

WEST HAYMARKET JOINT PUBLIC AGENCY (JPA)
Special Board Meeting
July 25, 2024

Meeting Began At: 2:33 P.M.

Meeting Ended At: 2:58 P.M.

Members Present: Leirion Gaylor Baird and Tom Beckius. Tim Clare was absent.

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 April 25, 2024.

Beckius moved approval of the minutes. Gaylor Baird seconded the motion. Motion carried 2-0.

Item 4 - Bill No. WH 24-28 Resolution to approve a Contract between the West Haymarket JPA and Theatrical Media Services for lighting fixtures for the Pinnacle Bank Arena catwalk, for a total amount not to exceed \$28,818.20.

Chris Connolly, City Law Department, stated all the items on the Agenda today are for contracts for various repairs or replacement for things at the Pinnacle Bank Arena as the building continues to age and things start to wear out. This contract is for lighting in the concourse area and the catwalk.

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

Item 5 - Bill No. WH 24-29 Resolution to approve a Contract between the West Haymarket JPA and Electronic Contracting Company for fire alarm upgrades for the Pinnacle Bank Arena, for a total amount not to exceed \$54,326.00, pursuant to Bid No. 24-108.

Connolly stated this is for upgrades for an eleven year old system with a few additional alarms being installed. Beckius asked if included in this is upgraded software which Connolly confirmed to be correct.

Jane Kinsey, Watchdogs of Lincoln Government, asked if this was the fire marshal's idea. Connolly stated he doubts this was the fire marshal's idea, but the staff recognized that some of the equipment was starting to break down and have some issues. They decided the system needed some replacement and upgrades.

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

Item 6 - Bill No. WH 24-30 Resolution to approve a second Amendment to Contract between the West Haymarket JPA and Inteconnect, Inc. dba Inteconnex for an increase of \$30,000.00 bringing the total amount not to exceed to \$95,000.00, for physical access and control system equipment and services for the Pinnacle Bank Arena, pursuant to MOU178.

Connolly explained Inteconnex handles the card readers to get into various buildings. This applies not only to Pinnacle Bank Arena, but to all of the buildings operated by the Public Building Commission, the County, and the City. It was determined that some upgrades need to be made at Pinnacle Bank Arena and to add some additional monies, some of it is for Pinnacle Bank Arena and some of it is for the other entities. It was also determined that some additional monies may be necessary to be added in addition to the \$30,000. Next month we will be bringing an amendment. This item was already on the agenda by the time we were advised that more money was going to be needed. It was determined it would be better to go ahead and seek approval for the \$30,000 instead of waiting until next month. This way some of the work can start now and can be finished after the next amendment comes up next month.

Gaylor Baird asked what is the amount of the additional funds that will be requested. Connolly stated he believes it will be another \$45,000 next month. Gaylor Baird commented that she understands the logistical problem with having this already on the Agenda and then coming back, but are we in fact committing to it today with this vote because the first half is not actually a separate purchase from the second half or is it something that the Board would not be locked into in a future vote. Connolly stated we are doing one amendment now and one amendment next month. Gaylor Baird asked if the purchase itself is two separate purchases or does one bind you to the next. Connolly asked Ryan Weiss to explain this to the Board.

Ryan Weiss, Pinnacle Bank Arena, explained this is two separate purchases. Part of it is for the access control system for the arena which is eleven years old and we can no longer get parts for it and the second part for the switches that help control the doors, plus the entire security system throughout the arena. We are unable to use the network portion without the switch parts.

Gaylor Baird asked if this was to be approved today and they did not approve the next amendment would we have a workable system. Weiss commented, theoretically, yes.

Kinsey asked, "what are the other buildings this is going to take care of?" Connolly stated he can't tell her exactly what buildings that this amendment covers, but it generally covers these three buildings between 9th and 10th Streets and that he doesn't have the full list of other buildings that this amendment is going to cover. The JPA is only worried about the Pinnacle Bank Arena. Kinsey asked if the other buildings are being taken care of financially by other units. Connolly stated they all jointly entered into this agreement. The County, the City, the Public Building Commission, and the Joint Public Agency jointly entered into this agreement. Connolly further explained this \$30,000 will only apply to the Pinnacle Bank Arena. Beckius commented that the Amendment to the Contract does state a relationship between the other parties as well.

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

Item 7 - Bill No. WH 24-31 Resolution to approve an Amendment to Contract between the West Haymarket JPA and REB Steel Equipment Corp. for an increase of \$754.80 bringing the total amount not to exceed to \$106,513.13, pursuant to Change Order No. 1 for additional services for the storage loft at the Pinnacle Bank Arena, pursuant to Bid No. 23-242.

Connolly explained this is for the storage loft in the back of the arena. This \$754.80 is for a building permit that was issued by the City. He is not sure how this didn't get covered but it's the reason for the change order.

