

**AGENDA FOR  
CITY COUNCIL MEMBERS' "NOON" MEETING  
MONDAY, FEBRUARY 11, 2002  
Immediately Following Director's Meeting  
CONFERENCE ROOM 113**

**I. MINUTES**

1. Minutes of "Noon" Council Members' Meeting for February 4, 2002.
2. Pre-Council Meeting Minutes - RE: Leasing Golf Course Maintenance Equipment - January 14, 2002.
3. Pre-Council Meeting Minutes - RE: Edenton Park South - Parker's Landing - January 14, 2002.
4. Minutes of Director's Meeting for December 17, 2001.
5. Pre-Council Meeting Minutes - Executive Session - RE: Litigation Settlement - February 4, 2002.

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

1. Parks & Recreation Advisory Board Meeting (Cook)
2. Community Development Task Force Meeting (Cook)
3. Lincoln Partnership for Economic Development Investors Meeting (McRoy)
4. C-SIP Steering Committee (McRoy/Seng)
5. Floodplain Task Force Meeting (Seng)

**OTHER MEETINGS REPORTS:**

**III. APPOINTMENTS/REAPPOINTMENTS - NONE**

**IV. MEETINGS/INVITATIONS**

1. Lincoln Parks & Recreation Department and the Holmes Lake Watershed Council invites you to review and discuss watershed management recommendations for Holmes Lake at the 3<sup>rd</sup> Public Meeting for the Holmes Lake Restoration and Watershed Management Project on Tuesday, February 19, 2002 from 7:00 p.m. to 8:30 p.m. at Charles Gere Library, 2400 S. 56<sup>th</sup> Street (See Letter of Invitation).
2. Farewell Dinner - Join Us to Congratulate Al Imig on His Retirement - On Friday, February 22, 2002 at 6:30 p.m. at The Knoll's Restaurant, 2201 Old Cheney Road - Cost is \$14.95 per person - Please RSVP by February 15<sup>th</sup> to Melissa Ramos at Engineering Services at 441-7456 (See Invitation).

3. League Of Nebraska Municipalities - United We Stand – 2002 Midwinter Conference - February 25-26, 2002 at The Cornhusker Hotel, Lincoln – (See Brochure for more details)(Copy of the Brochure is on file in the City Council Office)

**V. REQUESTS OF COUNCIL FROM MAYOR - NONE**

**VI. MISCELLANEOUS**

1. **PLEASE NOTE:** The Wednesday, February 6<sup>th</sup>, 1:00 p.m. Tour of the Madonna Institute for Rehabilitation Science and Engineering at the Madonna Rehabilitation Hospital has been CANCELLED. The Director will be out of town and would like to re-schedule the event for one of the following dates:  
**DISCUSSION ON:**
  - A. **WEDNESDAY, MARCH 27<sup>th</sup> OR APRIL 3<sup>rd</sup> (Please let Joan Ray know which date would work) – (Held over from “Noon” Agenda for January 4<sup>th</sup>)**
2. Discussion on the convenience stores regarding liquor licenses. Postponed until next week.
3. Discussion of ‘Free Speech’ - Discussion regarding speakers from the University of Nebraska’s Speakers Bureau making Pre-Council presentations on issues of importance to the City (Two Issues chosen by Glenn Friendt of special concern: 1) “The Social and Political Impacts of Neighborhood Design and Urban Development” with Speaker Lyn Kathlene;”Atrazine in the Platte River and Lincoln Welfield” with Speaker James D. Carr. Would Council Members like to schedule these presentations?

**VII. CITY COUNCIL MEMBERS**

**VIII. ADJOURNMENT**

**MINUTES**  
**CITY COUNCIL MEMBERS' "NOON" MEETING**  
**MONDAY, FEBRUARY 11, 2002**  
*CONFERENCE ROOM 113*

**Council Members Present:** Annette McRoy, Chair; Jonathan Cook, Vice-Chair; Glenn Friendt, Coleen Seng, Ken Svoboda, Terry Werner; **ABSENT:** Jon Camp

