.

Clare has received some questions regarding the entertainment district, and wants to make sure a family atmosphere and a safe area is maintained. There are concerns it not become a wild bar scene in this area, but be a family environment. The representations thus far have provided that assurance, but it is the duty of the Board to ensure that this develops as a fun, safe, and family area. Peo believes the reputations of those involved and restrictions in the agreement give those assurances. Recognizing that, if there were to be a sale, someone else follows up on the business; we tried to include restrictions to maintain the level above a bar atmosphere. The goal is to make it family oriented, and the City will still have some control of The Yard.

The entertainment district concept still has elements to work out that will include further regulations and restrictions as that moves forward. Clare is pleased about the sale being included. Definitely, the current owners have their heart in the right place. But, if sold, we need some assurances any new owners would have the same level of commitment to the community. He believes we are lucky to have the Scott brothers here in Lincoln, Nebraska. Peo thinks we have a balance between protecting the environment and allowing a private developer to make a living.

Marvin invited Brett West of WRK to give a short presentation on what is being constructed. This has been a process involving the public, Urban Design, Planning, and Historic Preservation. It has also been through City Council. It amounts to about half the amount of investment dollars that we told the public it would cost with the vote. It is the first phase and still leaves two additional blocks on which to build. Director Landis told the Council we have exceeded where we thought we would be at this time, and Marvin thinks that is a fair assessment. This includes 288,000 square feet of development.

West displayed slides, attached hereto, outlining the project. The first part of the project is the Canopy Street Lofts with five floors of housing and the first floor of retail. The contemplated hotel next door to the south includes three floors of hotel and two floors of higher end housing or office space. The Yard is across the street to the east of the lofts. They have tried to blend in with the historic context and scale of the area. To allow people to walk around, a public market is introduced into the design, which was part of the redevelopment agreement. There is seating to extend that experience and is in keeping with the family atmosphere.

Another slide with the view from the arena northeast to southwest begins to show the concept of The Cube, which also is heavily discussed in the redevelopment agreement. This allows creation of the wow factor to get people on site. It is an art installation, but has some functionality to project information on sponsored events, a pregame show, or even a concert or movie night. It has flexibility to draw all types of people to the area. On The Yard slide, you can see the concept of a rooftop garden or deck. There is also one behind The Cube for the public. In the current plan, The Cube can be accessed and experienced by the public from the inside as well. The Yard can house up to 1,000 people.

The Canopy Street Hotel is being contemplated as a future project. Things are going well on this, and there is a signed letter of intent. The financing package is in development now. The hotel is coming quickly and ideally, the goal is to complete construction all at once in order to avoid conflicts such as tenants dealing with construction while they are moving in. The first floor plan shows the Phase I north half retail, housing entrance, a leasing area, The Yard, The Cube, and large space for the public market capturing a benefit for the City. Also, there is a public courtyard in response to feedback, especially at the Urban Design group who wondered where the urban park was located. West stated that this was a tough document to get through, but believes they have created a win-win for everybody. The Board members thanked Mr. West.

Jane Kinsey came forward to express concern over comments WRK made during the City Council testimony. They stated they wanted this to appeal to young people and to young professionals because they are the future of the City. Nothing was said about being family friendly, leaving the impression that they were wanting the young people. Kinsey stated that, for the most part, young people do not pay the most taxes here in town. She wanted to encourage the JPA Board members to keep discussing with WRK the importance of a family-friendly environment in this area. Families usually do not take their children downtown to places where people will be walking around with drinks in their hands. In Lincoln, the law is that you cannot take a child into a bar, so she is concerned how this will be controlled. The public needs some assurance that this will be controlled in some way, and right now, the plan is nebulous. As far as the TIF is concerned, the Watchdogs would like to protest use of additional TIF and, as requested several times, they would request an audit of all TIF monies.

Mach came forward stating that just prior to this meeting there was a meeting to review the contracts and language, which raised some questions. He apologized for not having those questions earlier. On March 4, the Journal Star did an article about Woodbury and WRK using \$2.7 million in City tax funds for specific extras including an arts and humanities plaza, public art outside the building, and improvements to the building's facade from stucco to brick. Today's contract is with TDP Phase One LLC and there is reimbursement in here for art as well. Mach asked if this is the same pool of money or if the TIF financing for art in this agreement is additional funding.

Beutler thinks the numbers quoted are high. He asked for the questions to be submitted, and they would be glad to get back to LIBA with a response. Peo responded that the arts and humanities

project is separate and distinct from this particular development. Each will have their own TIF and expenditures. Mach requested a delay if this expenditure on art is in addition to the \$2.7 million reported, and would like to know how much additional money is involved. Also, he questioned if the plan is to purchase art locally. It would be important to spend those dollars locally.

Carroll explained that in the contract on page 66 it spells out the TIF dollars for each priority. Maybe the fourth priority is the one Mach is discussing. It is the only TIF amount listed where art is referenced. Beutler explained that the project referenced in the paper is east of the project being discussed today. Mach then asked for clarification that these dollars are in addition to the \$2.7 million reported in the paper. Since he was not familiar with the figure in the paper, Beutler asked Peo to get together with Mach and sort through the questions. Peo again said it is available on the City Clerk's website by contract and they can provide that information.

Clare moved approval of the resolution. Carroll seconded the motion. Being no further discussion, motion carried 3-0.

**Item 8 -- WH 12-25 Resolution approving a Contract Agreement between Evan Corporation d/b/a Evan Fall Protection Systems Inc. and the West Haymarket Joint Public Agency for construction of the Fall Protection Systems for the Pinnacle Bank Arena. (Paula Yancey)**

Yancey introduced this resolution for approval of this contract with Evan Corporation. They provide fall protection systems for arenas and building such as arenas. This is an additional rigging tie off system to be used once the building is open – not during construction. It is a cabling system used by stage handlers during the rigging of things such as lighting, sound, and staging equipment. It is an engineered, OSHA approved system to be safe as they walk through the catwalks up in the high ceilings of those buildings. The contract was put out for bid, and we had two bidders.

Evan Corporation was the most responsive and complete bid for the system we needed. The total contract value, with the insurance that we needed, was \$142,870. There was an option to increase the coverage to extend it over further bays of the arena floor. A total of \$18,635 was added for that extended coverage for a total contract price of \$161,505. This is well below the budgeted amount that was within the furniture and fixtures line item. Clare asked why we were buying this now. Yancey explained that they work with the structural engineers through the engineering of the catwalks to create the system that will be installed next year. They will supply attachment point details to the structural engineer and steel suppliers to avoid having to retrofit later.

Lorenz reiterated that this is an important system for the safety of the stagehands who work above when shows are booked in the arena. They will have safety harnesses and fall protection tie offs. This company is very reputable. They work with them across the country and appreciate their efforts in the arena.

Being no public comment, Carroll made a motion to approve Resolution WH12-25. Clare seconded the motion. Motion carried 3-0.

**Item 9 -- Set Next Meeting Date**

The next regular meeting date is Friday, May 4, 2012 at 3:00 p.m. in City Council Chambers Room 112. Due to a conflict for Clare with UNL graduation being the same date and time, he requested a reschedule to move the meeting up a couple of hours on the same date. The meeting will be moved to Friday, May 4, 2012 at 1:00 p.m.

**Item 10 -- Motion to Adjourn**

Carroll made a motion to adjourn the meeting. Clare seconded the motion. Motion carried 3-0. The meeting adjourned at 4:25 P.M.

**Prepared by: Pam Gadeken, Public Works and Utilities**



 **Pinnacle Bank Arena**

# **PINNACLE BANK ARENA**

**& Associated Infrastructure  
Projects**

**Project Status Update  
April 20<sup>th</sup>, 2012**

# N STREET PHASE 2



Demolition on Phase 2 of N Street began  
between 9<sup>th</sup> & 8<sup>th</sup> on Tuesday, April 17<sup>th</sup>.

# 7<sup>TH</sup> & R STREET / USPS PARKING LOT



7<sup>th</sup> & R Street is now open to public traffic

04/18/2012

# AMTRAK STATION



Amtrak interior work has started including electrical rough-ins, wall framing and door frame installation.

# AMTRAK EXTERIOR SHEATHING INSTALLATION



# AMTRAK PLATFORM



The platform slab is substantially complete.

04/18/2012

# WATSON BRICKSON DEMOLITION



**Demo of building two. Steel, wood and concrete are being separated for recycling.**



04/19/2012

# WATSON BRICKSON



# WATSON BRICKSON



 Pinnacle Bank Arena



UNL STUDENT PRESENTATION ON  
ARENA RECYCLING

# **Pinnacle Bank Arena Sustainability Program**



**PRESENTATION BY  
ENVIRONMENTAL STUDIES  
STUDENTS AT THE UNIVERSITY  
OF NEBRASKA AT LINCOLN**

# Overview



- Public Opinion
- Funding
- Big Ten Schools Recycling Programs
- Other Academic Arenas
- Vendors

