Agenda for
City Council Members’ “NOON” Meeting
Monday, July 24, 2000
Immediately Following Director’s Meeting
Conference Room 113

I. MINUTES

II. COUNCIL REPORTS ON BOARDS, COMMITTEES, COMMISSIONS AND CONFERENCES
1. Lincoln Action Program Board Meeting (McRoy) - CANCELLED
2. Community Health Partners Meeting (Seng) - CANCELLED

OTHER MEETINGS REPORTS:

III. APPOINTMENTS/REAPPOINTMENTS

IV. MEETINGS/INVITATIONS
1. The Home Builders Association of Lincoln would like you to be their guest at the dedication luncheon of their annual blitz build for Habitat for Humanity at Cyrilla Court. Dedication & Celebration Lunch - Blitz Build For Habitat For Humanity at 270 Irving Street - At Noon on Friday, August 18, 2000 - RSVP to the HBAL Office at 423-4225 (See Invitation).
2. Please join us to celebrate our arrival in Lincoln at a special AT&T Wireless
Reception on Monday, August 14, 2000 - Cocktails and hors d’oeuvres from 5:00 p.m. to 7:00 p.m. at the Nebraska Club, 233 South 13th Street, Floor 20 - RSVP by August 7th to 402-964-4111 if you will be attending this event (See Invitation).

3. Lincoln Area Agency on Aging invites you to the opening of the 2nd Annual Intergenerational Photography Contest Exhibit - “New Century, New Choices, New Ventures” - For this exhibit only, all of the 1999 International Year of Older Persons winners will also be on display from August 4-31 – Milestone Gallery/First Floor, Lincoln Downtown Senior Center, 1005 “O” Street – A Public Reception will be on Friday, August 4th from 7:00 p.m. to 9:00 p.m. for all 1999 & 2000 Photography Contest winners, their families, friends, neighbors, and the general public. Refreshments will be provided. (See Invitation).

4. David Pearce Snyder, a nationally known futurist, who will be making a presentation to Lincoln Public Schools administrators and other educators on Monday, August 7, 2000, from 8:30 a.m. to 11:30 a.m. Mr. Snyder’s presentation will be at Lincoln East High School, 1000 South 70th Street. (Please feel free to join them if your time permits -Philip H. Schoo, Superintendent of Schools, LPS)(See Letter of Invitation).

V. COUNCIL MEMBERS

VI. REQUESTS OF COUNCIL FROM MAYOR - NONE

VII. MISCELLANEOUS


2. Discussion on the Kids Vote U.S.A. (Requested by Jerry Shoecraft).

VIII. ADJOURNMENT
MINUTES
CITY COUNCIL MEMBERS’ “NOON” MEETING
MONDAY, JULY 24, 2000
CONFERENCE ROOM 113

Council Members Present: Jerry Shoecraft, Chair; Jeff Fortenberry, Vice-Chair; Jon Camp, Jonathan Cook, Annette McRoy, Coleen Seng; ABSENT: Cindy Johnson

Others Present: Jennifer Brinkman, Mayor’s Office; Don Herz, Finance Director; Julie Righter, 911 Office; Karen Shinn, Aide to Councilman Fortenberry; Joan Ray, City Council Secretary; and Chris Hain, Lincoln Journal Star Representative.

I. MINUTES


Mr. Shoecraft, Council Chair, requested a motion to approve the above-listed minutes. Coleen Seng moved approval of the minutes, as presented. The motion was seconded by Jon Camp. The motion to approve the minutes, as presented, carried by the following vote: AYES: Jonathan Cook, Annette McRoy, Jerry Shoecraft, Jeff Fortenberry, Coleen Seng, Jon Camp; NAYS: None; ABSENT: Cindy Johnson.

Mr. Don Herz came forward to address the Council on an Item listed on the “Noon” Meeting Addendum: 911 Towers. Mr. Herz commented that he felt he should share a little more information than was appropriate at the Director’s Meeting. This regards approving a lease of property generally located at 14th and Military Road for the 911 Center. He explained that the money has been appropriated and location has been discussed; what has come up rather late in the process is the fact that this is not a purchase, but a lease of the property. Because it is a lease, it needs to go before the Council for approval. Mr. Herz wanted to explain to Council why it is being leased instead of being purchased.