**Others Present:** Mark Bowen, Ann Harrell, Amy Tejral, Mayor's Office; Dana Roper, City Attorney; Nicole Tooze-Fleck, Public Works Department; Darrell Podany, Aide to Council Members Friendt, Camp and Svoboda; Joan Ray, Council Secretary; Nate Jenkins, *Journal Star* representative (attending for only a portion of the meeting)

**I. MINUTES**

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Vice-Chair Jonathan Cook requested a motion to approve the above-listed minutes. Ken Svoboda moved approval of the minutes as presented. The motion was seconded by Annette McRoy and carried unanimously by voice vote for approval. (Terry Werner Absent for Vote)

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

1. **PARKS & RECREATION ADVISORY BOARD (Cook)** Mr. Cook reported that there were a number of interesting items on the Agenda of which he thought Council might want to be aware. He stated that there is always a public comment time at the beginning of the meeting and a couple from the community (who's names Mr. Cook could not remember) came forward and stated that they would like the University Place Pool to be named after Bill Story, a teacher/coach at Northeast High School for many years. There was a lot of interest in doing that, however, these people were told that the naming policy did not allow for that because, first of all, Bill Story is still alive (the honor of having a public facility named for one is apparently done only posthumously). The second requirement is that they must have made a significant financial contribution to a project...or a great civic contribution. Mr. Cook stated that Bill Story may qualify under the civic contribution criteria. It was referred to a sub-committee for further discussion to see

if perhaps a plaque, or some acknowledgment at the ribbon cutting ceremony could be arranged , if the pool was not named after him.

Mr. Cook indicated that there were offers from the student Board Member from Northeast who said he would take it back to the student body at his high school to see if fund raising efforts might be made. That seemed like a fine idea if someone wanted to raise money for this park.

Mr. Cook continued the report, stating that the Board's next item of business had been the golf committee reports. He noted that apparently, everything is looking good because of the wonderful December and January weather we've been having. There were approximately 3700 rounds of golf played in both of those months, which is quite terrific!

The next item was going over the community parks. Mr. Cook informed Council that this is where the Bill Story issue came back for discussion, because the 43<sup>rd</sup> & Vine Neighborhood Park was very controversial. It's two acres for which we're paying a quarter of a million dollars - what we were told was "fair market value". That funding is from the money from the sale of land (Holmes Lake /Talent Plus). In addition to paying "fair market value", we were told that we were going to name the park after the people we're buying it from. This is just after we told the people we wouldn't name Uni Pool after Bill Story. The Parks Board was very unhappy with the idea that we might name a park after someone we're buying land from, rather than someone who is contributing to the park. Mr. Cook stated that the discussion went on for some time, trying to figure out if they should make a motion supporting the purchase of the park, but not the naming. They thought they might specifically pass a resolution that they thought the naming was inappropriate. Then, Lynn Johnson said well, it's all a done deal anyway. The Mayor has signed a contract and they wouldn't sell the land if we didn't name it after them, therefore, that is that. Finally, Mr. Cook reported, the Parks Board wondered why we even asked anything about this then, and they tabled the motions.

Certainly, it was a great concern, because if we start naming parks after people we're buying the park land from, rather than adhering to the Park Boards policy which requires people who actually contribute, we're not sure what kind of problem we're going to create. Mr. Svoboda asked, then, so - they profited from the sale and still get the name of the park? He felt if they had donated the park land, that would be a different matter.

[An observation, with no reflection on any Council Member: Perhaps "Pirates Park" would be appropriate]

Mr. Cook stated that there is still a need for \$50 - \$70,000 for development monies after the purchase; but there is apparently no requirement that the people who are selling us the land must contribute toward that. They might contribute something, but we have no commitment for any other funds for that development. So, that is still an open question.

Regarding the specific amount - the \$250,000, that will be allocated from CIP for the purchase of park land. Mr. Cook didn't know if the Board was aware that the entire amount would be used - this is supposedly the fair market value. But, if

we are buying park land for fair market value and not getting any other contributions, we have to be aware of what policy that might set. He noted that this area clearly needs a park -the need has been identified. He stated that the Board is in support of the purchase of park land here. The Board just took no action, given that this was apparently a done deal, but the naming policy was a real problem for the Board.