# Public Opinion

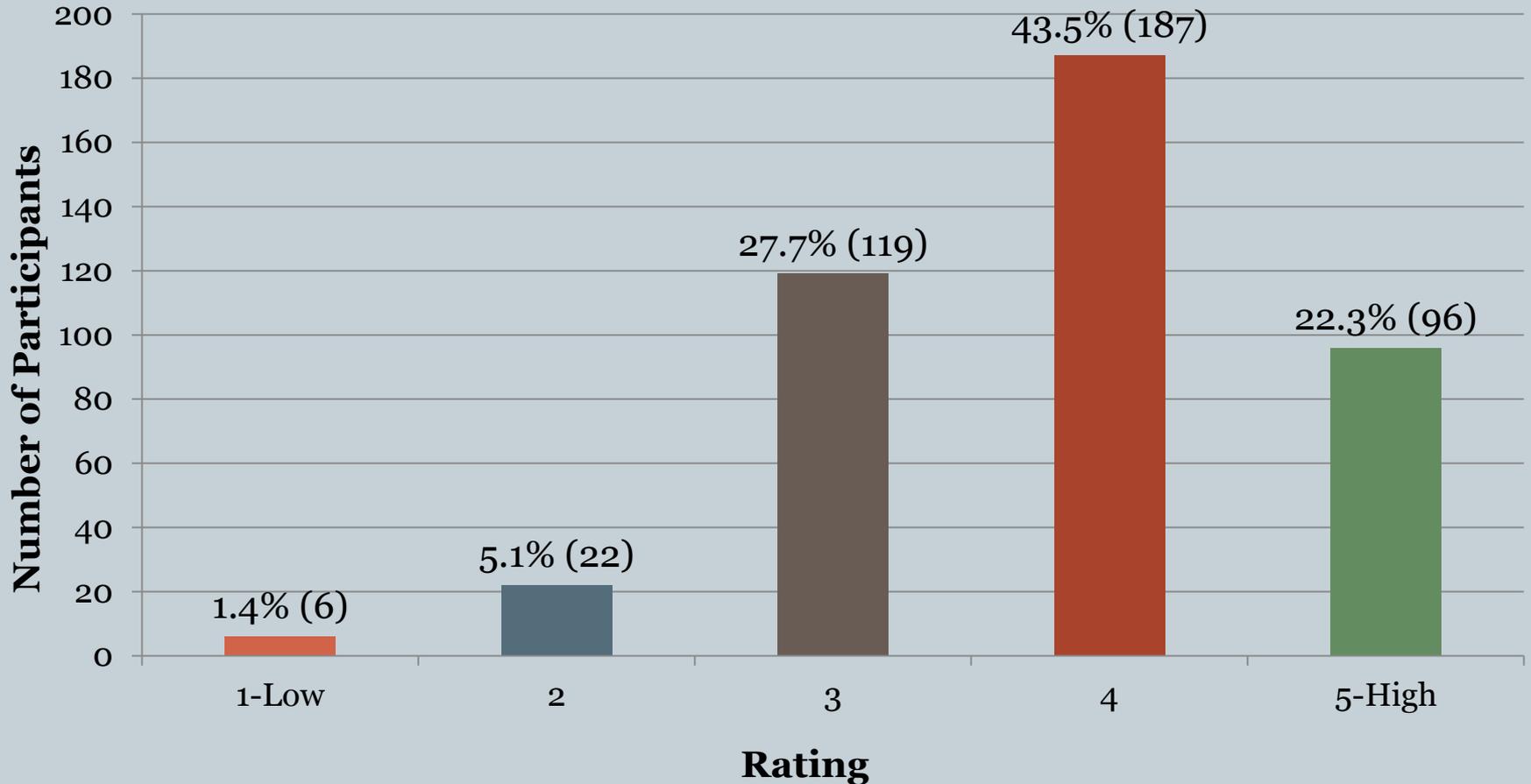


**AN INSIGHT INTO THE CURRENT  
ATTITUDES OF THE GENERAL PUBLIC  
ON IMPLEMENTING A RECYCLING  
PROGRAM IN THE ARENA**

# Please rate your personal knowledge about recycling



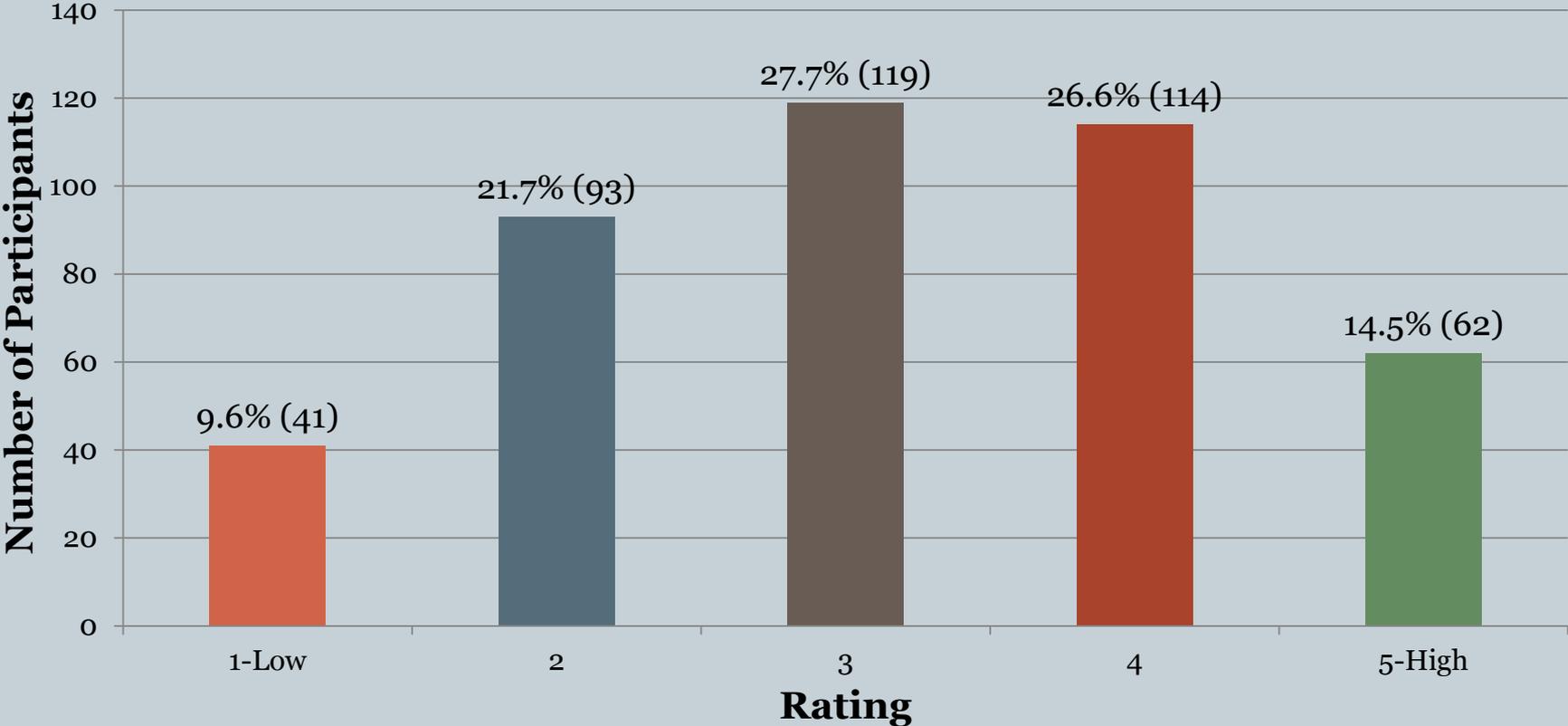
## Recycling Knowledge Level



# Please rate your knowledge about composting



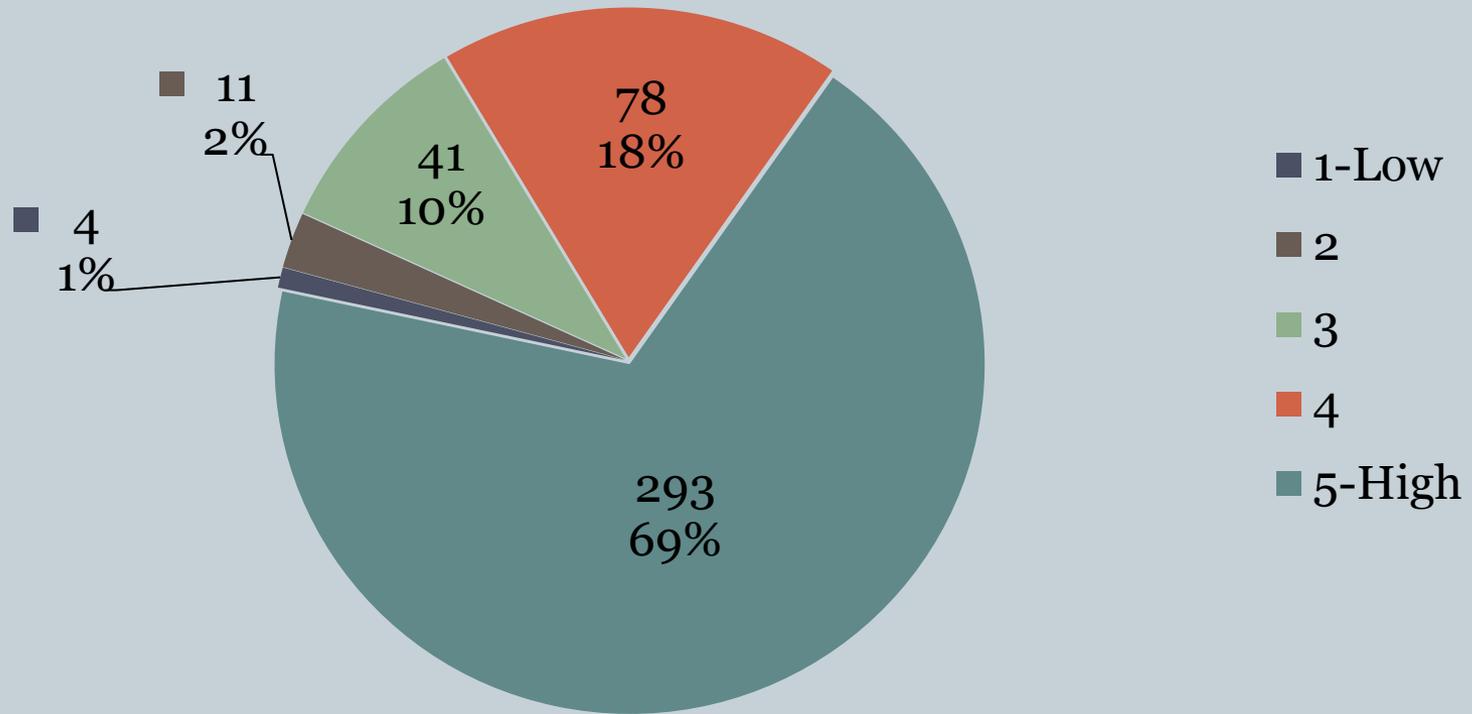
## Composting Knowledge



# How strongly do you support having a state of the art recycling program at the new Pinnacle Bank Arena?



## Support for Recycling Program



# How much more would you be willing to pay for a beverage at the Pinnacle Bank Arena to ensure the container would be recycled or composted?



