

**AGENDA FOR  
CITY COUNCIL MEMBERS' "NOON" MEETING  
MONDAY, APRIL 9, 2001  
Following Director's Meeting  
CONFERENCE ROOM 113**

**I. MINUTES**

1. Director's Minutes for March 12, 2001.
2. Minutes of "Noon" Council Members' Meeting for April 2, 2001.

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

1. Community Development Task Force Meeting (Cook)
2. Lincoln Partnership for Economic Development Meeting (Fortenberry/Shoecraft)
3. Joint Budget Committee Meeting (McRoy/Seng) - **HAS BEEN MOVED TO APRIL 13<sup>TH</sup>**
4. Mayor's Downtown Action Team Meeting (Seng)

**OTHER MEETINGS REPORTS:**

**III. APPOINTMENTS/REAPPOINTMENTS - NONE**

**IV. MEETINGS/INVITATIONS**

1. The Adjutant General of Nebraska Brigadier General Roger P. Lempke cordially invites you and your guest to 'Meet the USAF Thunderbirds' on Thursday, April 26, 2001 from 5:00 p.m. to 7:00 p.m. (A brief program is planned at 6:00 p.m.) - At The Cornhusker Hotel - RSVP to Val Nickell at 471-7114 (See Invitation).
2. You're Invited ... The Lincoln Chamber of Commerce requests the honor of your presence at a reception to welcome Harvey Perlman as the newly appointed Chancellor of the University of Nebraska - On Wednesday, April 25, 2001 from 4:00 p.m. to 5:30 p.m. - At the Lincoln Country Club, 2<sup>nd</sup> Floor, Balcony Room, 3200 S. 24<sup>th</sup> St. (See Invitation).

3. The University of Nebraska-Lincoln Ester L. Kauffman Academic Residential Center Dedication Ceremony and Open House - Interim Chancellor Harvey Perlman invites you to a celebration of the completion of the Ester L. Kauffman Academic Residential Center - On Friday, April 20, 2001 at 1:00 p.m. - (See Invitation).
4. You are cordially invited to a luncheon honoring the 2001 College of Business Administration Alumni Association Award recipients -- University of Nebraska-Lincoln Wick Alumni Center at 12:00 p.m. on Friday, April 27, 2001 - Your \$7.50 per meal contribution is appreciated - RSVP by April 23, 2001 (See Invitation).
5. Aging Services PEAK present On The Air! - An evening of old time radio comedy & drama with Special Guest Announcer Don Gill on Friday, April 20, 2001 - At the Lincoln Downtown Senior Center - Dinner at 6:00 p.m., Show at 6:30 p.m. - RSVP before April 16<sup>th</sup> to 441-7158 (See Invitation).
6. Bill Johnston and Ed Paquette, co-chairs, and the committee for The Mayor's Task Force on Technology cordially invite you to attend an hors d'oeuvres reception - Tuesday, April 10, 2001 from 4:45 p.m. to 6:15 p.m. - At the Wick Alumni Center, 1520 R Street - RSVP to Kathy at 472-2841 (See Invitation).
7. The Adjutant General of Nebraska, Brigadier General Roger P. Lempke invites you and your guest to join him to welcome the performers and crews of Airfest 2001 - Friday evening, April 27, 2001 from 6:00 p.m. to 8:00 p.m. (A brief program is planned at 6:30 p.m.) - At the Embassy Suites, 1040 "P" Street - RSVP by April 20<sup>th</sup> to 471-7296 (See Invitation).

## **VI. REQUESTS OF COUNCIL FROM MAYOR - NONE**

## **VII. MISCELLANEOUS**

1. Discussion of Council Members' Committee Assignments (See Attachment).

## **VIII. ADJOURNMENT**

**MINUTES**  
**CITY COUNCIL MEMBERS' "NOON" MEETING**  
**MONDAY, APRIL 9, 2001**  
*CONFERENCE ROOM 113*

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

**Others Present:** Ann Harrell, Jennifer Brinkman, Mayor's Office; Dana Roper, City Attorney, Connor Reuter, Law Department; Leon Vinci, Jim Weverka, Health Department; Several members of the Animal Advisory Task Force; Don Herz, Finance Director; Dallas McGee, Urban Development; Darrell Podany, Aide to Council Members Camp and Johnson; Karen Shinn, Aide to Council Member Fortenberry; Joan Ray, Council Secretary; Chris Hain, *Journal Star* representative.

