

WEST HAYMARKET JOINT PUBLIC AGENCY (JPA)
Board Meeting
October 29, 2020

Meeting Began At: 2:34 P.M.

Meeting Ended At: 3:30 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 this is a public meeting subject to the open meetings act posted at the back of the room.

Item 2 - Public Comment and Time Limit Notification.

Gaylor Baird advised members of the public are given 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 September 24, 2020.

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

Item 4 - Approval of September 2020 Payment Register and Review of September 2020 Expenditure Reports. (Brandon Kauffman)

Brandon Kauffman, JPA Treasurer, stated in reviewing the September 2020 payment register the operating budget had \$1,402,714.94 in operating expenditures with the major payments consisting of a payment to Musco Lighting for \$24,176.00; \$557,969.20 in refund payments to the Suite and Loge Box holders; First Quarter Sponsorship payment of \$287,171.50; First Quarter Operating Increment of \$150,000.00; DEC payment of \$219,508.00 of which 69% is billed to the West Haymarket private customers; arena repair and maintenance costs of \$25,448.62 for various repairs at the arena; \$41,067.13 for the Canopy Park sewer line settlement; and \$92,149.84 for August parking garage management.

Kauffman stated the financial report for the JPA for the period ending September 30, 2020 reflect revenues of \$1.9 million and expenditures of \$749,000.00 for a surplus of about \$1.1 million. A beginning fund balance of \$40.7 million and an ending balance of \$41.8 million.

Kauffman stated the Pinnacle Bank Arena income statement for the twelve months ending August 31, 2020 reflects revenues of \$3.3 million and expenditures of \$5 million for a deficit of \$1.7 million and retained earnings of \$-775,058.00.

Kauffman stated the Pinnacle Bank Arena income statement for the one month ending September 30, 2020 reflects revenues of \$146,911.00 and expenditures of \$370,656.00 for a deficit of \$223,745.00 and retained earnings of \$-998,820.00.

Clare asked where the JPA is from a budget standpoint. Kauffman explained we are down 13% compared to the prior year at this time. However, when looking at original projections, the JPA is 18% over the original goal corresponding with year 2029.

Jane Kinsey, Watch Dogs of Lincoln Government, asked if the \$41 million is what is left from the bonds. Kauffman explained this amount is cash on hand and all of the bond proceeds have been expended.

Clare commented that the bonds will be paid off over time and the \$41 million are funds available to make the bond payments. The balance in the fund is where we originally estimated to be in the year 2029 and we are in great financial position. Kauffman agreed and stated we will be able to pay the annual payments and we have sufficient reserves to make the annual payments if no occupation taxes are collected.

There being no further discussion or public comment, Ward moved approval of the payment registers. Clare seconded the motion. Motion carried 3-0.

Item 5 – WH 20-28 Resolution to approve Tribute Benches Master Plan for the West Haymarket. (Lynn Johnson)

Lynn Johnson, Director of Parks and Recreation Department, stated this resolution seeks approval of the master plan for placement of the tribute benches on property that is overseen by the West Haymarket JPA. Ten locations have been identified where tribute benches could be placed in the future. Johnson presented an image of what the benches would look like and briefly described them to the Board. He stated this is a standard tribute bench of the Lincoln Parks Foundation. He explained the costs to sponsor a tribute bench is \$3,000.00 which covers the costs to purchase the bench, the cost to pay for the inscribed plaque, any concrete work that is needed for placement of the bench, and a portion of the sponsorship price goes to the endowment that will provide funding to repair the bench if it were to be damaged or to replace the bench in the future if needed. He explained, if someone is interested in sponsoring a tribute bench, the individual would contact the Lincoln Parks Foundation and they coordinate the process. When it comes time to install the bench, the parks and recreation department handles the installation and, at that time, the bench comes into ownership of the City.

Clare asked if someone wanted to sponsor a bench, how would they determine the location of the bench, is one location more than the other, and is the bench the same price regardless of where the bench is located? Johnson explained it is a standard price for a tribute bench. The benches are not priced based on the location. Any one of the ten locations identified will be presented to the donor or sponsor to pick which place they would like to have the bench placed and the parks foundation then has the ability to approve that. He stated, if the JPA Board wants to handle this differently, each proposal could be brought to the Board for review and approval. Clare stated he wants the Board to have ultimate approval over the location of each bench.

