

WEST HAYMARKET JOINT PUBLIC AGENCY (JPA)
Board Meeting
November 25, 2019

Meeting Began At: 3:02 P.M.

Meeting Ended At: 3:20 P.M.

Members Present: Leirion Gaylor Baird, Tim Clare, and Tammy Ward

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

Gaylor Baird advised that the open meetings law posted at the entrance to the room is in effect.

Item 2 - Public Comment and Time Limit Notification

Gaylor Baird advised individuals from the public are given a total of five-minutes for public comment on specific items listed on today's agenda and those testifying should identify themselves for the record.

Item 3 – Approval of the minutes from the JPA meeting held October 24, 2019

Clare moved approval of the minutes as presented. Ward seconded the motion. Motion carried 3-0.

Chris Connolly, City Law Department, stated there will be no financials today as Brandon Kauffman is out of town.

Connolly further stated Clare requested an update on the refunding of the bonds that took place earlier this month. He explained there was an opportunity to refund the 2011 and 2013 bond series. Both series were handled differently as the 2011 series was expected to move forward with the refunding and the 2013 series was questionable on whether or not it would move forward. The 2011 series was refunded, and the net present value savings is \$12,155,480.00 or 12.155% over the lifetime of the bonds until 2042 which will generate approximately \$850,000 annually in savings over the life of the bonds. The 2013 series were not refunded. There is a benchmark that financial professionals look at in terms of savings. That benchmark is at least a 5% savings on a bond refunding. At the time they looked to refund the 2013 bonds the available rate would only net 3.995% in savings, so they declined to issue the refunding bonds at this time. They will keep watching the market and see what opportunities there are down the road. Connolly further explained this is not an action item, but he would be happy to answer any questions the Board members have. Clare stated he asked Connolly for an update on this as the Board has a fiduciary duty to do the best they can with the monies put in their care. He stated the refinancing took advantage of historically low rates and believes the Board has a duty is to see if there are opportunities to refinance to save money for the JPA and the taxpayers of Lincoln. Clare commented that saving approximately \$850,000 annually in interest expenses is something that should not go unnoticed and something the JPA should celebrate. He also publicly thanked Brandon Kauffman, the financial team, and Connolly for helping to get this project completed for the benefit of the JPA and the City of Lincoln.

Gaylor Baird asked if the financial report for November will take place at the next meeting. Connolly stated that was correct.

Item 4 – WH 19-33 Resolution approving a Consultant Agreement between the West Haymarket JPA and Olsson, Inc. for On-Call Services including, but not limited to, Environmental Sampling and Analysis, Surveying, and Semi-annual and Annual Inspections in accordance with the West Haymarket Redevelopment Site North and South Operations and Maintenance Plans for a sum not to exceed \$25,000.00. (Frank Uhlarik)

Frank Uhlarik, Transportation and Utilities Department, stated this item is related to the JPA's assessment and clean-up of the entire West Haymarket redevelopment area. As a condition of getting no further action documentation from the Nebraska Department of Environmental Quality now known as Nebraska Department of Environment and Energy (NDEE) the JPA had to put restrictive covenants in place on the parcels where residual contamination is not a threat due to the present coverage with soils, concrete, and other environmental controls. The covenants prohibit digging or installing ground water wells. To maintain the covenants, the JPA has to do periodic inspections, soil sampling, oversight on construction activities and so forth. Uhlarik explained it is helpful to have an on-call service to be able to respond and stay in compliance with the covenant restrictions. He stated Olsson has been involved with the site for years and has a lot of institutional knowledge and requested to proceed with Olsson for these various tasks in the future. Gaylor Baird asked for clarification that an expenditure is not required and that this is just a contract to have for on-call services if they are needed. Uhlarik stated this is correct and explained this is a not to exceed contract. There are a couple of tasks that need completed such as surveying and completion of the annual and semi-annual inspection reports required on the covenants that account for approximately 50% of the total amount. However, we want to keep some in reserve for the periodic sampling and oversight that the JPA needs to comply with. Jane Kinsey, Watchdogs of Lincoln Government, asked if this has to do with the plume. Uhlarik stated no and he will discuss that with the next item. Kinsey asked if this has to do with sampling only. Uhlarik explained there are restrictive covenants in place across the vast majority of all tracts in the West Haymarket and to achieve a no further action document from the NDEE covenants are put in place to ensure that contact is not made with deep contaminated soils, that water wells are not installed, and that there is not unrestricted intrusion upon the caps and soil covers placed over the various sites. Kinsey asked how often this will be done. Uhlarik explained this is a semi-annual inspection and an annual inspection report submitted to NDEE. Kinsey asked if this has been done this year. Uhlarik stated on the North this will be the third year of reporting on the covenants compliance and this year will be the first year the areas South of "O" Street at the former Alter Scrap clean-up sites will be reported. Kinsey asked if the \$25,000 is for one year. Uhlarik stated the JPA should get a couple years out of this. Gaylor Baird asked if this Agreement is for up to a sum not to exceed that amount and it is unknown if this amount will even be spent. Uhlarik stated that was correct and that he has only identified about \$10,000 to \$12,000 in tasks already with Olsson for the next six months. Clare asked if this is a monitoring expenditure because there is nothing from an environmental standpoint that prohibits the uses the JPA has down in the area currently. Uhlarik confirmed this is correct. Clare asked if all of the formal letters and approvals have been received. Uhlarik confirmed this is correct. There being no further discussion or public comment, Ward moved approval of the resolution. Clare seconded the motion. Motion carried 3-0.

Item 5 – WH 19-34 Resolution to approve Amendment No. 3 to the Kennedy Jenks Contract for site closure and monitoring well abandonment services at the Canopy Street remediation site for an additional amount not to exceed \$1,100.14, bringing the total contract amount to \$42,022.24. (Frank Uhlarik)

Uhlarik stated the closure letter is coming from the NDEE on the petroleum plume which is surrounded and focused around the Canopy Lofts area. The pumping scheme was modified with a super suck to have a more effective removal of the contaminants. This approach worked well and the JPA is now pumping water with a low enough level of contamination that NDEE indicated the JPA will receive a closure letter on this site. Uhlarik explained when you close a site, the wells being used to monitor the product have to be properly abandoned. This contract is for \$1,100.14 and will close out the Canopy Lofts forever. Kinsey asked if there is a plume left. Uhlarik stated the plume is not readily detectable and usually when it gets to that point on a clean-up project for petroleum remediation the NDEE will allow closure. Kinsey asked when it will be closed. Uhlarik stated he expects it to be closed around the end of November or December timeframe. Kinsey asked if one could say there are no contaminants in this area. Uhlarik stated there are no contaminants that exceed a health risk of concern to the NDEE. Kinsey asked if there will be any other monitoring. Uhlarik stated only the semi-annual and annual inspections to ensure that the covenants are being complied with. There being no further discussion or public comment, Ward moved approval of the resolution. Clare seconded the motion. Motion carried 3-0.

Item 6 - Set Next Meeting Date

The next meeting date will be Thursday, December 19, 2019 at 2:30 p.m. in the County-City Building, Bill Luxford Studio, First Floor.

Item 7 – Motion to Adjourn

Ward moved to adjourn. Motion seconded by Clare. The meeting adjourned at 3:20 p.m.

Prepared by: Kasey Simonson, City Law Department