Though this would have been more appropriately handled in a Pre-Council venue, prior to addressing the items on the Council Members' "Noon" Agenda, Chair Shoecraft called Ms. Jennifer Brinkman forward to discuss, for Council's information, the Animal Control Ordinance that is on the Council Agenda this date.

Ms. Brinkman indicated that after she had talked with Mr. Shoecraft and Ms. Coleen Seng last week about the public hearing on the Animal Control Ordinances, she told them that Administration would come back with something new. She noted that she had met with members of the Health Department and some members of the Task Force and the Animal Control Advisory Committee, and after meeting with these groups, and the Law Department what she would be recommending to Council today is a Substitute Ordinance. She noted that Ms. Connor Reuter had copies of each of those for Council.

What the substitute ordinance would do, basically, is to take out any references to limiting the number of cats or dogs. It would, basically, leave the ordinances the way they look now, as far as those types of limits are concerned. She commented that if those sections, where the controversy seemed to lie, were removed....and she didn't know if Council would be comfortable with that...but, if those were deleted in this substitute ordinance, the Animal Control Advisory Board would like to go back and talk about this some more.

All she could tell Council from her discussions with each of the groups is that they feel like the limit, the grand fathering clause that would force people to give up the animals they have now was a lynchpin of compromise that the group took to the Law Department. Obviously, the Law Department did as instructed and tried to put that [substitute ordinance] together for you after you'd heard the concerns of the people last week.

If the Animal Control Advisory Board wants to talk about this more at regular meetings, that is fine with the Administration. Ms. Brinkman stated that they think it is a good idea to talk about why they want to limit them and what the number should be. She noted that she knew they'd done some health [inaudible] research in the last week (at Council's urging) regarding what other

communities are doing as far as limiting the number of animals. They've got some of that research put together, but it's obviously not ready to be passed at this point. She recommended that Council send those things back, but observed that, obviously that is Council's decision. Ms. Brinkman stated that she would also hope that Council would be willing to delay any vote on this package for a week. That way you would give the people that have been working on this for several years the chance to look at the substitute. They can pull it up on the web...they can look at what's there and what's not there. And they can treat it as a whole new issue.

She did want to mention four quick things so Council will know what is still in the Substitute Ordinance and what is not as far as last weeks controversial issues. The New Substitute Ordinance:

1) As you recall, there is a discussion between Animal Control members, the Health Department and Law about the language requirements regarding the necessity of a warrant for acting under exigent circumstances. The Law Department has advised Administration and is advising Council that the language that currently exists in the ordinance should be repealed and the Animal Control Officers can act under the 4<sup>th</sup> Amendment and they should be getting training to do that. It was Ms. Brinkman's understanding that they do get that training and the Law Department is sticking by their advice that that should be removed. That deletion is still included in this substitute amendment. There are people who disagree with that advise, but we're going with the Law Department's recommendation, but it is certainly up to Council if they want to discuss that further.

2) There was also some State Statute language, where Connor took some language from the State Statute and put it in the City Ordinance. The concern Ms. Brinkman had received from Animal Control Advisory Task Force Members was that they believe adding that language makes it look like it's okay to do hunting and trapping within the City limits. Connor can tell you that that is not her opinion, so Administration is going with her opinion on this. There is disagreement there.

Ms. Brinkman noted that the Mayor's Office could get a summary of this for Council for the packets if that would be helpful.

3) Another issue is that there is still included in the Substitute Ordinance a grandfather clause regarding "hybrids". She gave the Administration's recommendation of taking out any of the sections that set up a limit for cats or dogs or that set up a grandfather clause for getting rid of those animals under a certain time limit. But as far as "hybrid" animals, that would still be included in the substitute ordinance. The Health Department feels strongly that we need to discourage people from owning "hybrid" animals. They feel that if citizens own them now, they should have a year to get rid of them. Ms. Brinkman noted that might be something that Council may think is inconsistent, and may want to take it out as well. That's just the recommendation.

4) The last thing that Ms. Brinkman felt should be mentioned that was controversial at the public hearing and that Administration is not recommending taking out at this point is the prohibition on having unaltered cats run at-large. That would still be in the substitute ordinance.

Any questions?

Mr. Cook asked if the controversy was about allowing a certain number of unaltered cats inside, but if they run at-large, they must be altered. Ms. Brinkman noted that was correct. But Administration had received complaints from people who felt the cats should be able to run at-large, no matter what, and that government is trying to tell the citizens what to do and government should

not be able to do that. Ms. Brinkman noted that this was a concern they'd received in correspondence and calls. She wanted Council to be aware that Health Department and Administration still feel that this is still a valid concern of the Task Force that could move forward. But that doesn't mean that 100% of the people out there agree with that stance on the issue.