Ward stated ten locations have been identified and asked how this will be promoted or how will people know they can sponsor a bench. Johnson explained that with placement of one bench will cause interest in placement of other benches. On the Parks Foundation website, there is information available about tribute benches and we could add this as one of the options available. The Parks Foundation manages the financial side by funding the purchase of the bench, the inscribed plaque, and reimbursing the department for concrete work, if necessary. Ward asked

for clarification that this is not a fundraising opportunity. Johnson confirmed this is correct and stated that this is a community service not a fundraising opportunity.

Gaylor Baird commented that she appreciates the foresight of including maintenance costs into the costs of the purchase of the bench to help keep it looking good and up to the standards of the community.

Kinsey asked if the family is paying the \$3,000.00 or if taxpayer funds are being expended on this. Johnson stated there are no taxpayer funds being used for this and explained that the family of the sponsor pays for the cost to sponsor the bench.

Clare asked to have a plan put in writing. Johnson stated he can put everything in writing. Clare stated to do this right, we need to have the entire agenda or plan attached to the resolution for approval and proposed to delay this item until the next meeting.

Ward moved to continue this item to the next meeting. Clare seconded the motion. Motion carried 3-0.

Item 6 - WH 20-22 Resolution to approve park bench in memory of Patricia Marvin on property generally located east of the festival parking lot at the north end of the Lincoln Bridge. (Lynn Johnson)

Johnson explained the location being proposed for this bench is one of the locations identified in the Master Plan which is located at the north end of the Lincoln bridge, east of the festival lot. There is a small plaza at the north end of the Lincoln bridge, on the west side at the top of the stairs, that is currently lawn and would be replaced with concrete.

Clare stated again that this is not a reflection of the Marvin family but before we can approve this, we need to have the plan identified in order to show the plan is being followed.

Clare moved to continue this item to the next meeting. Ward seconded the motion. Motion carried 3-0.

Item 7 – WH 20-29 Resolution approving two Unit Price Contracts with Empire Fence & Netting for a total amount not to exceed \$10,112.34 to install fencing, gates, and bollards around portions of the old railroad bridge located on property legally described as West Haymarket Addition, Outlot A, pursuant to Bid No. 16-280. (Caleb Swanson)

Caleb Swanson, PC Sports, stated this item involves the bridge located west of the Breslow Ice Center. It was acquired from the railroad as part of a land acquisition. It is an old abandoned railroad bridge that the University of Nebraska wants to do some testing and engineering experiments on. After the University is done conducting their experiments, we would install some fencing, gates, and bollards to protect the public from straying onto the bridge and potentially injuring themselves. Right now, it is just an open bridge with no direct path to it, but there is nothing preventing someone for walking or riding a bike on it. Approval of this resolution would secure both ends of the bridge to prevent this.

Clare asked if from an attractive nuisance standpoint, would the fence and some signage be sufficient to keep the JPA's liability at a minimum. Chris Connolly, Assistant City Attorney, confirmed this will be sufficient and if it is determined additional measures are necessary, then

we will take them at that time. He explained, 6- or 8-foot fencing will go all the way around to keep people off the bridge.

Kinsey asked if this is the bridge that the University is doing testing on. Swanson confirmed that is correct. Kinsey asked why the University doesn't pay for this. Swanson explained that the University does not own the bridge, they were just given permission to conduct the experiments and at this point we are recommending to the Board that this bridge is a potential safety liability for the public. Whether or not the University was conducting their experiments, we would be making the same recommendation. Swanson further explained, we are waiting until the University is done testing before the bridge will be secured. There has never been any fencing or bollards on the bridge and the bridge was purchased as is. Kinsey asked why this wasn't done originally then. Swanson explained no one had addressed it until now. Connolly explained there have been no claims so far but as the bridge has been looked at, we are trying to make it safe now. We are waiting for the University to conduct their testing and then the bridge will be secured.

There being no further discussion or public comment, Ward moved approval of the resolution. Clare seconded the motion. Motion carried 3-0.