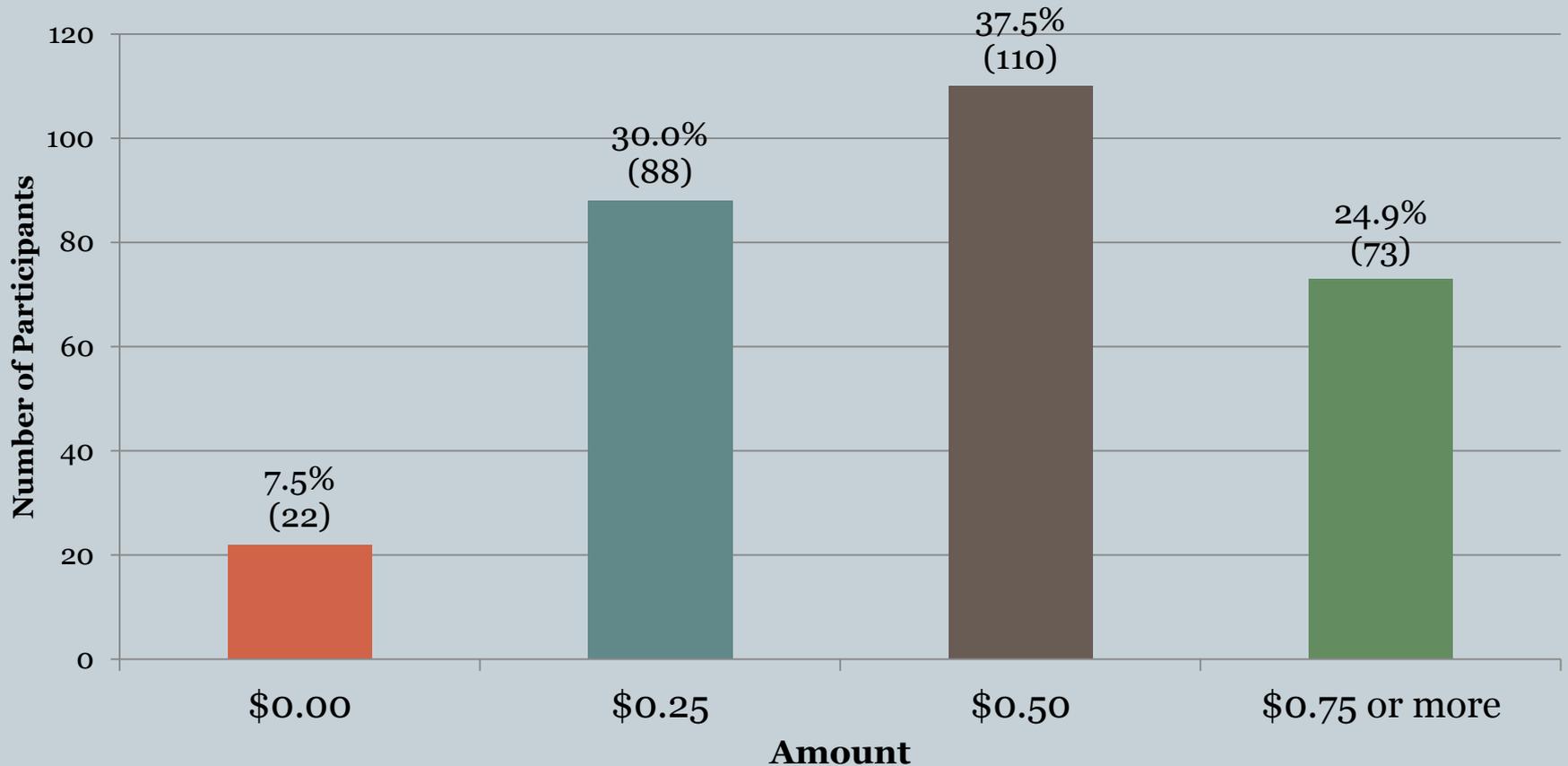
## Willingness to Pay



How much more would you be willing to pay for a beverage at the Pinnacle Bank Arena to ensure the container would be recycled or composted?



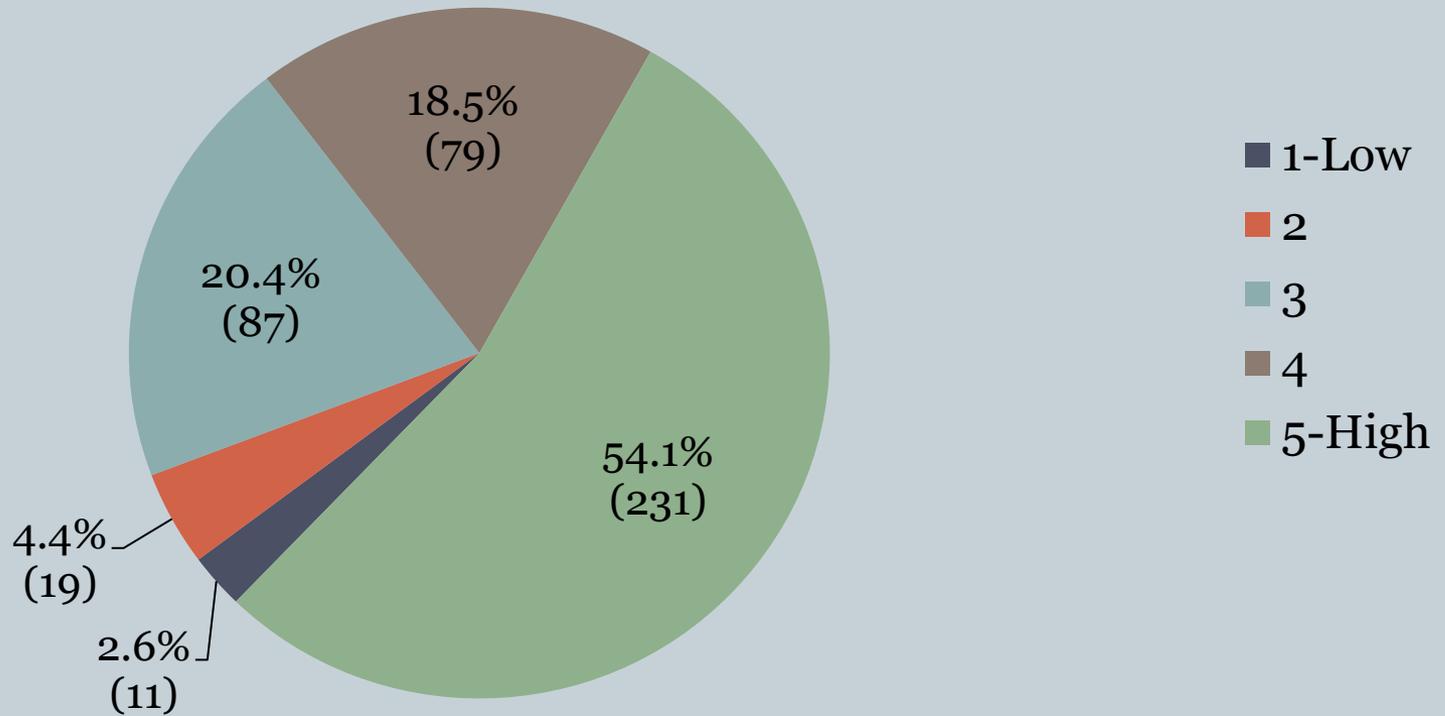
## Willingness to Pay by Strong Supporters



# How strongly do you support having a composting program at the new Pinnacle Bank Arena?



## Composting Support



# Conclusions



- Overall support of a recycling program and composting program at the new Pinnacle Bank Arena
- Willing to pay extra fees to ensure container is recycled or composted
- Participation in the program is pending on the availability and convenience

# **ECONOMIC SUSTAINABILITY: FUNDING THE PINNACLE BANK ARENA RECYCLING & COMPOSTING PROGRAM**



**TO SEEK OUT POSSIBLE SOLUTIONS FOR  
ENSURING FUNDING FOR THE RECYCLING  
PROGRAM IN THE FUTURE.**

# COSTS & BENEFITS

## LANDFILL

- \$21/ton tipping fees & tax
- No cash return
- ↑ Environmental impact
- ↓ Community image

## RECYCLED

- No tipping fee
  - Cash return\*
    - Increased with compactor\*
  - ↓ Environmental impact
  - ↑ Community image
- \*1000 tons recycled = \$20,000 saved  
in tipping fees
- \*Cardboard \$90 ton, 1 pull (\$100)  
2 tons bailed cardboard = \$80 profit

# Funding in the Big Ten



-\$700,000 (Billable services)  
+\$400,000 (Sale of recyclable materials)



- Corporate sponsorship & Internal Grants
- Athletic & Sustainability Department
- Information/education most costly aspect



- Volunteers to educate at events
- Signage & digital display
- Radio, social media, other institutions



- Same receptacles as campus for familiarity
- \$60/ton to incinerator vs. \$15/ton to composting

# Local Possibilities



- Haul to landfill
- Haul recyclables , compost, grease
- Donate carts/containers
- Provide compactor



- Provide bags for compost stations
- Donate mulch to arena for landscape



- Potential compost use on UNL east campus

# Local Possibilities



- Musicians prefer sustainable venues



[www.ticketinventory.com](http://www.ticketinventory.com)

- Professional publicity



Ndamukong Suh playing in the 2009 Holiday Bowl.

- Volunteer opportunities for students



- Community Involvement



[richmediadp.wordpress.com](http://richmediadp.wordpress.com)

# Big Ten Athletics



**EXISTING SUSTAINABLE  
FEATURES IN BIG TEN  
ATHLETIC FACILITIES**

# Waste Management



- **Ohio State**
  - In-stadium composting, zero-waste stations
  - Near zero-waste football stadium
    - Avg 75% diversion rate
  - Organics recycling programs & pilots
- **Michigan**
  - Vendor Recycling
  - Post game in-stadium recycling
- **Michigan State**
  - Post game in-stadium recycling
- **Illinois**
  - Specialty materials recycling inside arena



# Other Considerations



- Energy Efficiency
  - Adopting LEED and ASHRAE building standards
  - Energy Star rated building products
- Resource Conservation
  - Occupancy light sensors
  - Use of runoff and grey water
  - Dual flush toilets (.5 gallon difference)
  - Reuse of building material scraps

# Volunteer Connection

- Michigan
  - Post game in-stadium recycling
- Nebraska
  - Go Green for Big Red 3rd year
- Penn State
  - Student volunteers help tailgaters recycle prior to every game



# Other Arenas



**LOOKING AT ACADEMIC INSTITUTIONS AND  
ARENAS OUTSIDE OF THE BIG TEN AND  
WHAT THEY HAVE DONE TO BECOME MORE  
SUSTAINABLE.**

# Rose Garden Arena

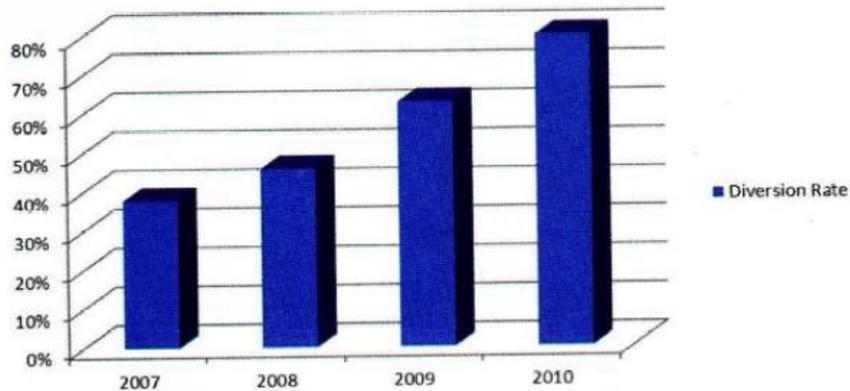


Photo courtesy of greensportsalliance.org

- Portland, OR
- Home to NBAs Portland Trailblazers
- First sports arena to achieve the LEED Gold certification on January 25<sup>th</sup>, 2010

Image courtesy of  
NBA.com

### Diversion Rate



The Rose Garden Arena's waste diversion rate rises has generated a three-year savings of \$180,000.