Mr. Cook noted that he was okay with that but wondered if the cats indoors should also be required to be altered. Ms. Brinkman responded that if we remove the sections that she had just discussed and sent [the ordinances] back to discuss further, there wouldn't be that issue, because it would be back to the beginning [old language.] Mr. Cook noted that the old language on that limits the number to 'no more than two animals', then this additional language would be stating none [limit] at all if they're unaltered. So, that sounds like we've improved the situation.

Mr. Fortenberry asked that Ms. Brinkman just clarify what the ordinance now does, considering this new ordinance as "the ordinance". Ms. Brinkman explained that, as far as the general ordinance, what Connor did was mesh 01-42 and 01-47 together into a general document, so that all the provisions regarding unusual animals that Council heard last week, we think can move forward since we did not hear any discussion from the hearing that people were concerned about those sections. So, that and the general provisions would move forward as it was and you have a summary of those things.

As far as cats and dogs, what moves forward is just general changes removing the words "Lincoln Cat Tag" that are currently engraved on the tag; it sets up where fees will go...going to the Animal Control Fund. Ms. Brinkman stated that her assumption is that would allow for clarification in the ordinance as to where the money goes. Then also, addressing the altering of the animal if it is running at-large; and an increase in the fine for a violation from \$25.00 to \$35.00 That is all that the substitute cat ordinance would do.

The dog ordinance changes the wording on the license; and the sanitation requirement would require people to remove "sanitary matter" related to a dog every five days as opposed to every seven days. It again, clarifies where the fees go and increases the violation penalty from \$25.00 to \$35.00. That is all that it does. She indicated that she could have something for Council tomorrow which could be e-mailed to Council Members so they would have that information in writing for their records.

She stated that if Council felt comfortable delaying this a week that would give everybody who testified last week an opportunity to look at these [substitute ordinances]. Mr. Fortenberry asked if the Administration is going to recommend, though, that the other portions regarding limitation on animals, minimal numbers; and licensed kennels, maximum number....those types of issues will continue to be reviewed and addressed at a later time. Ms. Brinkman indicated that would be the Administration's recommendation, noting that the group still wants to look at those things. She felt they had received several opinions from the Law Department, over several years, about what the Law Department would be able to accept and what they haven't. We haven't been able to come up with a way for those things to mesh yet. They still want to work on the issue, so we certainly don't want to discourage them from doing that.

Mr. Cook asked if these substitute ordinances were posted on the website for public review, then would the public hearing be continued next week? Ms. Brinkman stated that if Council

introduces the substitute today, then people can look at it throughout the week and get back to us with their input, and though she could not speak for Council and noted that they would not have to, she felt that maybe it would be a good idea.

Mr. Camp thought if the ordinances were being changed, Council ought to have further public hearing. We have the media here explaining it to everyone. Mr. Cook thought this was the compromise position and therefore, the public hearing shouldn't be a long one.

Ms. Brinkman summarized, noting that that is the recommendation of the Administration at this point. She offered Council the opportunity to ask questions of the Task Force, informing them that several members were here today for that purpose.

Ms. Reuter added that she wanted to clarify that as the ordinances are now, there is a maximum limit on dogs. This doesn't change that. So, there would still be the cap on the number of dogs. What the ordinances that had public hearing last week did was to allow for permit processes for a fourth dog...that has been removed from the substitute ordinance; but if we revert back to what we currently have, there is a cap of three dogs.

Mr. Camp felt there might be some flack on that issue. Ms. Brinkman stated that there might be, but the answer would be if we're going to talk about limits and changing them, then we want the whole package to move forward relating to all animals rather than fixing the dog ordinance now and then talking about cats later.

Mr. Camp noted that with annexation, we do need to approach that issue, because it creates a concern for people. Ms. Brinkman agreed. Mr. Camp also asked about a related issue regarding an inquiry from a Belmont newspaper carrier who had been attacked by a viscous pit bull and was told that the police would not touch the issue. Ms. Reuter answered that they would have to look into it and see. Mr. Camp explained that the incident occurred at five in the morning and animal control personnel weren't available. Ms. Seng noted that she would like to have that whole question revisited - about what does a person do in the middle of the night with animal problems.

Mr. Vinci asked if Council wanted any of his staff to be present at the formal Council Meeting to answer any questions. Mr. Shoecraft asked that one member be in attendance. Ms. Brinkman stated that she would have a summary of her remarks here available for Council before the voting session at today's formal Council meeting.