During the process, the State decided to lease it because, by buying it, the proceeds that they get would go right to the General Fund. The Governor and his staff decided that, since by leasing it, the money goes to the Technology Improvement Fund where they can use...
Mr. Herz stated that the City has a contract that outlines the payment of monies for the entire 60 year period of that contract, which is clearly, the life of the tower. That amount would be paid up-front. Mr. Herz felt this needed to be brought to Council since it’s such a long term commitment.

The second issue is, because this tower is in such a critical path of the baseball project, we’d be pushing the contractor to get some work started and the contractor would like to do some of the footings for the tower. (Actually, he’d wanted to start last week). If Council does not have concerns on this project, Mr. Herz stated that he would like to allow the contractor to begin a minimal amount of work, realizing that the project would still require a final approval by Council. He asked if the Council had any questions regarding this issue.

Mr. Cook asked if this would go through on a Resolution? Mr. Herz indicated that it was going through as an Ordinance, with 1st reading today. Mr. Cook commented that the vote then, wouldn’t be for two weeks, which is when the 3rd reading and vote would normally take place on an ordinance. [At the Formal Council Meeting this date, Council, on a 6-0 vote, suspended the Rules to allow 2nd and 3rd Reading on July 31, 2000]

Mr. Camp asked if there was any procedure to get a competitive bid. Mr. Herz stated that they had gone through a competitive bid process on the tower and got one bidder (Swigart of Fremont, Indiana). Ms. Righter indicated that because the time line was so rushed, we had to move on, even with the one bid. Actually, we had a 90 day time line, and this was 120 days, but it was the best offer we got for completion.

Mr. Camp noted that it had been stated that the lease amount would be paid up-front, and asked if that was correct? Mr. Herz answered yes, with the reason being that the contractor would have used an 8% interest factor with an annual lease. The present value of that is significantly more than if we just paid the amount up-front, because our rate of borrowing is 5-1/4%; so it was in the City’s best interest to make a single lease payment up-front based on the appraised value of that land.

He added that for the 60 years, the annual lease payment would have been less than $1,000.00; and for 60 years to go through that process of writing the check each time would have added to the expense; but more important was the interest factor with the present value being greater.

Mr. Camp asked, and Council discussed, the monthly leasing of the tower and how that cost/income ratio would affect the ultimate cost of the tower. Mr. Herz pointed out that the City is putting up the capital to erect the tower -approximately $300,000.

Ms. Seng asked if there would be any neighborhood opposition to the project. Ms. Righter explained that there had been several hearings before several Planning Commission Boards on this and no one had come forward to voice opposition.
Mr. Cook asked how high the tower would be and what would happen at the end of the 60 year lease. Ms. Righter indicated that the tower would be about 300 - 360 feet tall. At the end of the 60 years, Mr. Herz indicated the likelihood is that technology would have advanced so much that the fate of the tower would be moot. Mr. Cook asked if nobody would even care by that time to which Ms. Righter responded that we care, but that is so far into the future that one can’t even predict what the situation might be.

Mr. Herz indicated that they had proposed the 60 year time period because they felt it would be the maximum amount of time this tower would be useable. Mr. Cook summarized then that the City would get the revenue off the leasing of the space on the tower...and the money would not go to the State. Since we have this small plot of land and can’t do anything else with it...this is a good use for it. It was noted that the land lies directly north of the Military Complex at the spot where 12th and Fair Streets would lie if they went through. There is an existing tower there now, but not as tall as the City’s proposed tower.

II. COUNCIL REPORTS ON BOARDS, COMMITTEES, COMMISSIONS AND CONFERENCES

1. LINCOLN ACTION PROGRAM BOARD (McRoy) - CANCELLED
2. COMMUNITY HEALTH PARTNERS (Seng) - CANCELLED

OTHER MEETINGS REPORTS:
Ms. Seng reported on the Keno Prevention Funds meeting. She noted that this was the 13th round of Keno dollars with $36,000 available for distribution and applications for $122,000 - so there had to be an awful lot of “no’s”. She noted that she fought hard for the Lincoln Literacy Council to receive a little bit more money than had originally been proposed. A few of the agencies received what they requested, but most did not.