Mr. Cook continued his report, noting that the Northeast Community Park was discussed at the meeting. \$400,000 is going to the Northeast Community Park, out of \$1.3 million. Mr Cook was not sure how the entire 23 acres is being paid for, but the City's share is \$400,000. Ms. Seng noted that this project is part of the Antelope Valley Project.

Mr. Cook stated that the Talent+ sale monies total about \$650,000; a quarter million is going to 43<sup>rd</sup> & "Y" Street; \$400,000 to Northeast Community Park - that is the distribution of that money.

Ms. McRoy indicated that she thought the Talent+ monies had been earmarked for the 43<sup>rd</sup> & "Y" Street Park and Wilderness Park. Ms. Tejral stated that there was an effort to pick up some land at Wilderness Park, but the negotiations fell through. She didn't know if that was why the funds didn't go to Wilderness Park. Ms. Harrell commented that there were more ideas for where the Talent+ money could go than there were Talent+ monies. [Laughter]

Mr. Cook continued his report, stating that Edenton South Park was to receive \$65,000. He stated that this was where the Board tried to figure out what the policy was. They're paying \$65,000 for half an acre, which is on a par for the \$250,000 for two acres. But, we're getting a half an acre from the developer. In some areas of town, there is no park land and we aren't spending anything. So, we're trying to figure out what policy it is we have, noting that he wasn't sure if we had one at this point. He felt this was something that does need to be discussed to figure out how we're going to provide for areas that don't have sufficient park land; how we'll fund those; what kind of contributions will we need from other sources? All of those issues must be addressed.

Mr. Cook reported that the Board had submitted the Parks & Rec Chapter for the Comprehensive Plan, along with some amendments to it. Those will go to the Planning Commission.

2. COMMUNITY DEVELOPMENT TASK FORCE (Cook) - Mr. Cook reported that even though this meeting was at the same time as the Parks & Rec Advisory Board meeting, he could, by having used his amazing powers to be at two places at once, report on what had happened at the CDTF meeting. He stated that they had awarded CD Week Awards to multiple winners. Normally, it's just one recipient, but they thought why should there be just one project chosen out of the many that are so deserving? A motion was made to do three awards and it was so. They bestowed three awards: One to the Sheridan School project; one to the Lincoln Childrens' Museum; and one to the 3<sup>rd</sup> and "F" Underpass project. To the remaining nominees, they are making up nomination certificates, so everyone will be recognized for their efforts.

There were modifications to the by-laws and some house-keeping issues taken care of. In the Action Plan - they're moving more money into the First Time Homebuyers Program, because it's been so successful, they've run out of money. Since they had some other programs that hadn't been using their funds, they moved it to where it's doing the most good.

3. LINCOLN PARTNERSHIP FOR ECONOMIC DEVELOPMENT INVESTORS MEETING (McRoy) No Report

4. C-SIP STEERING COMMITTEE (McRoy/Seng) Ms. McRoy noted that they had received the Coalitions Updated Report as of December 31, 2001. This meeting focused on where to go from here as far a organizational structure; and how to maintain what we're doing with the C-SIP process. We're looking at how to facilitate the current process for Human Services. The group that we have now, made up of County, City, Mayor's Office, and public policy committee and others, is looking at how we will maintain this process so we can give the Coalition some guidance as to funding, organizational responsibilities, who further should be included. Models for the coalition were presented. One interesting one that Kathy Campbell brought forward was the model of LPED. The group members buy into the group. Each participant brings a sum of money (approx \$2500) and in so doing become an investors group with an economic stake in the group. There will be another meeting [February] 22<sup>nd</sup>, with the coalition.

5. FLOOD PLAIN TASK FORCE (Seng) Ms. Seng reported on the Task Force meeting, and informed Council that she had requested Ms. Nicole Fleck-Tooze to be in attendance today to provide additional information on this issue to Council. Ms. Seng stated that this is not something that is just a simple matter, but gets rather complicated. She noted that the make-up of the committee is fairly well balanced. There are three study areas that are being keyed in on: South Salt Creek; Dead Man's Run; and Beals Slough. Salt Creek is the most difficult and they're trying to get a model for that one.