Photo courtesy of grendrorecycling.com

- Chesapeake Energy Arena (Oklahoma City, OK)
  - \$140,000 recycling grant
  - GreenSpot: sustainability initiative
  - RETHINK! Campaign
    - ✦ RETHINK Bins
- CenturyLink Center Omaha (Omaha, NE)
  - No recycling funding
  - Little public awareness



# Keys to a successful recycling/composting program



- Secure funding
- Initiate a campaign to raise public awareness
- Clearly labeled recycling bins
  - Greendrop recycling bins
- Recycling/composting bins should outnumber or be equal in amount to waste baskets
  - Placed near or in same locations as waste baskets



# Pinnacle Bank Arena Sustainable Vending Solutions



**LOOKING AT THE VIABILITY OF A VENDOR  
IMPLEMENTING SUSTAINABLE FOOD  
SERVICE MATERIALS**

# Food Service Product Materials



- **Polystyrene: a.k.a Styrofoam**

- Classified by the EPA as a possible human carcinogen
- Manufacturing creates chemical biohazards
- Non-biodegradable

- **Plastic**

- Manufactured with petroleum
- Harmful to animals that ingest
- Non-biodegradable

- **Paper**

- 100% Compostable and recyclable when not dyed or bleached
- Made from renewable resources but at a faster rate than can be remediated
- No known health threats or environmental hazards

- **Bagasse**

- Made from byproducts, sugar cane stalks are ground up after juices are extracted
- 100% compostable
- Non-recyclable
- No know health or environmental risks

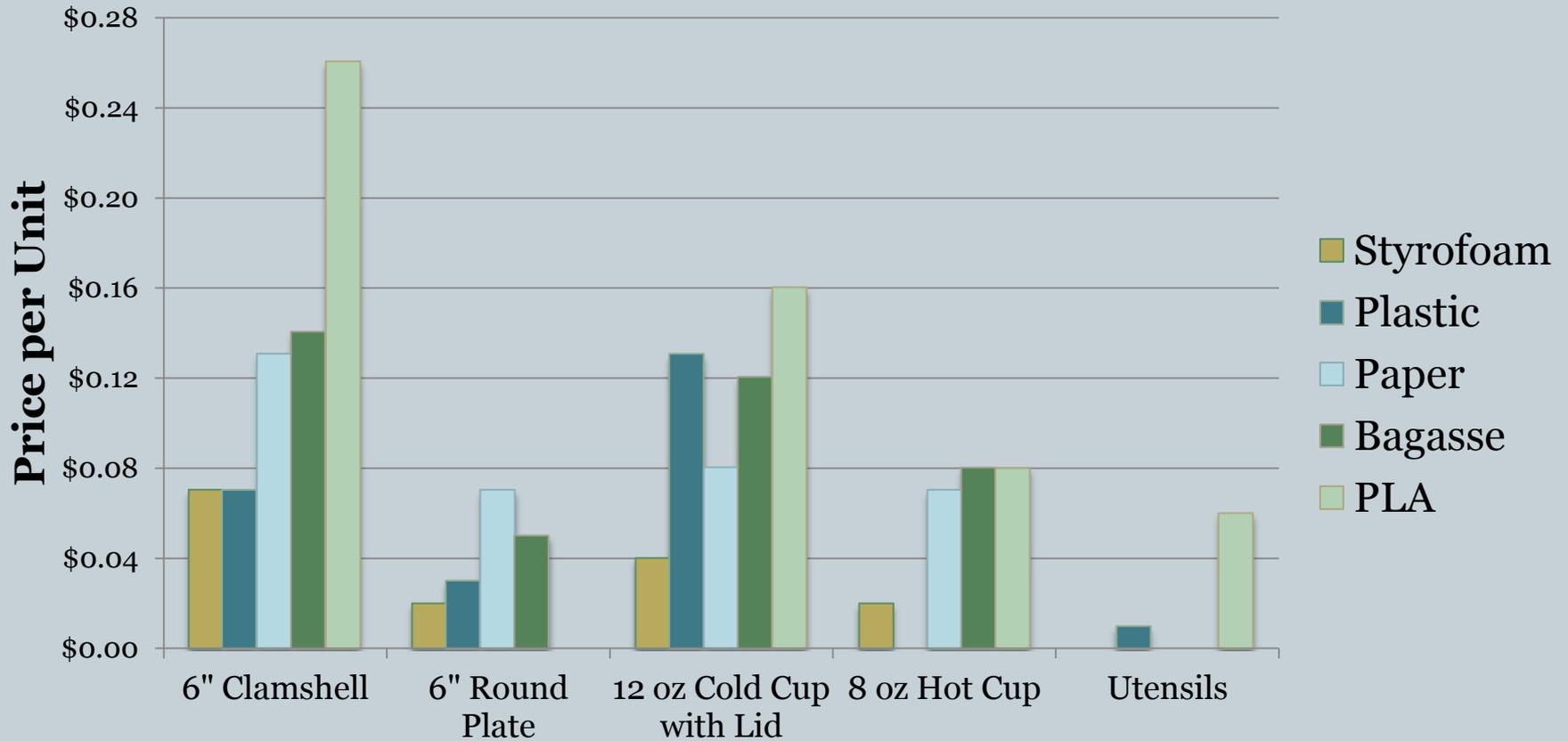
- **PLA**

- Derived from corn starch
- 100% compostable
- Non-recyclable

# Material Costs



## Product Cost per Unit



# Ensuring the Use of Sustainable Products



- A list of restricted materials (polystyrene, bleached or dyed paper, petroleum-based plastics)
- Provide a database of approved materials
- Present a directory of approved food service product distributors
- Custom standards on RFP's to be met prior to bidding
- Arena provides all materials to vendors
- Required compliance for all vendors

# Not Just Food Containers



- **Practices**
  - Recycling grease
  - Donating unused products
  - Fewer disposables used in preparation
  - Green cleaning products
- **Eco-friendly Equipment**
  - Energy Star appliances
  - Fair-trade utensils
  - Locally made countertops and seating

# Conclusion



- **ACHIEVABLE WASTE DIVERSION RATE WITH AN IN-HOUSE COMPOSTING PROGRAM**

**75%**

# Wrap-Up & Questions



- **PUBLIC OPINION-KIANA**
- **FUNDING-JESY**
- **BIG 10 SCHOOLS RECYCLING PROGRAMS-NEIL**
- **OTHER ACADEMIC ARENAS-TOM**
- **VENDORS-CHEVELLE**



# Canopy Street

## Canopy Street Lofts

- Two Story Loft Apartments
- Attached Parking
- First Floor Retail & Restaurants
- Rooftop Deck & Workout Facility

## The Yard

- Winter Ice Skating Rink
- Public Market
- Concert Stage
- Retails, Restaurant, & Nightlife

## Canopy Street Hotel

- First Floor Retail
- Attached Parking
- Workout Facility & Pool
- Top Floor Apartments/Condos



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### Features

- Public Ice Rink & Skate Rental
- Outdoor Concerts & Festivals
- The CUBE
- Public Market
- Restaurants & Nightlife
- Outdoor Fire Pit
- Rooftop Seating



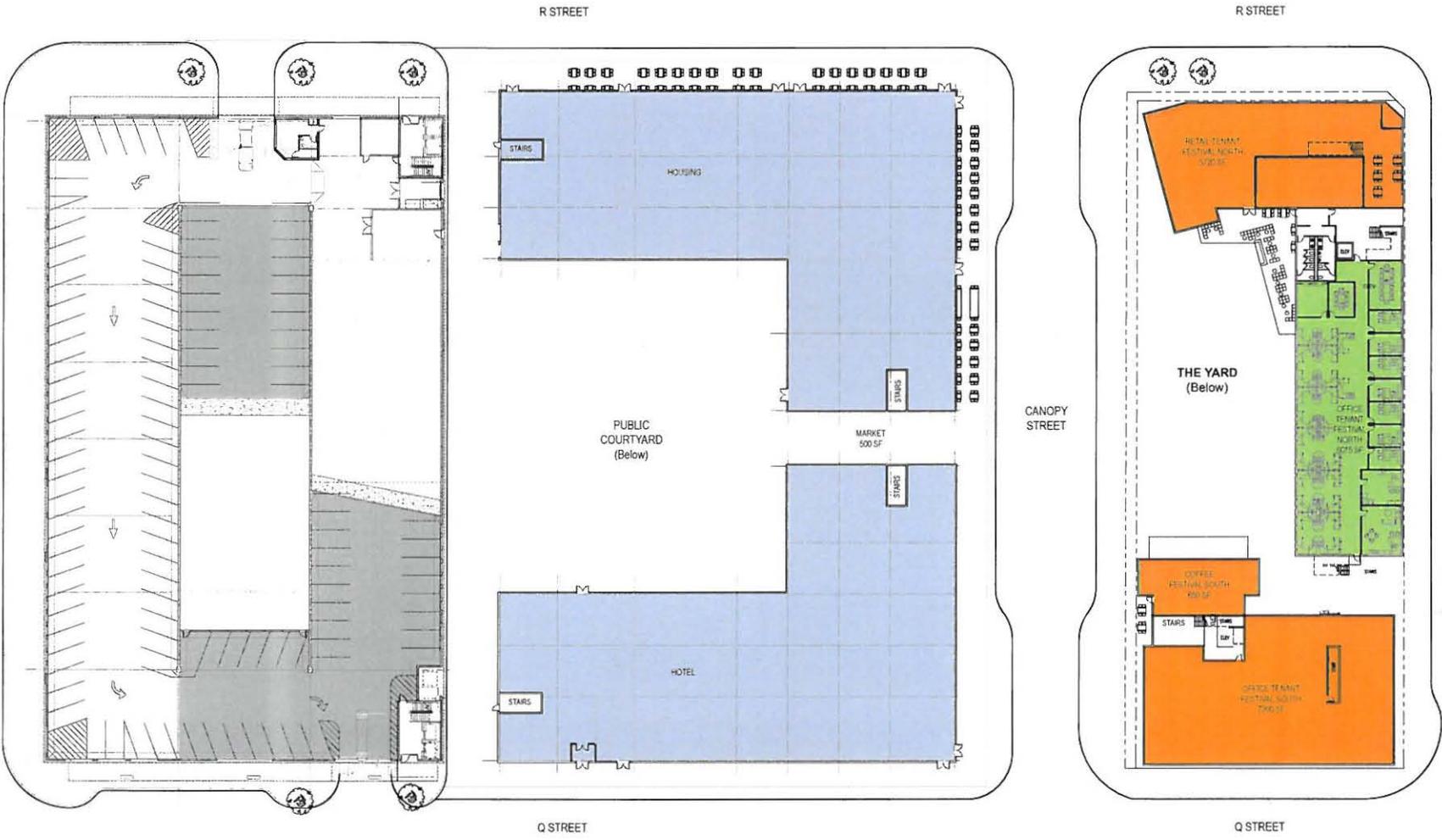
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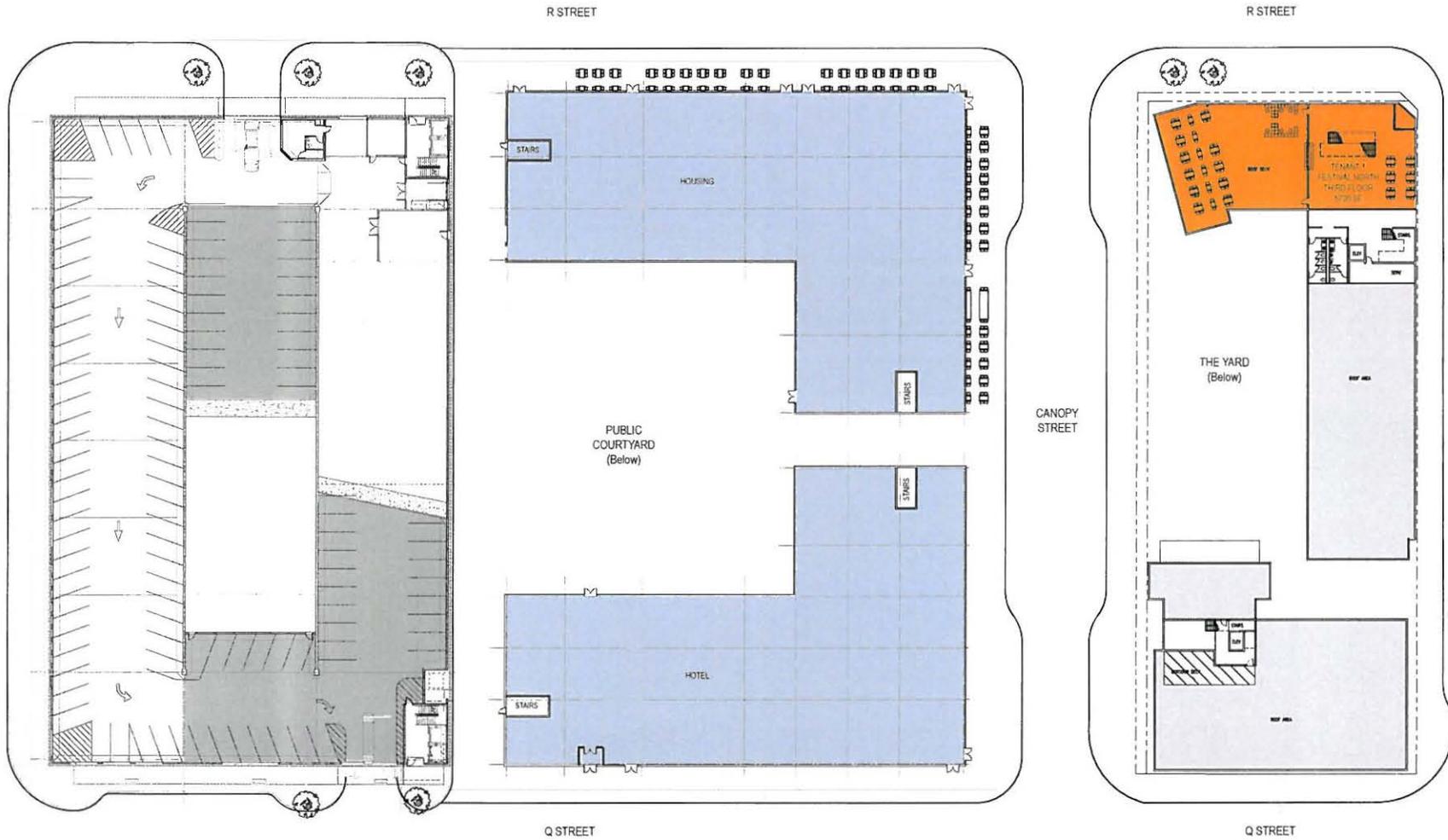
# FIRST LEVEL FLOOR PLAN



