

**WEST HAYMARKET JOINT PUBLIC AGENCY (JPA)**  
**Special Board Meeting**  
**June 7, 2023**

Meeting Began At: 2:01 P.M.

Meeting Ended At: 2:44 P.M.

Members Present: Leirion Gaylor Baird, Tim Clare, and Tom Beckius

**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 – Bill No. WH 23-12 Resolution to approve base rates for private suites and private loges at the Pinnacle Bank Arena to be effective September 1, 2023. (Yohance Christie)**

Yohance Christie, City Law Department, stated the rates for the suites and loges have been reviewed. This has not been done for some time and the rates have not been adjusted since the arena's inception. In reviewing the market, the market suggests a rate increase. If this item is approved, the rates would be increased to better align with the current market rate.

Jane Kinsey, Watchdogs of Lincoln Government, asked if this is a raise from the original price. Lynn Heaton, Finance Director, stated this is an increase from the previous contract prices. She asked if the prices were lowered during covid and Heaton explained the prices were not lowered but there was a one year pause. Kinsey asked if this is because of inflation and Heaton explained it is a result of a market analysis of other arenas in the region. Kinsey asked if any suites or loges are not in use. Heaton explained they are all full and in fact there is a waiting list.

Robert Way stated he objects to raising the prices.

Clare commented that the suites are all privately held except there is a City suite and a University suite and the prices are going up for those suites as well. Heaton confirmed this is correct.

Gaylor Baird asked Heaton to provide background on how the arrangement existed for the first ten years and why there are changes being made now. Heaton explained when these contracts were first put in place, many of the contracts were for ten years and the vast majority of them expire on August 31. There were no escalators built in during this time. This resolution essentially sets the base rates to reflect the market analysis done by ASM Global. He pointed out that they do not go immediately to the base rates and instead will phase those in. There are seven and ten year options and during the final three years of each contract there is a 4% escalator built in so that we don't get ten years out again and have to incorporate a large increase. Gaylor Baird

asked if some may not change at all since they are already up in price. Heaton confirmed this is correct.

There being no further discussion or public comment, Beckius moved approval of the resolution. Gaylor Baird seconded the motion, Clare abstained. Motion carried 2-0.

**Item 4 – Bill No. WH 23-13 Resolution to approve the Private Suite Use Agreement template as the model private suite use agreement and authorizing the Chair to execute the private suite use agreements utilizing the Model Agreement on behalf of the West Haymarket Joint Public Agency without further action of the Board of Representatives. (Yohance Christie)**

Christie stated this is related to the previous item. In order to adjust the rates to meet the appropriate market suggestions we need to adjust the suite prices accordingly. We did not want to institute a significant price increase and the specific increase will vary depending on the suite. This template shows the price increases for each individual suite and the last three years will have a 4% rate increase.

There being no further discussion or public comment, Beckius moved approval of the resolution. Gaylor Baird seconded the motion, Clare abstained. Motion carried 2-0.

**Item 5 – Bill No. WH 23-14 Resolution to approve the Private Loge Use Agreement template as the model private loge use agreement and authorizing the Chair to execute the private loge use agreements utilizing the Model Agreement on behalf of the West Haymarket Joint Public Agency without further action of the Board of Representatives. (Yohance Christie)**

Christie stated this is identical to the previous item, however, it is for the private loge boxes.

Kinsey asked if they don't have to come to the Board for approval. Christie explained the Board previously voted on the base rate and now the Board is voting on the template agreement. Kinsey asked if something comes up and needs changed would the Board have to approve the change. Christie and the Board members explained to Kinsey that anything outside of the terms of this agreement would be brought back to the Board for approval.

Way commented that he objects to this item as well and to be careful of any rule changes.

Gaylor Baird commented that the revenue the JPA collects for these purposes is very important to the arena's capital improvement program and regular maintenance. We are now ten years along and we need to make sure we are keeping up the facility so that it is an attractive destination for performers and audiences. She is pleased to support this.