Item 8 – WH 20-30 Resolution approving Unit Price Contract with MTZ Construction, LLC for a total amount not to exceed \$3,875.00 to remove and replace concrete located at the bottom of the pedestrian bridge by Pinnacle Bank Arena, pursuant to Bid No. 16-285, to be paid out of the endowment fund. (Caleb Swanson)

Swanson stated this is located right at the base of the ramp on the east side of the arena where it ties into the plaza by the Harvest Art Sculpture. The City received a citizen's complaint in this area a few weeks ago. As the ramp and the plaza area are de-iced every winter, a lot of the de-icing material runs down and settle at the base of the ramp, ponding in this area and deteriorating the surface of the concrete quicker than in other areas. This is seen a lot around drains due to the concentration of the de-icing material that is accumulated on the pavement in these areas. There is heavy pedestrian use of the ramp, this will replace about a 4- to 6-foot wide portion of concrete right at the end of the ramp by the drain to eliminate any trip hazards. The drain is fine and will be able to be reused. This only replaces the concrete. Because this is a maintenance item it is eligible to be paid for out of the endowment.

Kinsey asked why this is being done and why this needs to be replaced. Swanson explained that the concrete is deteriorating due to all of the de-icing material accumulating in this area and the deterioration is about an inch deep. Kinsey asked why not go after the original construction company. Swanson stated this is not a warranty problem or a problem with the concrete. This is an issue with salts and de-icing materials. He explained that's why you have potholes, cracks, and chips in sidewalks. It's what happens to concrete when you try and keep the ice off of the concrete.

Clare commented, for point of clarification, the JPA set up an endowment fund and the interest off of that is what is paying for this. Swanson confirmed this is correct. Clare stated, the taxpayers contributed to the money put in this endowment fund, but the interest income generated off of that fund is what is being used to pay this.

Clare asked if the same color of concrete will be used to replace this area of concrete. Swanson stated the difficulty with colored pavement is getting them to match. One truck to another, you will see different variations of color. Looking at where this is, there is a transition in color with the ramp being a gray concrete and the concrete around being a purple concrete. The discussion has been that instead of putting in a colored patch and having a gray to a pink to a purple, it was decided to use gray concrete to match the bridge.

There being no further discussion or public comment, Clare moved approval of the resolution. Ward seconded the motion. Motion carried 3-0.

Item 9 – WH 20-31 Resolution approving Unit Price Contract with MTZ Construction, LLC for a total amount not to exceed \$18,785.00 to remove and replace concrete located at front entrance to Pinnacle Bank Arena, pursuant to Bid No. 16-285, to be paid out of the endowment fund. (Caleb Swanson)

Swanson stated this is another area in front of a set of double doors that lead into the south side of the arena that received a citizen's complaint. There are five sets of double doors so it's a large amount of concrete. The issue seen here is where the plaza pavement ties into the stoop. The concrete is deteriorating because of the de-icing agents and the steel that was used to tie the concrete to the stoop was a non-epoxy coated rebar that is rusting and accelerating the deterioration. MTZ was the lowest responsible bidder. The construction to replace the stoop and a couple of panels around there will be per the original design, except epoxy coated rebar will be put in. This is a small, additional expense, but is well worth the additional cost. This will also be paid out of the endowment.

Clare asked again about the color issue. Swanson stated the stoops are all gray rectangles with no color and will be replaced as gray.

Kinsey asked if a construction engineer has looked at this to see if there is some other remediation for it. Swanson explained a construction firm did take a look at this and they are recommending that epoxy coated rebar replace the non-epoxy coated rebar to provide a chemical barrier to assist with the longevity of the slab to resist deterioration. Kinsey asked who looked at this. Swanson stated MTZ and DLR looked at this issue and both suggested to replace the stoop.

There being no further discussion or public comment, Ward moved approval of the resolution. Clare seconded the motion. Motion carried 3-0.

Item 10 – Set Next Meeting Date.

The next meeting will be Thursday, November 19, 2020 at 2:30 p.m. in Council Chambers, First Floor of the County-City Building.

Item 11– Motion to Adjourn

Ward moved to adjourn. Motion seconded by Clare. The meeting adjourned at 3:30 p.m.