III. APPOINTMENTS/REAPPOINTMENTS

Ms. Brinkman came forward to remind Jonathan that he had recommendations to make for appointments to the Community Forestry Advisory Board...the Tree Board. She requested that he let her know of his choices. Mr. Cook commented that he has a note to find someone. Ms. Brinkman requested that if Mr. Cook didn’t have anyone to appoint to please let her know by the 1st week of August so that she could initiate a search so the appointment could be made. She also noted that she would let Council know if the Mayor’s Office had a recommendation for that Board.

She asked if Council had questions on the list of appointments she had presented to them earlier.
Another thing that Ms. Brinkman stated she had been working on is the joint meeting with the Omaha City Council. The locations that are being considered are the SAC Museum at Mahoney State Park; Platte River State Park and the Quarry Oaks Golf Club, but she wanted to check with Council on the Date - a Wednesday this Fall. Mr. Fortenberry indicated this his preference for location would be Quarry Oaks. Ensuing discussion revealed that Council had only two Wednesday afternoons in September or October that should be avoided in scheduling the meeting. The 1st week in September and the week of September 16th. Ms. Brinkman indicated that she would poll the Omaha City Council regarding dates to avoid, and, with that information, schedule a date for the meeting.

Mr. Fortenberry asked who the President of the Omaha Council was at this time. Ms. Brinkman stated that she would check and get that information to Council.

IV. MEETINGS/INVITATIONS - Noted Without Significant Comment

V. COUNCIL MEMBERS

JONATHAN COOK - No Further Comments

ANNETTE McROY - No Further Comments

CINDY JOHNSON - Absent

JERRY SHOECRAFT - Mr. Shoecraft reported that he had requested Council Staff to spruce up the Council Office with a little decorating to give it a warmer atmosphere. There was some light-hearted discussion, but Council, generally agreed that this was a good idea. [Staff is working on this]

Mr. Shoecraft also brought up the topic of the Joint Council/School Board meeting currently scheduled for September 18th in Conference Room 113. This meeting had originally been scheduled for that location in order to better accommodate the Council Members’ schedules. However, Council Staff was informed by Bill Luxford, the CIC CityTV Director, that it would be impossible to televise the meeting with the number of persons proposed for attendance. (City Council/School Board/County Commissioners, plus Public)

Council discussed the problem. Ms. Seng noted that perhaps the meeting should be held with only the Council and the School Board. She further noted that it had been in
Council’s best interest to have the meetings at the LPS District Office because then they had to deal with the minutes. (Council Staff agreed).

Mr. Fortenberry asked if the meetings could be held quarterly rather than monthly. Mr. Camp noted that the reason for moving the meeting here was to facilitate more Council Members attendance. Council concurred with the thought that until something can be determined, the September meeting should be re-scheduled to the LPS District Office. [Staff will contact the LPSDO and inform them of Council’s decision-Done 7-27-00]

JEFF FORTENBERRY - No Further Comments

COLEEN SENG - Ms. Seng commented on the two letters, one being to Mr. Shoecraft and one to the Mayor, which referenced change to the City Charter regarding investments and the Community Health Endowment.

Ms. Brinkman noted that they were looking for a change to the State Constitution rather than the City Charter. Ms. Seng commented that this had never been discussed by Council. Mr. Shoecraft commented that he has been working with administration on protecting the principal of the Health Endowment Fund, which everyone agrees is the best fiscal policy.

Ms. Brinkman commented that after talking with Ms. Seibel and Mark Owen, and the Mayor regarding these letters, her understanding is that, after the discussion of this issue at the last Health Endowment meeting, the Finance Committee is really excited about the possibility of being able to invest their monies in equities more than they can now, because they are limited now by the State Constitution. The Administration’s only concern...and we don’t have any objections to this -Don Herz is comfortable with moving forward on this issue- but our reservations concern how much time do we have to focus on this issue during the legislative session next year?