Next, Mr. Don Herz and Mr. Dallas McGee came forward on an issue Mr. Herz didn't feel was worthy of a Pre-Council, [but an issue that needed a Council update]. It was regarding an Ordinance on today's Council Agenda under Public Hearing (Item #5 - 01-50: Authorizing the issuance of not to exceed \$1,6000,000 of the City's Q, O, P, R/North Haymarket Redevelopment Project Tax Allocation and Refunding Bonds). Mr. Herz stated that the Bond Counsel and Financial Advisor will be at the 1:30 meeting in the event that Council has any questions of them.

But the purpose of this ordinance is to refund the 1995 Bonds - a portion. We will also be using some of that proceed to deposit in Parking Projects Construction Fund for the Market Place Garage. There was also money deposited for the Streetscape Construction Fund. He noted that he believed it was about \$250,000.

Dallas McGee explained that it ties into the downtown new T.I.F. Project, created last

December which includes the Entertainment Center and the Old Federal Building Redevelopment Project. This overlaps the existing Q, O, P, R/North Haymarket Boundaries. So, in order to do that, we must first clean up all the debt from that existing project. That's what this ordinance would do. Then, the T.I.F. monies can begin to be collected for the new project on the Entertainment Center and the Old Federal Building.

Mr. Fortenberry noted that this would give the City a continuous district down 9<sup>th</sup> Street [inaudible]. Mr. McGee responded that 9<sup>th</sup> Street is in different districts; part of it is Q, O, P, R/North Haymarket, but as you go farther south, it is in the Old Federal Building, Entertainment Center project areas. Everything from "O" Street north will be in a project area...but different areas. In response to Mr. Fortenberry's query as to where the shift funding would apply, Mr. McGee explained that this shift in funding will apply to the area north of "P" Street, on the east side between "P" and "Q" Streets and the District Q, O, P, R goes to 8<sup>th</sup> Street north of "Q". So it could apply to both sides. He stated that they're looking to fund projects on the east side. Mr. Fortenberry asked then, if south of "Q" Street, we're still stuck? Mr. McGee responded that south of "Q" Street on the west side, we don't have any funding. On the east side from "P" to "Q" Streets we do have funding north of "Q" Street.

Mr. Camp asked what, if any, impact does this have on the new 9<sup>th</sup> & "Q" Street facility regarding design [inaudible]. Mr. Herz and Mr. McGee agreed there would be no bearing on that.

## **I. MINUTES**

1. Director's Minutes for March 12, 2001.
2. Minutes of "Noon" Council Members' Meeting for April 2, 2001.

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

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

1. COMMUNITY DEVELOPMENT TASK FORCE (Cook) Mr. Cook reported that this was the 'big work-session' meeting except it wasn't very big. It was wonderful because we delegated so much responsibility to these sub-committees to work on the details, that by the time we get to this meeting, we just accept the sub-committee reports and generally we approve them. There wasn't a whole lot more discussion on any of the issues.
2. LINCOLN PARTNERSHIP FOR ECONOMIC DEVELOPMENT (Fortenberry/Shoecraft) - Mr. Shoecraft did not attend - this was on Election Day.

3. **JOINT BUDGET COMMITTEE (McRoy/Seng) - HAS BEEN MOVED TO APRIL 13<sup>TH</sup>**

4. **MAYOR'S DOWNTOWN ACTION TEAM (Seng)** Ms. Seng reported that this group met last Thursday and it was decided that they will meet quarterly now and not every month. The two main reasons it was started were to get something going on the Entertainment Center and the Old Federal, and both are moving along; so what we need to do now is continue to monitor those projects.

In regard to the Old Fed Building, there were four proposals submitted and those were all sent out requesting a response. Ms. Seng noted that Mr. McGee expects to receive two or three responses out of the four. Those proposals are not due until July. We all talked about the Court Room in the Old Fed Building as being one of the main pieces we need to look at.

On the Entertainment Complex, Brian Hall, the developer, is working with the tenants. He'll [inaudible] a hearing date. She believed there is one property that has not been lined up, as well as the two that were originally known to not be any part of this. Ms. Seng reported that Dave Livingston was there and said that he'd probably have everything signed by Monday....meaning today.

There was a charrette dealing with 9<sup>th</sup> and "Q" Streets from a meeting last week. Ms. Seng also noted that there was quite a little discussion about the upcoming Tech Fair to be held on the 19<sup>th</sup>. That will include six of the buildings in the downtown area which will all be open.