# SECOND LEVEL FLOOR PLAN



# THIRD LEVEL FLOOR PLAN



West Haymarket JPA  
Payment Register  
4/1/2012 through 4/30/2012

Vendor Number	Name	Remark	Project	Description	Do Ty	Doc Number	Amount	Payment Date	Payment Number
38181	Judds Bros Construction Co	#870703,Worked 1/19-3/16/12	870703	WH Initial Haymarket Site Prep	OV	1354105	44,288.65	04/05/12	52137
38181	Judds Bros Construction Co	#870303,Worked 1/29-3/16/12	870303	WH USPS Parking Lot Reconstctn	OV	1354106	8,383.36	04/05/12	52137
38391	Lincoln Journal Star	Cust#60016059	870302	WH "M"&"N" St,7th to 10th St	PV	1354072	22.05	04/05/12	52138
38391	Lincoln Journal Star	Bid 12 072	870302	WH "M"&"N" St,7th to 10th St	PV	1354074	21.48	04/05/12	52138
82448	Nebraska Title Company	FGFNo: CITY004 Purchase Stmt	870901	WH BNSF Land Acquisition	PV	1356432	3,287.00	04/09/12	23173
82368	State of Nebraska	Feb'2012 monitoring,#10620	870602	WH Voluntary Clean-up Program	PV	1354780	1,314.36	04/11/12	468143
90229	State of Nebraska	VCP app & deposit (SO of O)	870602	WH Voluntary Clean-up Program	PV	1355967	5,000.00	04/11/12	468144
102154	Public Building Commission	Finance- Mark L 04/12	06095	W Haymarket O & M	PV	1355879	22.24	04/11/12	468145
102154	Public Building Commission	Finance- Mark L 04/12	06095	W Haymarket O & M	PV	1355879	204.62	04/11/12	468145
598394	George W Neubert	Consulting/Jan 5th,26th,2012	870952	WH Community Space & Civic Art	PV	1355965	650.00	04/11/12	468146
38181	Judds Bros Construction Co	#10 Prkg Lot work,Mar 17-31	870303	WH USPS Parking Lot Reconstctn	OV	1355925	25,893.20	04/12/12	52292
82691	Alter Trading Corporation	Relocation pay#3	870902	WH Alter Site Purchase	PV	1356132	483,333.33	04/12/12	52328
222586	Don Herz	Services for March, 2012	06095	W Haymarket O & M	PV	1355881	357.50	04/12/12	52380
249308	DLR Group Inc	Arena Feb'12 Reimb Exps	870100	WH Arena	OV	1355915	10,000.00	04/12/12	52382
591846	Marvin Investment Management Co	Program Admin 2/16/12-3/15/12	06095	W Haymarket O & M	PV	1355885	7,063.00	04/12/12	52435
596579	SMG	Lorenz,Rosenbaum,1/23-24/12	870100	WH Arena	PV	1355964	404.45	04/12/12	52448
596608	M A Mortenson Company	March'12 scheduling bill#13	870000	WH General Coordination	OV	1355904	16,666.00	04/12/12	52449
596608	M A Mortenson Company	Arena work,March,2012	870100	WH Arena	OV	1355912	5,842,738.00	04/12/12	52449
596877	Olsson Associates	LHIT work 1/1-2/4/12	870202	WH Parking Garage #1	OV	1355900	40,039.81	04/12/12	52451
596877	Olsson Associates	LHIT work 1/1-2/4/12	870951	WH ITS & Dynamic Message Signs	OV	1355900	1,015.50	04/12/12	52451
596877	Olsson Associates	LHIT work 1/1-2/4/12	870305	WH Core Area Roadway & Utility	OV	1355900	78,323.74	04/12/12	52451
596877	Olsson Associates	LHIT work 1/1-2/4/12	870201	WH HymktPkLot,FestSp&PedGrdStr	OV	1355900	111,071.00	04/12/12	52451
596877	Olsson Associates	LHIT 1/1-2/4/12	870906	WH Amtrak Station	OV	1355900	12,979.52	04/12/12	52451
596877	Olsson Associates	LHIT work 1/1-2/4/12	870307	WH Streetscape	OV	1355900	18,915.95	04/12/12	52451
596877	Olsson Associates	LHIT work 1/1-2/4/12	870302	WH "M"&"N" St,7th to 10th St	OV	1355900	23,034.50	04/12/12	52451
596877	Olsson Associates	LHIT work 1/1-2/4/12	870204	WH Parking Garage #2	OV	1355900	186.00	04/12/12	52451
596877	Olsson Associates	LHIT work 1/1-2/4/12	870000	WH General Coordination	OV	1355900	41,220.37	04/12/12	52451
596877	Olsson Associates	LHIT work 1/1-2/4/12	870952	WH Community Space & Civic Art	OV	1355900	1,232.50	04/12/12	52451
596877	Olsson Associates	LHIT work 1/1-2/4/12	870703	WH Initial Haymarket Site Prep	OV	1355900	26,365.78	04/12/12	52451
97885	Copy Services	Customer 595381	06095	W Haymarket O & M	PV	1357531	22.88	04/18/12	468542
98642	Information Services	03/12 Data Processing	06095	W Haymarket O & M	PV	1357533	88.42	04/18/12	468543
108417	Citizen Information Center	WHJPA Video 3-16-12	06095	W Haymarket O & M	PV	1357535	67.50	04/18/12	468544
594773	Alfred Benesch & Company	Site assess,1/23-2/19/12	870601	WH NDEQ T-200	OV	1357767	5,952.00	04/18/12	468545
594773	Alfred Benesch & Company	Site assess 1/23-2/19/12	870604	WH Other/Miscellaneous	OV	1357768	51,840.27	04/18/12	468545
594773	Alfred Benesch & Company	Site assess,1/23-2/19/12	870603	WH Environmental Contngy Pln	OV	1357768	12,944.50	04/18/12	468545
594773	Alfred Benesch & Company	Site assess,1/23-2/19/12	870602	WH Voluntary Clean-up Program	OV	1357768	1,689.77	04/18/12	468545
308161	Midwest Right of Way Services Inc	MROW#237	870903	WH Jaylynn Site Purchase	PV	1357766	102.00	04/19/12	52560
593485	Thought District Inc	10-JPA-0007 On-Going Mgmt	06095	W Haymarket O & M	PV	1357536	2,000.00	04/19/12	52603
77921	County/City Property Management	CITY CONTROLLER-JPA	06095	W Haymarket O & M	PV	1359699	35.32	04/25/12	469021
38181	Judds Bros Construction Co	Site Prep 3/17-3/31/12	870703	WH Initial Haymarket Site Prep	OV	1358115	46,438.85	04/26/12	52651
598263	PC Sports LLC	Mar,2012 Program Mgmt	870000	WH General Coordination	OV	1359284	68,050.00	04/26/12	52759
598263	PC Sports LLC	Mar,2012 Arena Mgmt	870100	WH Arena	OV	1359284	30,450.00	04/26/12	52759

Grand total 7,023,715.42

West Haymarket JPA  
Public Works Engineering Costs  
4/1/2012 through 4/30/2012

Description	Fund	Project	Description	Do Ty	Document Number	Object	Sub	Amount	G/L Date
Design Engineering	00951	870000	WH General Coordination	EU	337502	6153	130	1,330.47	04/05/12
Observer/Inspections	00951	870302	WH "M"&"N" St,7th to 10th St	EU	337502	6153	325	659.64	04/05/12
Construction Engineering	00951	870302	WH "M"&"N" St,7th to 10th St	EU	337502	6153	320	293.08	04/05/12
Design Engineering	00951	870302	WH "M"&"N" St,7th to 10th St	EU	337502	6153	130	2,607.31	04/05/12
Design Engineering	00951	870305	WH Core Area Roadway & Utility	EU	337502	6153	130	1,335.92	04/05/12
Design Engineering	00951	870000	WH General Coordination	EU	338441	6153	130	1,175.66	04/19/12
Design Engineering	00951	870201	WH HymktPkLot,FestSp&PedGrdStr	EU	338441	6153	130	230.71	04/19/12
Observer/Inspections	00951	870302	WH "M"&"N" St,7th to 10th St	EU	338441	6153	325	97.62	04/19/12
Design Engineering	00951	870302	WH "M"&"N" St,7th to 10th St	EU	338441	6153	130	2,434.90	04/19/12
Design Engineering	00951	870303	WH USPS Parking Lot Reconstctn	EU	338441	6153	130	115.35	04/19/12
Design Engineering	00951	870305	WH Core Area Roadway & Utility	EU	338441	6153	130	2,134.15	04/19/12
Design Engineering	00951	870306	WH Traffic Analysis	EU	338441	6153	130	182.79	04/19/12
Design Engineering	00951	870951	WH ITS & Dynamic Message Signs	EU	338441	6153	130	182.79	04/19/12
Grand total								12,780.39	