She added that she really appreciated the representative from the Corp [Corp of Engineers] who compared the project to an ice-cube tray. The edges are like the barriers; the divisions are the roads and dikes; the sections are water storage. So, think of that when someone starts discussing South Salt Creek and Salt Creek with its barriers.

Ms. Seng handed out material to the Council Members which outlined the benefits of the natural flood plain, including such matters as construction as well as the alternatives.

Ms. Seng felt the big differences for discussion would be between "no net rise" and "no adverse impact". She felt the committee would be struggling a lot with that issue. Ms. Seng asked Ms. Fleck-Tooze to add any information she thought would be appropriate to the report.

Ms. Fleck-Tooze explained that the committee is looking at a couple of different studies that will help them in making their final recommendations. There is the Corp of Engineers study which is underway. The Corp's studies are normally more traditionally oriented, looking at such things as the long term impacts of continuing with the current regulations where development in the flood fringe is allowed; what the hydrologic, hydraulic and the economic impact of that on how many more houses might be brought into the flood plain; what the economic impact of flood height rising would be and other issues.

They'll also look at alternative ways of managing flood plains such as the "no net rise" concept and a couple of others, to afford a range of alternatives. What is trying to be done with the Task Force is identifying some technical elements for study that need to be done, but which will be outside the realm of what the Corp of Engineers' study would address. Those will include things such as a typical development sites, typical residential and commercial sites; the economic impacts of having stricter flood-plain regulations; what would be the other side - the environmental impacts; more broadly speaking, ecological impacts of losses of natural flood-plains.

Now the Task Force is trying to identify what those additional study elements are that need to take place that are not embodied in the Corp of Engineers study and those will be finalized at the next meeting and then will go out for an RFP for the second portion of that technical study. So, they'll have all that information at their disposal by the end of the summer when they begin making recommendations regarding regulations and standards

Ms. Seng noted that this will not be ready for the new Comp Plan. Ms. Fleck-Tooze stated that that is actually a good point. There was a certain set of assumptions that were used for the Comprehensive Plan and those are laid out in the text of the Plan. The Committee is aware of those. But, because of the timing of it, there was no way to get the recommendation of the Flood Plain Task Force in advance of the Comp Plan, so it may be that there are some policies adopted later, toward the end of this year, after the New Comp Plan is adopted.

Mr. Friendt asked if a converse study was being done - in terms of what happens if certain kinds of construction are not allowed in the flood plain - what the economic impacts of that might be? Ms. Fleck-Tooze indicated that those alternative choices are also being studied, looking at both the economic impact to private development if the stricter regulations are adopted - looking at different amounts of rises - "no rise"; to "no development" in the flood plain. They are also looking at what would happen to public infrastructure costs in meeting those stricter standards. This will all be a part of the study.

Mr. Werner asked about the addition of square miles that took the urban development land range from 23 square miles to the 30 square miles - is that the flood plain? Ms. Fleck-Tooze indicated that the flood-plain is excluded from urban development [expansion figures]. Mr. Werner stated then that when we move forward with the new Comp Plan, it will be with the assumption that there is a "no build" policy in the flood plain. If that changes, will we go back and amend the Comprehensive Plan? Ms. Fleck-Tooze agreed that we may have to do that. She did

not know if the Task Force would go to the degree of "no build", but they would certainly continue with the policy of agricultural use or open space uses as more appropriate to the land use for the flood plain, vs. residential or commercial or other urban development.

Ms. Seng mentioned industrial zoning. Mr. Werner noted that industrial is also development. He noted that when the Comp Plan Committee chose the 22 square mile zone, in the Spirit of Committee, it was 22 square miles not 30 - whether that's industrial or whatever. Ms. Fleck-Tooze stated that that is exactly right. Proposed future land use plans shows those flood plains outside of urban growth areas. If the Flood Plain Task Force comes up with a different recommendation, and that is adopted, then there would be some additional information in the study that you would want to embody in the Comprehensive Plan...which would then have to be amended at a later date.

Mr. Cook mentioned the discussion on the moratorium, which turned into voluntary agreement. That applied to existing areas in the urban growth areas. We're talking here that what we have with the Comp Plan is - if someone were to come forward with a Change of Zone that would allow for development in the flood fringe, Council would be turning it down now. So, we feel comfortable that what we have now will protect those new areas.