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

**Item 6 – Bill No. WH 23-15 Resolution to approve an Agreement between the West Haymarket JPA and DLR Group for engineering services for the Pinnacle Bank Arena Pedestrian Bridge project for an amount not to exceed \$17,500.00. (Caleb Swanson)**

Caleb Swanson, Project Control, stated this is an item that is budgeted in the CIP and it relates to the pedestrian ramp and plaza between the arena and post office. DLR Group will do a structural

assessment as there are a few areas of notable wear and tear on the surface of this ramp, a few areas of spalling on the concrete, some exposed rebar, cracks, etc. They will do an analysis and recommendation for structural repairs to this bridge. We don't anticipate that it will be a significant structural problem, but a lot of this is ongoing maintenance items that you want to complete to prevent the larger structural problems in the future. This is an hourly not to exceed agreement, so they will do only what is necessary to provide recommendations. Then when we get to the point of having the recommendations, the work will be bid out for a contract to complete.

Beckius asked for a time frame in terms of when the assessment will take place. Swanson stated DLR will be able to start the assessment here in a couple of weeks. The expectation would be that the analysis will be completed by this summer.

Clare asked if the money set aside from the foundation will be able to be used for this. Swanson explained that this money will not be able to be used as structural items are excluded in the foundations fund statement.

Kinsey asked if this was brought to your attention through an examination. Swanson stated SMG/Pinnacle Bank maintenance staff brought this to their attention. Kinsey asked if DLR did the previous work. Swanson explained DLR was the prime architect of the building and they were involved in the design of this bridge. Kinsey asked if inspections are done on the bridge. Swanson explained this will be an inspection of the bridge, but so far there have not been periodic inspections done on the bridge.

Way commented that periodic inspections would be a good idea.

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

**Item 7 - Bill No. WH 23-16 Resolution to approve a Right of Entry Agreement between the West Haymarket JPA and Municipal and Contractors Sealing Products, Inc. to enter upon property legally described as Lot 1, Block 10, West Haymarket Addition for the Salt Valley 48-Inch CMP Rehabilitation project. (Yohance Christie)**

Christie stated this is an agreement to allow one of our contractors to use land that the JPA owns as a staging area for their equipment. Christie displayed a picture and explained the areas to be rehabbed and the staging area for the project. This agreement is for one year unless there is a request to extend it.

Kinsey asked what is this rehab project. Brian Kramer, Wastewater, stated this involves a sanitary sewer line that serves part of south Lincoln. It was installed in 1936 and is showing major signs of deterioration so they are doing a rehab project now before there is a failure of some sort. Kinsey asked how they found out there was a problem. Kramer stated they do video inspections of the sewer and on the inspection they could see that deterioration has occurred in the pipe. Kinsey asked what the length was. Kramer responded about 1 mile.

Way asked if the company using the land is bonded and if there is an inspection before and after so that the land is returned in the state they received it and who is responsible for damages. Christie responded that generally speaking there is standard language in the contract to cover all

of these scenarios with this type of arrangement. Christie stated this is really only for permission to go onto the land while they work on the wastewater pipe rehab.

Beckius commented the standard language includes insurance requirements that the JPA uses for these Right of Entry Agreements and Christie confirmed this is correct.

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

**Item 8 – Bill No. WH 23-17 Resolution to approve an Agreement between the West Haymarket JPA and First Data Merchant Services, LLC for the total amount of \$2,335,265.10 for a point of sale system for the Pinnacle Bank Arena. (Yohance Christie/Lyn Heaton)**

Christie stated there are experts in the room that can speak to the specifics of the point of sale system, however, he pointed out the totals are five year totals with a one-time installation fee. The current system is unsupported at this time so we have to move forward with a new point of sale system.

Clare stated this is really important as there was one complaint during basketball because the current point of sale system is really slow making the lines slow and backed up. This should help resolve those issues.

Beckius commented he agrees with Regent Clare and stated we want to make sure the users have a fantastic experience at the PBA and we want the staff to be able to facilitate that experience as well.

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

**Item 9 - Next Meeting Date.**

The next meeting will be Friday, August 25, 2023 at 2:30 p.m. in Council Chambers, First Floor of the County-City Building.

**Item 10 – Motion to Adjourn**

Beckius moved to adjourn. Clare seconded the motion. The meeting adjourned at 2:44 p.m.