**OTHER MEETINGS REPORTS:**

**III. APPOINTMENTS/REAPPOINTMENTS - None**

**IV. MEETINGS/INVITATIONS - Noted Without Comment**

**V. COUNCIL MEMBERS**

**JONATHAN COOK - No Further Comments**

**ANNETTE McROY - No Further Comments**

**CINDY JOHNSON - No Further Comments**

**JERRY SHOECRAFT - No Further Comments**

**JEFF FORTENBERRY -** Mr. Fortenberry commented on the sign ordinance on today's Agenda. He noted that he and Mr. Cook would be meeting with Sign Industry representatives in just a few moments. One thing he had thought about doing was with regard to the Planning



Commission removal of language that would prohibit the electronic signs in O-3 Districts. The original reason that was brought about was because we've been using those aggressively as transitional districts next to Residential zoning. The Planning Commission struck that down and what Mr. Fortenberry thought might be a good idea as a reasonable compromise would be to include that as part of the Special Permit, so that we're not caught with something that's new, or over-aggressive for the community. We can take a look at it on a project by project basis.

Mr. Cook noted that essentially, the Use Permit is what we'd be granting. When we grant the Use Permit, we could...basically there would be no [inaudible] of the signs, but we could allow that as part of the Use Permit on [inaudible] waiver [inaudible]. Mr. Fortenberry noted that we don't know what the consequences would be.

**COLEEN SENG** - No Further Comments

**JON CAMP** - No Further Comments

**ANN HARRELL** - No Further Comments

**JENNIFER BRINKMAN** - No Further Comments

**DANA ROPER** - No Further Comments

**VI. REQUESTS OF COUNCIL FROM MAYOR** - Ms. Brinkman gave a Legislative update to Council on Legislative Bills currently before the Unicameral. The bills discussed are listed in the handout material Council received

**VII. MISCELLANEOUS** -

1. Discussion of Council Members' Committee Assignments. Mr. Shoecraft requested that Council Members be giving that some thought. He noted, looking at the report, that some of the Council Members have expressed interest in changing assignments. One was for the Internal Liquor Committee. He noted that Ms. Johnson was going to make a determination whether she wanted to continue to be involved in that committee; if she does, then Ms. Seng would come on the Committee and take Mr. Shoecraft's spot and he would be looking at the Board of Health assignment.

He noted that those are the only two committee assignments that he had heard anything about so far. He stated that if anyone else had anything, please instruct us quickly.

Ms. McRoy and Ms. Johnson made comments that were inaudible. Ms. Seng noted that there were some committees under her listing that were no longer operational and stated that she would give the deletion list to Staff. Mr. Shoecraft stated that this procedure should apply to all Council Members who should give notice of any committees that are now defunct to Staff so that the listings can be brought up to date.

One such example, explained by Ms. Brinkman, was the Advisory Defense Council which no longer meets. She explained that she had been asking Doug [Ahlberg] about that and we're looking at bringing something forward that would take care of the ordinance that exists which creates that Council because it doesn't meet anymore. She believed Mr. Ahlberg's intention was to create a Users Committee, so the people who actually interact with his department would be able to be provided with information. But, the Advisory Defense Council does not exist.

Ms. Seng noted that Mr. Ahlberg had not been able to reach Mr. Shoecraft, as Council Chair, during the storms last night. Mr. Shoecraft indicated that he was at presentation at St. John's Church and his phone was off.

Mr. Shoecraft continued with the Committee Assignments, noting, regarding Mr. Fortenberry's assignments, Wilderness Park Committee is "subject to call". Obviously, we need to pass that duty on. District Energy Corp is required by Resolution. The Entryway Design Committee is "subject to call". Mr. Cook asked if Mr. Fortenberry might want to continue his involvement with the Entryway Design Committee? Mr. Fortenberry indicated that he would. Ms. Seng noted that it was very helpful to have Ms. Linda Wilson, a former Council member, on the Public Building Commission as the lay-person representative. She noted that it's good to have persons who have knowledge of the workings and history of the committees.

Mr. Shoecraft continued with Ms. Johnson's committee assignments, restating the Internal Liquor Committee, the By-Pass Task Force (subject to call); Region V Emergency Services Committee - which no longer meets; the Board of Health - has already been discussed. The Stevens Creek Task Force - has never been implemented.

Mr. Shoecraft noted that this review would help give Council some direction as far as the upcoming May transition is concerned.

He asked if there was anything else anyone had for discussion? There being nothing brought forward, Mr. Shoecraft called the meeting adjourned.

## **VIII. MEETING ADJOURNED** - Approximately 1:05 p.m.

cm040901/jvr