		Total Budget	Expend.	Encumb.	Available Balance	Accounts Receivable	Adjusted Avail Bal
-----							
00951	West Haymarket Capital Proj						
70090	West Haymarket Park						
	870000 WH General Coordination	6,674,522	4,262,314	2,686,656	274,448-		274,448-
-----							
70090	West Haymarket Park	6,674,522	4,262,314	2,686,656	274,448-		274,448-
-----							
70091	Arena						
	870100 WH Arena	178,107,742	36,914,679	134,709,140	6,483,923		6,483,923
	870101 WH Arena Contingency	5,143,925			5,143,925		5,143,925
	870203 WH Arena Parking Garage	698,599	533,122	192,673	27,196-		27,196-
-----							
70091	Arena	183,950,266	37,447,801	134,901,813	11,600,652		11,600,652
-----							
70092	Parking						
	870201 WH HymktPkLot,FestSp&PedGrdStr	13,080,079	571,057	994,575	11,514,447		11,514,447
	870202 WH Parking Garage #1	15,066,244	405,223	606,193	14,054,828		14,054,828
	870204 WH Parking Garage #2	232,000	202,106	29,608	286		286
-----							
70092	Parking	28,378,323	1,178,386	1,630,376	25,569,561		25,569,561
-----							
70093	Roads						
	870301 WH Charleston Bridge/Roadway	264,403	252,015	390,766	378,378-		378,378-
	870302 WH "M"&"N" St,7th to 10th St	2,818,574	1,771,881	171,420	875,273		875,273
	870303 WH USPS Parking Lot Reconstctn	713,947	665,969	25,787	22,191		22,191
	870304 WH 10th & Salt Creek Road Impr	3,420,647	3,415,232	7,927	2,512-		2,512-
	870305 WH Core Area Roadway & Utility	13,531,642	632,623	333,904	12,565,115		12,565,115
	870306 WH Traffic Analysis	125,095	57,452	28,148	39,495		39,495
	870307 WH Streetscape	405,706	178,894	226,812			
	870308 WH Sun Valley Blvd & West "O"	40,000	22,938	16,433	629		629
-----							
70093	Roads	21,320,014	6,997,004	1,201,197	13,121,813		13,121,813
-----							
70094	Pedestrian Ways						
	870401 WH Plaza						

		Total Budget	Expend.	Encumb.	Available Balance	Accounts Receivable	Adjusted Avail Bal
-----							
00951	West Haymarket Capital Proj						
70094	Pedestrian Ways						
	870402 WH Canopy Phase II	1,000,000			1,000,000		1,000,000
-----							
70094	Pedestrian Ways	1,000,000			1,000,000		1,000,000
-----							
70095	Utilities						
	870501 WH Sanitary Sewer Relocation	1,492,905	1,492,905				
	870502 WH Fiber Optic Comm & Other	650,880	506,035	31,547	113,298		113,298
-----							
70095	Utilities	2,143,785	1,998,940	31,547	113,298		113,298
-----							
70096	Environmental						
	870601 WH NDEQ T-200	2,276,402	1,563,018	41,361	672,023	80,945	752,968
	870602 WH Voluntary Clean-up Program	1,725,156	961,951	53,661	709,544		709,544
	870603 WH Environmental Contngy Pln	2,124,947	535,950	201,939	1,387,058		1,387,058
	870604 WH Other/Miscellaneous	525,600	486,424	255,172	215,996-		215,996-
	870605 WH Canopy Phase I-Lead Abatemt	80,000			80,000		80,000
-----							
70096	Environmental	6,732,105	3,547,343	552,133	2,632,629	80,945	2,713,574
-----							
70097	Dirt Moving						
	870701 WH Stmwtr Mtgtn-Sth&WstOf BNSF	2,305,770			2,305,770		2,305,770
	870703 WH Initial Haymarket Site Prep	6,730,240	5,931,969	822,182	23,911-		23,911-
	870704 WH Other Stormwater Mitigation						
-----							
70097	Dirt Moving	9,036,010	5,931,969	822,182	2,281,859		2,281,859
-----							
70098	TIF Improvements						
	870800 WH TIF Improvements						
-----							
70098	TIF Improvements						
-----							
70099	Site Purchase						

	Total Budget	Expend.	Encumb.	Available Balance	Accounts Receivable	Adjusted Avail Bal
870901 WH BNSF Land Acquisition	1,051,078	1,054,365		3,287-		3,287-
870902 WH Alter Site Purchase	4,860,881	4,060,434		800,447		800,447
870903 WH Jaylynn Site Purchase	1,796,652	1,602,338		194,314		194,314
870904 WH UP Site Purchase	1,326,248	1,326,248				
870905 WH BNSF Const, Rehab, Reloc	47,961,214	50,224,360		2,263,146-		2,263,146-
870906 WH Amtrak Station	2,338,345	774,841	1,435,245	128,259		128,259
870907 WH UP Track Mod West of Bridge	1,236,000	1,166,994		69,006		69,006
870908 WH Other Private Prop Acqstns	1,880,587	603,342		1,277,245		1,277,245
70099 Site Purchase	62,451,005	60,812,922	1,435,245	202,838		202,838
70100 Other Costs						
870951 WH ITS & Dynamic Message Signs	1,826,827	87,332	88,376	1,651,119		1,651,119
870952 WH Community Space & Civic Art	1,500,000	21,760	39,050	1,439,190		1,439,190
70100 Other Costs	3,326,827	109,092	127,426	3,090,309		3,090,309
70105 Bond Related Costs						
870975 WH Miscellaneous	5,160,000			5,160,000		5,160,000
870976 WH Line of Credit		53,227		53,227-		53,227-
870977 WH Series 1 JPA Debt		1,535,168		1,535,168-		1,535,168-
870978 WH Series 2 JPA Debt		1,221,802		1,221,802-		1,221,802-
870979 WH Series 3 JPA Debt		577,661		577,661-		577,661-
870980 WH Series 4 JPA Debt		1,243,825		1,243,825-		1,243,825-
70105 Bond Related Costs	5,160,000	4,631,683		528,317		528,317
00951 West Haymarket Capital Proj	330,172,857	126,917,454	143,388,575	59,866,828	80,945	59,947,773

City of Lincoln, NE  
West Haymarket JPA  
Operating Expenditure Report  
As of April 30, 2012

00950 West Haymarket Reven  
06095 W Haymarket O & M

	ORIGINAL BUDGET	REAPPROP & P/Y ENC	BUDGET REVISIONS	TOTAL	YTD EXPEND	AVAILABLE BALANCE
-----						
00950 West Haymarket Revenue						
06095 W Haymarket O & M						
11 Materials & Supplies						
5221 Office Supplies	250			250		250
5261 Postage	1,000			1,000	1,211	211-
-----						
11 Materials & Supplies	1,250			1,250	1,211	39
12 Other Services & Charges						
5621 Misc Contractual Services	428,698			428,698	199,383	229,315
5624 Auditing Service	15,000			15,000	15,000	
5631 Data Processing Service	10,855			10,855	707	10,148
5633 Software	1,000			1,000		1,000
5637 Engineering & Design	1,828,566			1,828,566	546,523	1,282,043
5643 Management Services	95,043			95,043	60,736	34,307
5762 Photocopying	500			500	90	410
5763 Printing	500			500	171	329
5794 Public Officials	30,000			30,000		30,000
5928 Rent of Co/City Bldg Space	2,456			2,456	1,637	819
5931 Parking Rent Bldg Comm	267			267	178	89
5952 Advertising/Media Serv	2,850			2,850	1,249	1,601
-----						
12 Other Services & Charges	2,415,735			2,415,735	825,674	1,590,061
-----						
06095 W Haymarket O & M	2,416,985			2,416,985	826,885	1,590,100

83410  
MARK  
JPAADMIN

City of Lincoln, NE  
West Haymarket JPA  
Operating Expenditure Report  
As of April 30, 2012

2  
05/04/12  
08:09:41

00950 West Haymarket Reven  
195011 JPA 2010A Debt Servi

	ORIGINAL BUDGET	REAPPROP & P/Y ENC	BUDGET REVISIONS	TOTAL	YTD EXPEND	AVAILABLE BALANCE
-----						
195011 JPA 2010A Debt Servic						
15 Debt Service						
6233 Bd Trustee Pmt-Serv Chg					524	524-
6235 Bd Trustee Pmt-Interest	4,651,510			4,651,510	2,325,755	2,325,755
-----						
15 Debt Service	4,651,510			4,651,510	2,326,279	2,325,231
-----						
195011 JPA 2010A Debt Servic	4,651,510			4,651,510	2,326,279	2,325,231

83410  
MARK  
JPAADMIN

City of Lincoln, NE  
West Haymarket JPA  
Operating Expenditure Report  
As of April 30, 2012

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00950 West Haymarket Reven  
195021 JPA 2010B/C Debt Ser

	ORIGINAL BUDGET	REAPPROP & P/Y ENC	BUDGET REVISIONS	TOTAL	YTD EXPEND	AVAILABLE BALANCE
-----						
195021 JPA 2010B/C Debt Serv						
15 Debt Service						
6233 Bd Trustee Pmt-Serv Chg					424	424-
6235 Bd Trustee Pmt-Interest	5,874,323			5,874,323	2,937,161	2,937,162
-----						
15 Debt Service	5,874,323			5,874,323	2,937,585	2,936,738
-----						
195021 JPA 2010B/C Debt Serv	5,874,323			5,874,323	2,937,585	2,936,738

83410  
MARK  
JPAADMIN

City of Lincoln, NE  
West Haymarket JPA  
Operating Expenditure Report  
As of April 30, 2012

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05/04/12  
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00950 West Haymarket Reven  
195031 JPA 2011 Debt Servic

	ORIGINAL BUDGET	REAPPROP & P/Y ENC	BUDGET REVISIONS	TOTAL	YTD EXPEND	AVAILABLE BALANCE
-----	-----	-----	-----	-----	-----	-----
195031 JPA 2011 Debt Service						
15 Debt Service						
6235 Bd Trustee Pmt-Interest	3,711,614			3,711,614	1,415,770	2,295,844
-----	-----	-----	-----	-----	-----	-----
15 Debt Service	3,711,614			3,711,614	1,415,770	2,295,844
-----	-----	-----	-----	-----	-----	-----
195031 JPA 2011 Debt Service	3,711,614			3,711,614	1,415,770	2,295,844
-----	-----	-----	-----	-----	-----	-----
00950 West Haymarket Revenue	16,654,432			16,654,432	7,506,519	9,147,913

**RESOLUTION NO. WH- \_\_\_\_\_**

1           BE IT RESOLVED by the Board of Representatives of the West Haymarket Joint Public  
2 Agency:

3           That the attached Change Order No. 1 to the Agreement with TCW Construction Inc. to  
4 perform PCB Remediation of the Alter Sliver approved by Resolution WH 00262 is hereby approved  
5 and the Chairperson of the West Haymarket Joint Public Agency Board of Representatives is  
6 hereby authorized to execute said Change Order No. 1 on behalf of the West Haymarket Joint  
7 Public Agency. This Change Order is for the final reconciliation of soil quantities that needed to be  
8 removed in order to meet the required PCB levels required under the JPA’s agreement with BNSF.