Quite frankly, if the City Council approves the Antelope Valley Plan, and we move forward to ask the State for some money for that project, that will be the Number One priority for the City and the City Lobbyist’s time. The Mayor’s Office has had this discussion with Ms. Seibel and she is aware of where we are on the issue. Ms. Seibel has been in touch with Lynn Rex at the League of Municipalities and their City Legislative Committee will be meeting in August. If we get some feedback from other cities around the State showing that they’re interested in it...maybe the League would be the more appropriate place to handle it.

Ms. Seibel has also indicated that Larry Bare has basically said “no” on this...indicating the Governor’s Office is concerned that if it goes bad in one city, it’s going to be terrible in the future.
We haven’t made a decision on this yet, but those are some of the issues we’re working through on it. We want to be supportive, based upon, among other things, how much time we have.

Ms. Seng commented that if Larry has said “no”...that may be the end of it.

Ms. Seng informed the Council that Paul [Clerk Malzer] has been struggling with some health concerns. Ms. Seng requested that a card be sent from Council to Mr. Malzer. [This was done and presented to Clerk Malzer on 07-26-00]

Ms. Brinkman added that Ms. Bonnie Coffey had been hospitalized last week until Friday, but is at home now. With some physical therapy, the prognosis is good; but it may take some time before she is back to work [A card was also sent to Ms. Coffey with Council’s wishes for a speedy recovery]

Ms. Brinkman gave a further update on the convalescence of Ms. Ann Harrell’s husband who had been taken ill on the couple’s recent vacation.

JON CAMP - Mr. Camp commented that he had requested Staff to look into the costs of getting prints of the Council Member’s formal portrait setting. Several Council Members made several remarks that were less than enthusiastically supportive, but all were made (and taken) with good humor. Ms. Seng noted that she had given all the Council Members pictures which were taken with her own camera and was just a bit miffed that no one had taken the time to thank her. Council members explained that they had not realized the pictures were Ms. Seng’s, but thought they had come from CIC. Everyone thanked Ms. Seng sincerely for her thoughtfulness.

JENNIFER BRINKMAN - No Further Comments

DANA ROPER - Not in Attendance

VI. REQUESTS OF COUNCIL FROM MAYOR - NONE

VII. MISCELLANEOUS -

1 Discussion on Council Decorum, Council Relationships and Roberts Rules of Order (Requested by Jerry Shoecraft). Mr. Shoecraft briefly commented on Council relationships and decorum He didn’t want the conflicts so often noted in the Omaha governing process to become a pattern for Lincoln. He proposed that the Lincoln Council work together with service to the Community’s interests as a
common goal. He encouraged respectful disagreement when there were differences of opinion in order to continue to handle the public’s business in the right way.

Mr. Shoecraft explained that he did not want to allow one issue to destroy potential good relationships on the Council body. If there is a contentious issue, knowing that we’re not always going to agree, he implored members to respectfully disagree with one another and move on from there.

Mr. Shoecraft commented that Lincoln has a great government with a great administration and a great council. He posted this issue for discussion to ensure that that tradition of working well together continues with everyone working for good things for the community.

Mr. Shoecraft commented “especially for the benefit of you three rookies”, that Dana Roper had brought another issue to his attention. If you know you have a conflict of interest, there is a form that has to be filled out and sent to the Nebraska Accountability and Disclosure Commission to let them decide if there is a need for you to abstain from a vote. A Council Member can’t say that he or she will abstain from voting because you believe you have a conflict of interest. If you’re present, you must vote. So, if there is a suspected conflict of interest, send off the note to the Accountability and Disclosure office to let them make the determination. If there is a conflict, you must withdraw from the chambers during the call and vote of that issue. There can be no abstaining from a vote otherwise.

Mr. Cook stated that the “must vote” rule was a rather interesting one and he wanted to know what the genesis of that might be. Mr. Shoecraft and Mr. Fortenberry noted that it is written into the City Charter. Mr. Cook noted that it was in the Council Rules, not the Charter. Mr. Cook stated that he will investigate because he noted that the Planning Commissioners abstain. He didn’t know how the Omaha City Council conducts their business, but... Ms. Seng noted that Omaha doesn’t have Home Rule.

