



**JOINT ANTELOPE VALLEY AUTHORITY
Board Meeting
September 10, 2009**

Meeting Began at: 10:31 a.m.
Meeting Ended at: 10:54 a.m.

Members Present: Glenn Johnson, Ted Weidner, Greg MacLean
Others Present: Roger Figard, Kris Humphrey, Joel Pedersen, Amy Cornelius-Jones, Fran Mejer, Jane Jordan, Clark DeVries, Kurt Micek, James Mastera, Edward Price, Steve Larrick, Ken Reitan, Harlon Layton

Order No. 01-09 - Call Meeting to Order

Glenn Johnson called the JAVA Board meeting to order at 10:31 a.m.

Order No. 02-09 - Approval of Minutes of August 13, 2009 JAVA Board Meeting

MacLean moved to approve the minutes of the August 13, 2009 meeting.
Weidner seconded.

AYE: Johnson, Weidner, MacLean
NAY

Order No. 03-09 - Report on Application of Agreed-Upon Procedures Antelope Valley Agreements

Roger Figard gave a little bit of history and stated that in the early years of Antelope Valley, prior to and immediately after the formation of JAVA, much of the financing, accounting and contracting for the AV Project was done by the City of Lincoln. The City agreed that they would make sure a certain amount of auditing of the work, by the consulting groups was done. The City of Lincoln and the Nebraska Department of Roads agreed that this work was to be done in order to assist JAVA and NDOR to ensure that the costs incurred were accurate and performed according to accounting law, rules and regulations. As a result, there are two reports from this time period: May 1995 - December 2001 and February 2002 - August 2006.

Kurt Micek from Micek and Crouch gave a brief overview of the reports. Micek stated that these are agreed-upon procedures engagement as far as compliance with the Nebraska Department of Roads & Federal Highway Administration Regulations and not an audit of JAVA. This has to do with the engineering on the preliminary and final design and consulting for the time period of May 1995 through August 2006. The first report is for Phases 1 - 4 and the second report for Phase 5 with Parsons Brinckerhoff. The approved contract amounts totaled \$28,515,211. The actual amounts that were expended under these contracts were \$25,338,784. The difference of \$3,176,427. The exceptions that were detected during this time and have been reviewed by Parsons Brinckerhoff and Nebraska Department of Roads and the City of Lincoln, were two-fold. One from the first period that went from 1995 - 2001. There were overhead differences, some of the Federal Acquisition Regulations changed as far as what overhead rate approvals were. One of the largest differences was with Olsson Associates, who was a sub-contractor for Parsons Brinckerhoff. There was an overhead amount that was under-billed by \$258,791 and another amount that was over-billed by \$4,756 for a net difference of \$254,034 as an under-billing. Subsequent to that period, there was a negotiation between Olsson Associates and the City of Lincoln and they split the difference. There was actually an under-billed amount of

\$127,017 that was agreed upon and settled. Due to bonus limitations that were brought out in the regulations, there were overhead amounts subtracted from that. The overhead rate did not include these limitations so the figures had to be reworked. \$4,757 had to be subtracted from that under-billing amount. Another adjustment during Phase 5, there was an over-billing for overhead for \$71,837. All of these things considered, there was a net under-billing of \$59,937 between Olsson Associates to Parsons Brinckerhoff to the City of Lincoln. This amount has been settled at this time. There were also differences that affected Parsons Brinckerhoff which were under-billed overhead related to actual overhead rates not estimated rates. This would not be known until their fiscal year was done. Due to this, for Supplements 1-5 and 6-10 (Phases 1-5), the total amount was \$28,576 that was under-billed. There was some additional overhead over-billing by Olsson Associates after this time from 2004-6 for another \$19,894. Included are unbilled labor costs from Tadros Associates for \$2,233 during these contract periods. The net result was \$10,915 that was under-billed during the 2004-6 contract period. These last items are being looked at currently and have not been paid. They have been agreed upon and will be settled during this time period.

These reports have been reviewed by the Nebraska Department of Roads. There has not been a final letter of acceptance, but it has been recently discussed that the agreed-upon procedures has met the requirements that they were looking for. Also that this also meets the compliance testing that needed to be done. Micek and Crouch ended up testing the scope around 34% of all Parsons Brinckerhoff expenditures incurred and billed to the City.

Order No. 04-09 - Approval of JAVA Budget 2009-2010 FY.

Fran Mejer presented copies of the JAVA Budget (attached) for the 2009-2010 fiscal year. This also included a history of past expenditures.

Weidner moved to approve the JAVA Budget for 2009-2010 Fiscal Year,
MacLean seconded.

AYE: Johnson, Weidner, MacLean
NAY

Order No. 05-09 - Election of Officers

Every September the Joint Antelope Valley Authority must elect officers from the Board members. The current officers and their positions are: Chair - Glenn Johnson, Vice-Chair - Christine Jackson, Treasurer - Greg MacLean.

MacLean nominated Glenn Johnson to retain his position as Chair of the Joint Antelope Valley Authority. Weidner seconded.

AYE: Johnson, Weidner, MacLean
NAY

Weidner nominated Christine Jackson to retain her position as Vice-Chair of the Joint Antelope Valley Authority. MacLean seconded.

AYE: Johnson, Weidner, MacLean
NAY

Weidner nominated Greg MacLean to retain his position as Treasurer of the Joint Antelope Valley Authority. Johnson seconded.

AYE: Johnson, Weidner, MacLean
NAY

Order No. 06-09 - Citizen's Committee Appointments

The three year terms of two members of the Citizen's Committee are expiring in September. Mike Morosin expressed an interest to remain on the Citizen's Committee for additional three year term. Beth Thacker did not seek reappointment and there was one vacant position. JAVA did not receive any other letters of interest from the public.

Weidner moved to reappoint Morosin for additional three year term on the JAVA Citizen's Committee. MacLean seconded. This leaves two vacant positions on the Citizen's Committee.

AYE: Johnson, Weidner, MacLean
NAY

Order No. 07-09 - Staff Reports

Kris Humphrey updated the Board on the Antelope Valley Projects.

East Leg - Contractor is finishing up with bridge testing, pavement markings and signal work. Substantial completion of the project is August 2010. Humphrey is anticipating that this project is 10 -11 months ahead of schedule.

Corps of Engineers - Work on trail construction. Pedestrian structure set between 'J' and 'N' Streets. The connecting trail should be finished in approximately two weeks. Park construction between 'O' and 'P' Streets is working on trails, retaining walls, and bench seating.

'N' Street Bridge - Open to traffic in early October.

'P' - Vine Street - Work is $\frac{2}{3}$ completed. Utility work still to be completed.

'K' - 'Q' Street - Right-of-way negotiations is wrapping up. Anticipating submitting to the Nebraska Department of Roads, the final package that will go to bid. Anticipated schedule is to bid the project next Spring with construction starting Summer of 2010.

South Street Bridge - Appraisals for final review have been submitted to the Nebraska Department of Roads.

Roger Figard updated the Board on the status of the State Auditor Foley's office audit of JAVA. Auditor's office has been contacting the Business Office with questions and we are responding and answering the questions as they are received.

Order No. 08-09 - Citizen's Committee Reports

None

Order No. 09-09 - Non-Agenda Items

None

**The next JAVA Board meeting is scheduled for October 8, 2009 at 10:30a.m.
in the City Council Chambers.**

Meeting adjourned at 10:54 a.m.