9           Adopted this \_\_\_\_\_ day of May, 2012.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

West Haymarket Joint Public Agency  
Board of Representatives

\_\_\_\_\_  
Legal Counsel for  
West Haymarket Joint Public Agency

\_\_\_\_\_  
Chris Beutler, Chair

\_\_\_\_\_  
Tim Clare

\_\_\_\_\_  
Eugene Carroll

West Haymarket Joint Public Agency

CHANGE ORDER

PROJECT: Alter Sliver Remediation  
 PROJECT ID #: 870603  
 CONTRACTOR: TCW Construction Inc.  
 141 "M" Street  
 Lincoln NE 68508

CHANGE ORDER NO.: One (1)  
 CHANGE ORDER DATE: 04-27-2012  
 CONTRACT DATE: 01-06-2012

You are directed to make the following changes to the contract:

Item	Description	Contract Units	UOM	Actual	Net	Unit Rate	Increase/(Decrease)
1200	Mobilization	1 LS		1	0	\$ 44,401.57	\$ -
1210	Construction Staking	1 LS		1	0	\$ 3,661.94	\$ -
1220	Coir Fiber Log	1000 LF		0	-1000	\$ 6.10	\$ (6,100.00)
1230	Coir Fiber Log Maint	1000 LF		0	-1000	\$ 2.93	\$ (2,930.00)
1240/1350	Construction Entrance Surfacing	100 Tons		128.77	28.77	\$ 26.54	\$ 763.56
1250	Temporary Shoring Zone A	600 LF		585	-15	\$ 131.88	\$ (1,978.20)
1260	Temporary Shoring Zone B	600 LF		0	-600	\$ 131.88	\$ (79,128.00)
1270	Chain Link Fence; 96" (In Place)	550 LF		550	0	\$ 24.41	\$ -
1280/1351	Soil Excavation	3700 CY		5659.3	1959.3	\$ 5.05	\$ 9,894.47
1290/1352	Soil Haul and Disposal PCB < 50 ppm	4480 Tons		8241.2	3761.22	\$ 33.61	\$ 126,414.60
1300/1353	Soil Replacement and Compaction	3700 CY		5659.3	1959.3	\$ 27.66	\$ 54,194.24
1310/1354	Second Mobilization	1 LS		3	2	\$ 1,257.92	\$ 2,515.84
1320	Remove Fence	1 LS		1	0	\$ 2,771.60	\$ -
	Survey for BNSF Drainage Ditch	0 LS		1	1	\$ 2,100.00	\$ 2,100.00
	Survey for West of Piling Line	0 LS		1	1	\$ 2,100.00	\$ 2,100.00
	Remobilization for West of Piling Line	0 LS		1	1	\$ 4,000.00	\$ 4,000.00
<b>Total:</b>							<b>\$ 111,846.50</b>

The Original Contract Sum:	\$ 507,058.33
Net Change by Previously Authorized Change Order:	\$ -
The Contract Sum prior to this Change Order:	\$ 507,058.33
The Contract Sum will be (increased)(decreased)(unchanged):	\$ 111,846.50
The New Contract Sum including this Change Order:	\$ 618,904.83
The Contract Time will be (increased)(decreased)(unchanged):	0 days

Reviewed / Approved:  
  
 PC Sports  
 Date: 4/27/12  
  
 Architect / Engineer of Record  
 Date: 4-27-2012

If over \$25,000 and under \$99,999.99

Mayor Beutler

Date:

If over \$100,000



JPA Approval

Date:

**RESOLUTION NO. WH- \_\_\_\_\_**

1 BE IT RESOLVED by the Board of Representatives of the West Haymarket Joint Public  
2 Agency:

3 That the attached Amendment No. 1 to the November 1, 2011 Consultant Agreement for  
4 Extended Program Management Services and Extended Project Management Services between  
5 P.C. Sports and the West Haymarket Joint Public Agency to amend the Scope of Services to  
6 provide additional professional services in connection with the Creative Schematic Design  
7 Services for the Pedestrian Bridge for a fixed fee of \$9,900 is hereby approved and the  
8 Chairperson of the West Haymarket Joint Public Agency Board of Representatives is hereby  
9 authorized to execute said Amendment No. 1 on behalf of the JPA.

10 Adopted this \_\_\_\_\_ day of May, 2012.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

West Haymarket Joint Public Agency  
Board of Representatives

\_\_\_\_\_  
Legal Counsel for  
West Haymarket Joint Public Agency

\_\_\_\_\_  
Chris Beutler, Chair

\_\_\_\_\_  
Tim Clare

\_\_\_\_\_  
Eugene Carroll

AMENDMENT NO. 1 TO NOVEMBER 1, 2011  
P.C. SPORTS CONSULTANT AGREEMENT

THIS AMENDMENT NO. 1 is entered into this 15th day of May, 2012, by and between the West Haymarket Joint Public Agency, hereinafter referred to as "JPA" and P.C. Sports, hereinafter referred to as "Consultant."

The parties hereby agree that the Scope of Services attached to the Consultant Agreement dated November 1, 2011 be amended to add the attached Creative Schematic Design Services for the Pedestrian Bridge to be performed by Dimensional Innovations under a Subcontract with P.C. Sports for a fixed fee of \$9,900.00.

IN WITNESS WHEREOF, Consultant and the JPA do hereby execute this Amendment No. 1 to Consultant Agreement as of the execution date set forth above.

WEST HAYMARKET  
JOINT PUBLIC AGENCY

By: \_\_\_\_\_  
Chair

P.C. SPORTS

By: \_\_\_\_\_  
Title:



# PROPOSAL

**April 26, 2012**

**PC Sports  
Attn: Paula Yancey  
Lincoln, NE**

**Project:** Haymarket Arena Pedestrian Bridge  
**Item Estimated:** Schematic Design for Pedestrian Bridge for May 8- 2012 Meeting  
**Submitted by:** Dimensional Innovations- Justin Wood

## **I. SCOPE AND FEES:**

The following Scope and Fee schedule are based upon the current understanding of the scope of the project. This includes professional services by Dimensional Innovations. Future steps and direction determined at end of schematic design period.

Includes 110 hours of design time: (to be spent between April 25-May 12, 2012)

Description	
Includes: <ul style="list-style-type: none"> <li>• 2 hour charette/ brainstorm session with current design/ architecture team</li> <li>• Presentation to Mayor and team on May 8, 2012. Additional scope and fees will be determined at that time based upon direction given at that meeting</li> </ul> Deliverables: <ul style="list-style-type: none"> <li>• Spark deck/ boards showing visual vocab and inspiration of spaces relevant to project, sketches of plan, and layout of space to accomplish the goals of the project, including working towards a functional budget of approximately \$1M for the 620' long bridge ornamentation</li> <li>• Includes approximate budgetary projections for professional services and construction costs</li> <li>• Design Team: Fletcher Hamel/ Jared Nelson/ Tucker Trotter (may be others as well)</li> <li>• PD/ PM: Justin Wood</li> </ul>	\$9,900.00
<b>Total</b>	<b>\$9,900.00</b>

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## TERMS & CONDITIONS

This proposal submitted for the Haymarket Pedestrian Bridge is predicated and conditional on the following terms and conditions:

**Timeline: TBD**

Project Award date: TBD

**Duration:**

- This proposal is good for 30 days.

**Taxes:**

- Taxes are not applicable.

**Payment Terms:**

- Payment due 30 days after date of invoice.
- Interest assessed by DI at 1% per month on all overdue payments.

**General:**

- The scope of work includes only the work identified in this proposal.
- This proposal is incorporated and made a part of any subsequent contract documents that are executed.
- DI shall have the benefit of all the same contractual rights, remedies and redress as client.
- Notwithstanding any higher standard stated elsewhere, DI's work shall be executed in substantial compliance with the contract documents in a good and workmanlike manner.
- Any obligation to examine documents, the project site, materials or work furnished by others is limited to the obligation to bring to the attention of the client any defects or deficiencies that DI actually discovers during reasonable sight inspection.
- This proposal is based on the completeness and accuracy of the plans and specifications provided to DI by client, and based on all design provided to DI by client being compliant with applicable codes.
- Subcontractor's entitlement to adjustments in the subcontract time or price for changes in the work shall not be contingent upon or limited to the amount that the Contractor receives from the Owner. Under no circumstances does the Subcontractor waive its right to payment for extra work performed by the Subcontractor pursuant to instructions from the Contractor.
- Contractor shall supply all temporary site facilities and utilities without cost to DI, including but not limited to power.
- Any indemnification obligation of DI shall extend only to claims relating to bodily injury or property damage to other property, and then only to that part or proportion of any claim, damage, loss or defect that results solely from the negligence or intentional act of DI. Subcontractor shall not have a duty to defend.
- In the event of a suspension or termination of the work, DI shall be paid for all work performed up to the date of the suspension/termination, for other costs incurred as a result of the suspension/termination, including demobilization and remobilization, and for reasonable overhead and profit.
- DI shall not be responsible for any liquidated damages.
- DI shall not be liable to client for any consequential damages.
- No back charge or claim shall be valid against DI unless agreed in writing by DI and the client before the work is executed.

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Submitted \_\_\_\_\_  
Justin Wood

Date \_\_\_\_\_

Accepted *Paula Jancey*  
Date *4/26/12*

**RESOLUTION NO. WH- \_\_\_\_\_**

1 BE IT RESOLVED by the Board of Representatives of the West Haymarket Joint Public  
2 Agency:

3 That the Easement for Underground Utility Lines and/or Underground Utility Facilities  
4 to Lincoln Electric System in an area generally located at 7th Street and S Street is hereby  
5 approved and the Chair is hereby authorized to execute the Easement on behalf of the West  
6 Haymarket Joint Public Agency.

7 The City Clerk is directed to send the original easement to Lincoln Electric System, c/o  
8 Larry Swanson, Land Management, P.O. Box 80869, Lincoln, NE 68501, for recording.