Mr. Shoecraft commented that Mr. Roper had brought this to his attention and wanted Mr. Shoecraft to bring the matter for discussion before the Council. At this point in time, Lincoln City Council Members cannot abstain from a vote, unless Accountability and Disclosure indicates that a Council Member has a conflict of interest. So, if a conflict of interest has been determined, you are supposed to leave the chamber when you see that item coming up for discussion and vote. You should not even be a part of the discussion process.

Mr. Fortenberry commented about a time when he had first come on as a Council Member when a previous Council’s decision was being re-endorsed and he had
wanted to abstain, but was not allowed to do so, even though he had not been a part of the original legislative decision.

Mr. Cook felt this didn’t make much sense to him. Mr. Camp didn’t realize that a form would have to be submitted for every piece of legislation that might pose a conflict. He had hoped there could be a blanket filing for similar situations. [There is not, according to Frank Daley of the Accountability and Disclosure Commission who stated that his interpretation of the law would require a submission for each piece of legislation] Mr. Shoecraft explained his situation when he owned “Shoes”, a bar, that with each item that posed a possible interest conflict, he had been required to submit a Potential Conflict of Interest Statement to the Commission.

Ms. Seng noted that the Commission often returns a response directing the Council Member to use his or her own discretion in the matter. If a member thinks there is a conflict of interest, that member is directed to use his or her own best judgement.

Ms. Ray asked if a Council member voted on a legislative item and had a conflict of interest, would that invalidate the legislation. Council thought that might be a good question to ask the City Attorney.

Mr. Shoecraft also commented briefly about Council members arriving promptly for the Pre-Council meetings. It was noted that meetings could be started without a full quorum, unless it was to be an Executive Session when a quorum would be necessary to call for the vote to go into an Executive Session. Council discussed and agreed to have a 30 minute time limit set on all Pre-Council meetings after this date unless there is a special exception granted by the Council Chair.

Mr. Shoecraft noted that every time the Pre-Councils start at 9:00 am., there is a problem. Ms. Ray pointed out that we're not starting at 8:00 am anymore and we're starting at 9:00 am, which was a concession to the Council Members' schedules. Mr. Shoecraft commented that he realized that.

Mr. Shoecraft concluded this discussion, noting that Lincoln’s elected officials do a wonderful job. He just wanted to make sure that the negative image that he sometimes heard regarding Omaha’s governing processes did not occur in Lincoln. He did note that he was not denigrating Omaha’s Council, but would prefer to keep Lincoln’s governing process from a public perception of negative politics which he has observed in Omaha. He commented that Omaha had progressed in their dealings between administration and Council, but did not want Lincoln to ever approach the position Omaha had been in a few years ago.

Mr. Cook wryly commented that if the Lincoln Council was going to meet with the Omaha Council in September, he did not want to have to explain any negative comments. [Laughter].
Mr. Cook asked if Council should request that all Pre-Council materials be delivered to Council Members in their Thursday packets. This would require having the presenting Departments to have the material prepared by the Wednesday prior to the presentation, but this would give Council an opportunity to review the material and be better prepared to discuss the issues. He felt, then, Council could just ask pertinent questions and in this way, expedite the presentation process.

Mr. Camp felt this was a good suggestion. He noted that there were also viewers watching these meetings, so there has to be some coherency to the meetings so the viewers can follow it. But he did like the idea of Council receiving information in advance, because then the Council members could be more prepared.

Mr. Fortenberry brought up the concept of changing the night meetings from 6:30 to 5:30 pm. Mr. Shoecraft noted that it had not been painful when that was done with the EMS Public Hearing. Everyone agreed that it had worked out well and had not been a big adjustment for Council’s schedules and that they were even able to get out of the meeting a little earlier because of the earlier start. Ms. Seng noted that it would be particularly beneficial if a Council Member had a 7:30 meeting the next morning.

Mr. Shoecraft noted that there is nothing in the Charter or rules that states that the night meetings have to begin at 6:30 pm. That’s just been a past tradition.

Mr. Fortenberry observed that it obviously gave people the opportunity to come home from work and have dinner, but the way modern life is, if we saw that the meeting was going to run long, we could have a planned break at 7:30 or so and have sandwiches brought in. He felt this would be a good plan. The other Council Members agreed.