Ms. Fleck-Tooze answered that this was being put in for those areas that either have existing zoning or existing land use where there was an expectation on the part of the property owner that they would have use of the land. Now, with the New Comp Plan, we're trying to do it right the first time. Everybody knows that you have a problem once you've gotten zoning of the land use that's needed; but if you plan your growth areas so that you have adequate growth areas that are outside of the flood plain, there is no reason why the flood plain areas can't be kept in open space or other appropriate land uses.

Mr. Werner stated that, then when you say "do it right the first time", you're saying "not do it at all". Ms. Fleck-Tooze agreed. Mr. Werner noted that that decision was one that the Comp Plan Committee made. So, "doing it right the first time" is *not* "no net rise", it's *not* "no adverse effects", it's "no build". Ms. Fleck-Tooze indicated that that was right.

Ms. Seng stated that if a large corporation came in with 1500 new jobs, wanting to locate - she felt we'd discuss this again.

Discussion continued briefly with Ms. Fleck-Tooze answering Council questions regarding previously zoned properties and industrially zoned properties in the flood plain areas.

OTHER MEETING REPORTS - Ms. McRoy reported that the Northwest Team meeting with Captain Citta, who commands the downtown team area, had several POP projects (short term Police projects). The illegal parking enforcement in the downtown area was a point of discussion. Ms. McRoy noted that there have been so many complaints received that the LPD is backing off on the enforcement. After a rather lengthy discussion, Council agreed that tickets might be more appropriate than the towing of vehicles late at night in the downtown area; but an aggressive enforcement on the ticketing should be continued.



Ms. McRoy indicated that a petition is being circulated that would allow garbage collection in residential areas to begin prior to the current City Ordinance restriction of 6:00 a.m. Ms. Seng noted that through the years the citizens have complained that the 6:00 a.m. time hasn't been enforced adequately. Mr. Friendt stated that he was amazed at the times between 7:00 and 8:00 on 27<sup>th</sup> Street when garbage trucks are picking up garbage, blocking the traffic lanes. It was explained that later pick-up, such as afternoon, was not feasible because the haulers could not get to the dump by the 4:30 closing time if their pick up was limited to afternoon hours. Mr. Friendt felt the dump could be kept open later - if necessary by raising fees to keep the facility open later [in order to accommodate later pick-up schedules for the haulers].

No policy decisions were made at this point.

- I. APPOINTMENTS/REAPPOINTMENTS** - Ms. Tejral offered three names for Council's consideration for an appointment to the Fire and Police Pension Advisory Committee. The names submitted were: Donald Hunter, Michael Donley, and Brad Ewerth. Council, after a brief discussion and review of the resumes, voted 6-0 to nominate Michael Donley to the unexpired term of Ross Hecht, who was resigning from the Committee. *The Resolution Request for the Appointment of Michael Donley to the unexpired term of Ross Hecht (term to expire October 1, 2002) was prepared and forwarded to the City Clerk's Office on February 11, 2002)*

Mr. Svoboda stated that he had met Mr. Russ Baer over the week-end and Mr. Baer had expressed an interest in appointment to the LES Board to fill the position left open at the death of Mr. David Hunter. Council discussed the issue briefly. It was noted that the Mayor's Office had Mr. Baer's application on file and would see to the forwarding of his name for the appointment which would be made later this month.

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

- V. REQUESTS OF COUNCIL FROM MAYOR** - Mr. Bowen announced, for Council's information, that Lin Quenzer, the Mayor's Ombudsman, had been in the hospital for the last ten days with pneumonia. She is out of the hospital now, though we do not expect to see her in for a few days yet. If anyone had requests for the Ombudsman's Office, they will be handled as quickly as possible. The Mayor's Office is trying to keep the requests caught up as best they can. He added that the doctor had indicated that Ms. Quenzer may require surgery at some point. It's all a little vague at this time, including how long it might keep her out of the office, so we're just operating day by day.

Mr. Bowen indicated that another item the Mayor discussed this morning was the meeting with the congressional delegations. Mr. Bowen noted that they'd begun those meetings to talk about the Federal City's Project for 2002 - particularly the South Beltway and the importance of that project. Those meetings will be occurring in the next 40 days or so.

