

WEST HAYMARKET JOINT PUBLIC AGENCY (JPA)
Board Meeting
March 16, 2012

Meeting Began At: 3:00 P.M.

Meeting Ended At: 3:25 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 would 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 February 28, 2012

Beutler asked for corrections or changes to the minutes from the February 28, 2012 meeting. Clare requested a correction on page 4, Item 6 to change "online" to "on time" in the first sentence of paragraph 2. Hearing no further changes, Carroll moved approval of the minutes as amended. Clare seconded the motion. Motion carried 3-0.

Item 4 – Approval of Payment Registers

Steve Hubka, City Finance and JPA Treasurer, informed the Board that he is submitting the February payment register for approval. There are a significant number of transactions marked TCW Construction. Those are the return of retainages. Those amounts, along with a couple of negative numbers on the next page, net out to zero -- with the exception of a final payment of \$121,018 that is in the total. The total for the month is approximately \$4,660,000, including engineering revolving payments on the third page. Clare asked for clarification on retainages to which Hubka explained retainers are monies held as guarantees of work performance. Different amounts are held for different projects. Clare asked if these payments were within budget and if the paperwork is processed correctly in case of audit. Hubka confirmed that was the case.

Carroll made a motion to approve the February payment registers. Clare seconded the motion. Motion carried 3-0.

Item 5 - Review of the February 2012 Expenditure Reports

Steve Hubka presented the job cost and the expenditure report for February 2012. An amended budget was approved at the February 28 meeting. This report is as of February 29, so it reflects the

budget prior to the amended budget. The March report will show the amended budget, which will show a better comparison between the budget and the expenditures. Responding to a request from Clare, Hubka affirmed that they would summarize or explain the changes when presenting that March report.

Beutler invited public comment on either Item 4 or Item 5.

Jane Kinsey, Lincoln Watchdogs, inquired about the audits that Clare refers to frequently. She wondered how often these happen, who would perform those audits, and if the public would know about any audits. Further, Kinsey asked if the amended budget approved at the last meeting was now posted on the website.

Clare explained he is referring to any audits that may occur. His point is that he wants to guarantee the taxpayers that things are processed accurately. Beutler further explained that we do an annual audit, but also that the State Auditor can perform an audit at will and it is his decision to alert the public. Hubka added that the annual audit occurs at the end of each Fiscal Year, which ends August 31. The regularly scheduled audit will be performed by BKD. Hubka also confirmed that the amended budget is now available on the City website.

Item 6 - Bill No. WH 12-17 Resolution to approve a model Pinnacle Bank Arena Loge Box Use Agreement for private use agreements between the West Haymarket Joint Public Agency and the Loge Box User and authorizing the Chair to execute said Use Agreements on behalf of the JPA

Jeff Kirkpatrick explained that this Loge agreement is the same as the suite agreement with a few changes. The loge box is a four-person box, but is still on the suite level. The insurance is \$2 million aggregate for a suite, but reduced to \$1 million aggregate for the smaller loge box. They did not want to reduce their market by asking for too much on the insurance and this requires less capital outlay commitment. Ben Wrigley also explained that, unlike the suites that have a \$10,000 security deposit with a three-payment plan, the loge boxes have a \$1,000 security deposit with a two-payment plan available.

Kirkpatrick described that the loge boxes are different in that, when a leasee decides not to buy all the tickets for a multi-night performance, the box can be resold for the unsold performances. This is different from the suites that are blacked out for those performances not purchased.

Wrigley further clarified that the loge box agreements can be purchased for 5, 7, or 10 years just like the suites. There may be an opportunity for the arena operator to distinguish “special events” up to three times per year, in which case the leasee of a loge box would have the first opportunity to purchase the seats or they would be available for resale to the public.

Jane Kinsey asked when the public would know who purchased the suites and boxes and the number available. Rick Peo responded that the information is or will be on file in the City Clerk’s Office. Beutler did point out that suites may be purchased through a corporate name that someone might not recognize or under which several organizations might be bundled. Wrigley further responded that there are four seats in each loge box and there are 20 boxes. As far as how many would be available, it would depend on which were used or purchased by the leasee. That would then dictate the remaining available for resale. Wrigley mentioned the Circus as an example. Then responding to Kinsey’s inquiry, he confirmed that this is the type of event they would anticipate be in the new facility.

Being no further comment, Carroll made a motion to approve Resolution WH 12-17. Clare seconded the motion. Motion carried 3-0.

Item 7 - Bill WH 12-18 Resolution to create and define duties for the West Haymarket Art Committee pertaining to the selection and acquisition of art work within for the West Haymarket Area and the Pinnacle Bank Arena site

Paula Yancey explained this resolution if for the formal creation of the West Haymarket Public Art Committee, which is in the process of doing a call to artists. They will accumulate information and make some suggestions for priority areas located throughout the West Haymarket District.

Clare asked for clarification on Item 5 on page 2. Once the Chair has approved the art and it comes before the JPA Board, he wondered if it required a majority or unanimous vote of the Board to change. Peo explained his interpretation would be that it is subject to the same rules of governance as on other items voted upon by the Board. If non-arena, it would require a majority. However, if in the specific arena site, it would require unanimous vote. The arena site would be bounded on the south by 'R' Street.

Jane Kinsey asked if the specific art will be before the Board. Yancey confirmed the process will have those come before the Board. Kinsey reflected that there was something recently in the newspaper regarding Mayor Beutler's reference to the Sunshine Committee and use of the open mic at City Council meetings. She wondered if he meant to invite the public to the JPA meetings as well since it was not referenced in the article. Beutler stated he was referring to City, but that there is a standing invite for public comment at both.

Being no further comment, Carroll made a motion to approve Resolution WH 12-18. Clare seconded the motion. Carroll reported that City Council passed a resolution and is using this same process. Motion carried 3-0.

Item 8 -- Set Next Meeting Date

The next regular meeting date is Friday, April 6, 2012 at 3:00 in City Council Chambers Room 112.

Item 9 – Motion to Adjourn

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

Prepared by: Pam Gadeken, Public Works and Utilities