Mr. Cook commented that he would like to have even more night meetings. Mr. Shoecraft commented that a more frequent night-meeting schedule would have to take into consideration the Pre-Council, Directors and “Noon” meetings which would have to be maintained on a regular basis in order to prevent back-logging items normally dealt with at those meetings.

Ms. McRoy stated that she did not disagree to 5:30 evening meetings, but she felt that the night meetings were held for the benefit of the public. When someone gets off work at 5:00 p.m., it would impose a hardship on them to try to get to a Council Meeting at 5:30 while trying to get home, feed the kids, get them to a baby sitter or whatever has to be done before many people could get to a Council Meeting. She felt a 5:30 p.m. starting time would be rushing the public unnecessarily.
Mr. Fortenberry commented that Ms. McRoy’s point is valid, but looking at the situation from the back side, he noted that having to be here until eleven clock at night was unfair to constituents as well.

Mr. Camp commented that perhaps Council could take care of some of the Agenda business in that first half-hour of the meeting such as having the liquor license hearings and then taking the time to vote immediately instead of waiting for the “Voting Session” of the meeting to handle those items. He did agree, though, that Ms. McRoy was correct in recognizing the concern for the convenience of the constituents.

Discussion continued with Mr. Camp asking if the 3rd Reading votes could also be moved to the beginning of the meeting. Mr. Shoecraft noted that some Council Members turned the 3rd Readings into further Public Hearings. [Groans & Laughter]

The final decision was to speak with Paul Malzer, City Clerk to notify him of Council’s decision. This would be to begin the night meetings at 5:30 p.m. Hold the Liquor License Hearings and Vote, then move on to the rest of the Council Agenda. [Clerk Malzer indicated that this could be initiated in September. At this time the July (7-31) night meeting and the August (8-7) night meeting have already been advertised to begin at 6:30 p.m.]

2. Discussion on the Kids Vote U.S.A. (Requested by Jerry Shoecraft). Mr. Shoecraft reported on one of the research projects he is working on, spending his Discretionary Funds wisely. He explained the “Kids Vote U.S.A.” program.

Now in our community there is a big push at the high school level to register the high school kids to vote. To some degree that has been successful. But this new concept is where the actual kids - 7-12 year olds - go to the voting booth with their parents. (This is a non-partisan concept). Results show that this program has improved voter turn-out in some communities from 60% to 80%. The kids receive a ballot on the same issues that their parents are voting on (worded age-appropriately). They get to cast their votes at the same time their parents are voting. They have a separate voting booth; they get stickers saying “I Voted Today”. Results have shown that those kids are the ones that get Mom & Dad off the couch to the voting booth as opposed the effectiveness of programs geared to the high school kids.

This has been done around the country. The sponsor here in Lincoln for the pilot program is going to be State Farm Insurance. They’re working really hard on this. Mr. Shoecraft noted that he has met with the Election Commissioner and will be meeting with the Republican and Democratic party leaders, with LIBA and others
to work on this. He feels this is a good concept because it gets the young people involved in voting and understanding issues. Right now we're working on the high school kids and this has increased voter registration in the high schools, but this age group didn't go out to vote, which was disappointing.

This concept is geared to the younger age group (7-12) who are very excited about going to the voting booth with their parents or aunts & uncles. Of course, the youngsters' votes don't count in the election outcome, but it really has been successful in getting the voter turn-out up by as much as 80% in some communities, which is tremendous.

So, we're working on a Kids' Vote Booth, perhaps one in each quadrant of the City, as a pilot program with State Farm as the sponsor. Mr. Shoecraft indicated that he would then take the information to the Election Commissioner. He has information from the sponsors that he'll share with Council.

Mr. Fortenberry stated that he has a very vivid memory of the 1968 Presidential election because his school class had a mock election with the results tallied. He still has a strong memory of that, and felt the "Kids' Vote" concept to be very interesting.

Mr. Shoecraft was interested in seeing if that young age bracket could get the grown-ups to the polls.

VIII. MEETING ENDED - Approximately 1:00 p.m.