Kinsey commented that when these requests are put in they are supposed to have been bid and it was the lowest bidder and asked when you have a change order, how does that show that it is within the bid price? Connolly explained there has to be approval from the JPA for a change order. That is part of the process. They asked for this increase to cover the building permit. He explained it is not a change in the scope. It is not for more work. The work has been done, but this building permit is the last piece that needs to be covered. Kinsey commented that it might not be the lowest bid and asked if it has been checked to be the lowest bid even with the change order? Connolly stated he doesn't know if the next closest one is within \$754, but at this point since the work is all done, it wouldn't make any difference. It's not like we can go out and get the second lowest bidder to come in and do something. Connolly further explained the original contract is still the same and if the change order is approved it means that the contract can go to a different price because in this case there is not actually additional work being done but an extra expense being added. Kinsey asked if the Board can change what the lowest bid is? Connolly stated they are not changing what the lowest bid is. The bid was the bid. If they agree to allow some additional funding to pay for some piece of the contract, they are entitled to do that.

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

Item 8 - Bill No. WH 24-32 Resolution approving Change Order No. 1 to the Vasa Construction Contract (WH01435) to remove and replace damaged concrete under the Harris Overpass and add irrigation to landscaping along Canopy Street for an additional amount of \$16,925.00.

Connolly explained this for some of the unfished work just south of the Olsson 2 building under the overpass. It has been unfished for a number of years. There is some damaged concrete where the BNSF had been parking trucks for a long time. It's time to get this repaired and finished. We have been waiting until the Canopy Park project was finished to do this kind of work.

Beckius asked if Canopy Park and all other construction in the area is substantially completed. Connolly stated this is correct and doesn't believe there is anything else to be done in this area.

Kinsey commented, "as a general statement, it doesn't seem that the bidding process is the final say so of how much will be spent on a certain item requested by the JPA. If they are allowed as a Board to simply put more money as requested, it doesn't seem like it's gone through a process for the protection of the taxpayers money and also to spend the money wisely."

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

Item 9 - Bill No. WH 24-33 Resolution approving Change Order No. 1 to the Western Specialty Contractors Contract (WH01436) for Pinnacle Bank Arena ramp control joint repair and crack repair for an additional amount of \$30,004.16.

Connolly stated this change order reflects what frequently happens when you start working on a building or a project that's been around for a number of years. You start doing some repairs and all of the sudden you find a whole lot more repairs. We already have someone on site so it wouldn't make sense to rebid for just this work. We thought it was best to have a change order to encompass the new and additional work that is being done with this contract.

Beckius asked Caleb Swanson to explain the work being done on this ramp to learn more about it and what was discovered through this process.

Caleb Swanson, Project Control, explained that Western Specialties is the contractor approved to do this work. They have been out there for about a month and a half now doing a variety of different repairs. In general, what has been discovered is nothing new or concerning it is just more of what had already been cataloged and what DLR's study of the bridge had documented. Essentially, some of the amounts and quantities were greater than what had been documented in the report. We have been working with Western and they are agreeable to this. Because some of these quantities were increasing the City of Lincoln specification does allow for a renegotiation of the unit prices if the quantities adjust by a certain percentage on a contract. Western worked with them to reduce the contract prices for some of these items. Swanson doesn't have the numbers from the original contract, but stated this represents a lower number than what was originally bid essentially because of the efficiencies gained in doing more of the same work.

Beckius asked if in his estimation there would be nothing from the DLR report that should have been discovered at that point in time. Swanson stated no he doesn't think this was negligence on the part of DLR, this is just like Connolly stated. When you get into these rehab projects and you start doing removals of damaged areas you find more and uncover conditions that weren't as exposed. This is what you call cost of doing business with this kind of project. Swanson stated as an example the city did a renovation to a parking garage and there were a lot of similar issues that were experienced on that project.

Kinsey commented, "I guess what we would like to say is that in Nebraska, when you make a commitment, verbal or written, you are honored to follow that. It also puts an awful lot of lack of transparency for the taxpayer for the public to know what is really going on. I hope the public is listening to this and we will bring it up again in talking about transparency, about careful expenditures of the taxpayers money, and the fact that public officials have a duty to the public who elects them to have both of these traits in whatever they do.

Gaylor Baird commented that the general repairs done at the arena are meant to protect the safety of the people who use that facility, and we take the safety of the public seriously. When we hire people to do work, we don't expect them to do it for free and if they need to do more work to protect the safety, we are going to pay them to do that work.

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

Item 10 - Next Meeting Date.

The next meeting date will be Thursday, August 29, 2024 at 2:30 p.m. in Council Chambers, First Floor of the County-City Building.

Item 11 – Motion to Adjourn

Beckius moved to adjourn. Gaylor Baird seconded the motion. The meeting adjourned at 2:58 p.m.