9 Adopted this \_\_\_\_ day of \_\_\_\_\_, 2012.

Introduced by:

\_\_\_\_\_

Approved as to Form & Legality:

West Haymarket Joint Public Agency  
Board of Representatives

\_\_\_\_\_  
Legal Counsel for  
West Haymarket Joint Public Agency

\_\_\_\_\_  
Chris Beutler, Chair

\_\_\_\_\_  
Tim Clare

\_\_\_\_\_  
Eugene Carroll

**EASEMENT FOR UNDERGROUND UTILITY LINES AND/OR UNDERGROUND UTILITY FACILITIES**

KNOW ALL MEN BY THESE PRESENTS:

That West Haymarket Joint Public Agency, a political Subdivision of the State of Nebraska, of

Lancaster County, Nebraska, in consideration of \$ 1.00, receipt of which is hereby acknowledged, and the further payment of a sum to make total payment of \$ 1.00 for necessary equipment when set on the following described property, do hereby grant and convey unto the LINCOLN ELECTRIC SYSTEM (hereinafter referred to as Grantee, whether one or more its (their) lessees, successors and assigns, the permanent right, privilege and easement of a right-of-way to construct, reconstruct, operate and remove all necessary underground electric facilities, communications lines and other necessary equipment in connection therewith, on and across the following property situated in Lancaster County, Nebraska, more particularly described as follows: A TRACT OF LAND COMPOSED OF A PART OF LOTS 1 & 18, A PART OF THE EAST/WEST ALLEY ADJACENT, BLOCK 270, ORIGINAL TOWN OF LINCOLN, A PART OF THE DEPOT LOT, ORIGINAL TOWN OF LINCOLN, A PART OF 7TH STREET RIGHT-OF-WAY, VACATED IN VACATION ORDINANCE # 623 & 8328, AND A PART OF "S" STREET RIGHT-OF-WAY, ALL LOCATED IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6<sup>TH</sup> PM LANCASTER COUNTY, CITY OF LINCOLN, NEBRASKA, AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH RIGHT-OF-WAY LINE OF "R" STREET, SAID POINT BEING 12.72 FEET WEST OF THE CENTERLINE OF 7<sup>TH</sup> STREET, SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 4 LINCOLN STATION; THENCE NORTH 89 DEGREES 45 MINUTES 39 SECONDS WEST, ALONG THE NORTH LINE OF SAID LOT 4, A DISTANCE OF 57.28 FEET TO A POINT; THENCE NORTH 00 DEGREES 15 MINUTES 52 SECONDS EAST, A DISTANCE OF 520.13 FEET TO A POINT; THENCE NORTH 07 DEGREES 19 MINUTES 18 SECONDS EAST, A DISTANCE OF 211.62 FEET TO A POINT 10.00 FEET NORTH OF THE EXTENSION OF THE NORTH LINE OF BLOCK 19, ORIGINAL TOWN OF LINCOLN; THENCE SOUTH 89 DEGREES 46 MINUTES 25 SECONDS EAST, ALONG A LINE 10.00 FEET NORTH OF AND PARALLEL WITH THE NORTH LINE OF SAID BLOCK 19, A DISTANCE OF 31.28 FEET TO A POINT 12.72 FEET WEST OF THE CENTERLINE OF SAID 7<sup>TH</sup> STREET; THENCE SOUTH 00 DEGREES 15 MINUTES 52 SECONDS WEST, ALONG A LINE 12.72 FEET WEST OF AND PARALLEL WITH THE CENTERLINE OF SAID 7<sup>TH</sup> STREET, A DISTANCE OF 730.14 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 39,092.22 SQUARE FEET, (0.90 ACRES) MORE OR LESS.

The underground utility line and underground utility facilities herein contemplated shall be located on the property approximately as follows:  
Exhibit "A" Page 1 of 2 and Page 2 of 2 Attached hereto

The Grantee shall also have the non-exclusive privilege and easement of ingress and egress across that portion of the property to its (their) officers and employees for any purpose necessary in connection with the construction, reconstruction operation, maintenance, inspection and removal of said underground line and underground utility facilities.

The Grantee shall also have the right at any time to trim or remove such trees and underbrush as may in any way endanger or interfere with the safe operation of the underground lines, underground electric facilities and equipment used in connection therewith.

The Grantee shall also at all times exercise reasonable effort to avoid injury or damage to the landscaping, and improvements of the Grantor, and the Grantee shall repair any such damage and loss arising or occurring to such property solely by reason of the construction, operation, maintenance and removal of any underground utility lines, however, in the event that all or part of the underground utility facilities which may be installed on said easement right-of-way becomes defective or unserviceable in the sole judgment of the Grantee, the Grantee shall have the right, to maintain, repair or replace such underground facilities; provided, if improvements to the property make the installation of such replacements impractical at the location of the original easement granted hereby, the Grantor or their successors in title shall grant and convey to the Grantee, for the same consideration as given herein, an easement for such further installation at a location on said property which is mutually satisfactory to the parties. If the parties fail to agree upon any such new location for the underground electric facilities, the Grantee shall have no obligation to replace or provide underground electric facilities across or to any such property and Grantee shall not be liable nor bear any responsibility to Grantor, its successors and assigns for failure to provide electric service to the property. In determining the locations for further installation the Grantee shall at all times exercise reasonable effort to avoid injury or damage to the landscaping and improvements of the Grantor or their successors. Grantee shall perform any work in connection with this Easement in a good and workmanlike manner with reasonable effort to minimize interference with the use of Grantor's herein described property except as may be reasonably necessary for Grantee to carry out the terms and conditions of this Easement. Grantor, on behalf of itself and its tenants reserves the right to use the surface of the easement area for landscaping, curbing, paving, signs, and otherwise provided such uses do not interfere with the rights of Grantee and comply with applicable provisions of the National Electrical Safety Code and the Lincoln Municipal Code.

The Grantee agrees that should the underground utility lines and underground utility facilities constructed hereunder be abandoned for a period of five years, the right-of-way or easement hereby secured shall then cease and terminate, and this easement shall be of no further force and effect.

Signed the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_\_.

\_\_\_\_\_  
Chair, West Haymarket JPA Board of Representation

STATE OF NEBRASKA )  
 )ss.  
COUNTY OF LANCASTER )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me the undersigned, a Notary Public in and for said County and State, personally appeared \_\_\_\_\_ Chair, West Haymarket JPA Board of Representation

personally to me known to be identical person(s) who signed the foregoing instrument as Grantor and who acknowledged the execution thereof to be a voluntary act and deed for the purpose therein expressed.

WITNESS my hand and notarial seal the date above written.

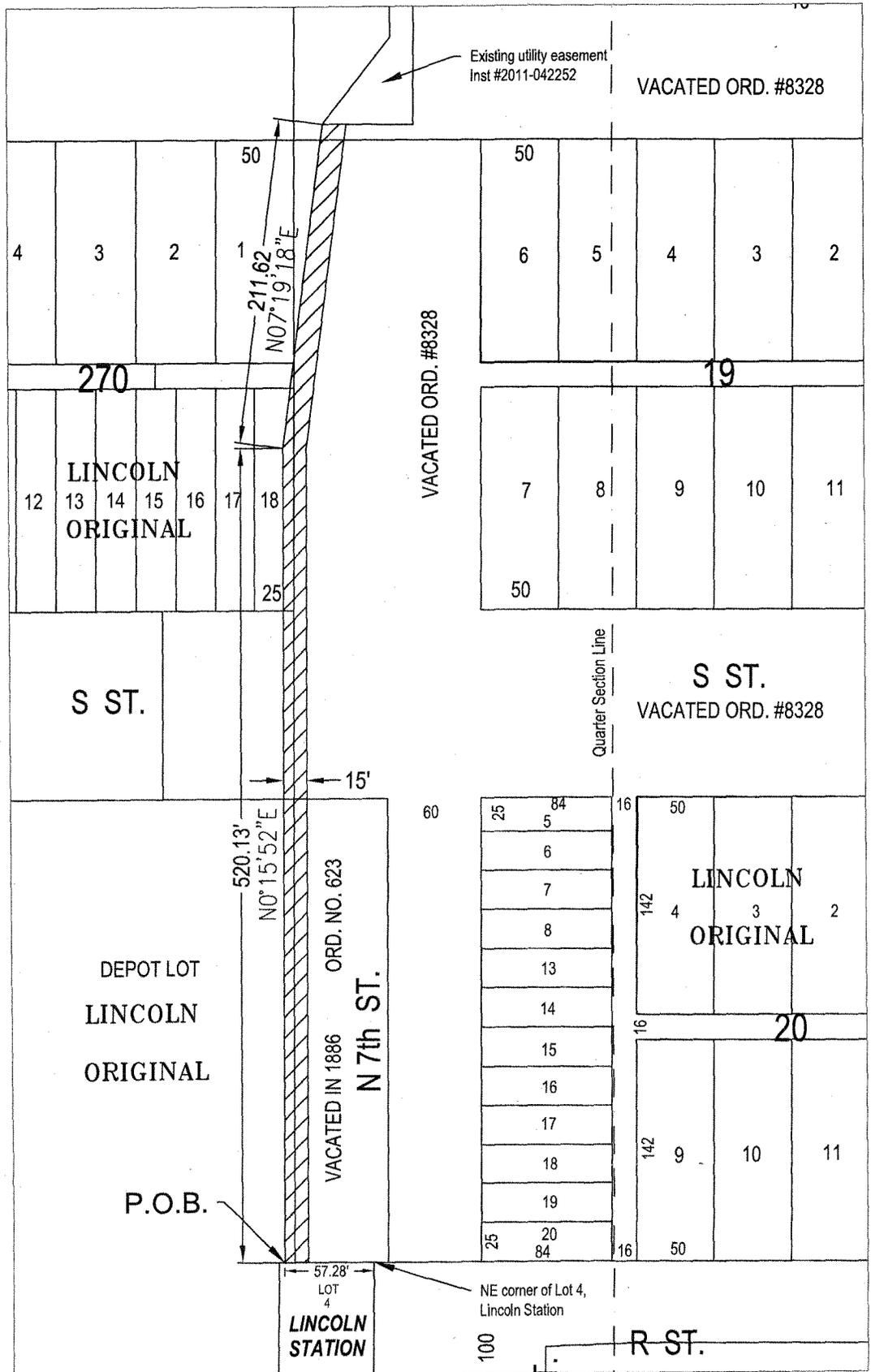
My Commission expires on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

L.E.S. EASEMENT

Exhibit "A"

Page 1 of 2



Location of a Utility Easement in part of Lots 1 & 18, and part of E/W alley, Block 270, and a part of the Depot Lot, Lincoln Original, a part of vacated 7th Street, and a part of S Street, in the SW 1/4, Section 23, T. 10 N., R. 6 E of the 6th P.M., Lincoln, Lancaster County, Nebraska.

Exhibit "A"  
Page 2 of 2

A strip of ground Fifteen (15) feet in width East and adjacent to the following described line;

Commencing at the Northeast corner of Lot Four (4) Lincoln Station Addition;

Thence; West coincident with the North line of said Lot Four (4) a distance of Fifty seven and twenty eight hundredths (57.28) feet to the Point of Beginning;

Thence; N 00° 15' 52" E a distance of Five hundred twenty and thirteen hundredths (520.13) feet;

Thence; N 07° 19' 18" E a distance of Two hundred eleven and sixty two hundredths (211.62) feet and ending there