## VI. MISCELLANEOUS

1. **PLEASE NOTE:** The Wednesday, February 6<sup>th</sup>, 1:00 p.m. Tour of the Madonna Institute for Rehabilitation Science and Engineering at the Madonna Rehabilitation Hospital has been CANCELLED.

WEDNESDAY, MARCH 27<sup>th</sup> OR APRIL 3<sup>rd</sup> were offered as alternate dates: *Council determined that either date would be acceptable for those interested in attending. It was further noted that such invitations should, in the future, be included on the ATTEND Sheet for distribution at the regular "Noon" Meetings for Council's consideration.*

2. Discussion on the convenience stores regarding liquor licenses - Council had a brief discussion on the multiple-site management issue with convenience store applications. *Council determined that this issue should be forwarded to the Internal Liquor Committee for further study and recommendation.*

3. Discussion of 'Free Speech' - Discussion regarding speakers from the University of Nebraska's Speakers Bureau making Pre-Council presentations on issues of importance to the City (Two Issues chosen by Glenn Friendt of special concern: 1) "The Social and Political Impacts of Neighborhood Design and Urban Development" with Speaker Lyn Kathlene;" Atrazine in the Platte River and Lincoln Welfield" with Speaker James D. Carr. Would Council Members like to schedule these presentations? *Council determined that pre-council presentations from outside sources would not be a policy they would like to initiate or pursue.*

## VII. COUNCIL MEMBERS

**JON CAMP** - Absent

**JONATHAN COOK** - No Further Comments

**GLENN FRIENDT** - Mr. Friendt asked what the status of the Entertainment Complex might be? Ms. Harrell answered that this is a private project with a private developer who is determining the schedule to some extent. They are negotiating with their prospective tenants. They're still negotiating and discussing lease terms. We keep in touch with them on how things are progressing.

Mr. Svoboda asked if the negotiations included the purchase of the Lincoln Theater? Ms. Harrell responded that the developers' intent is to acquire the entire block with the exception of the two properties that we've discussed before. So they're negotiating with the Douglas Theater group to purchase. Mr. Svoboda's concern was that if they could not reach a purchase price, the City would then come in under eminent domain? Mr. Bowen stated that the Council would be notified if such an impasse were reached.

Mr. Friendt asked if there had been a time-line indicated for completion. Ms. Harrell stated that they were working for an opening date in the Spring of 2003. Mr. Bowen noted that the developers realizes that the clock is ticking on their project.

**ANNETTE McROY** - No Further Comments

**COLEEN SENG** - Ms. Seng thanked Mr. Terry Werner for speaking at her Citizen's Meeting this morning and discussing his stand on many issues.

**KEN SVOBODA** - No Further Comments

**TERRY WERNER** - No Further Comments

**ANN HARRELL** - Ms. Harrell announced another meeting scheduled for land owners in the areas affected by the tiger beetle habitat concerns. The County Board had requested this open house for the land owners. There will be no formal presentation, but information will be available to anyone interested or concerned. The meeting is scheduled for tomorrow night (02-12-02) from 4:00 - 6:00 p.m. at the NRD offices. She noted that any Council Members who would like to attend would be more than welcome.

**AMY TEJRAL** - No Further Comments

**MARK BOWEN** - Mr. Bowen added to Ms. Harrell's comments on the tiger beetle habitat situation, noting that the Mayor's Office would like to see a final determination made that would give to local authority any final solution on this issue. In working with the Federal government, everything the City had proposed thus far had been met with approval. He noted that the University would be the logical entity to implement any program, with the City offering budgetary support.

Ms. Harrell added that the only thing that exists as any action on the City's part would be the Mayor's policy of supporting a buffer around the areas that have been identified by the scientists and the Planning Department as being most likely to be the affected habitat areas for these insects. We're trying to achieve a local solution that will be best accepted by the local community.

Mr. Bowen also announced that the Mayor will be doing his "Face the Chamber" at noon at the Country Club.

**DANA ROPER** - No Further Comments

**VIII. MEETING ADJOURNED** - Approximately 1:02 p.m.

*CM021102/jvr*