

**AGENDA FOR
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, MARCH 4, 2002
Immediately Following Director's Meeting
CONFERENCE ROOM 113**

I. MINUTES

- *1. Minutes of "Noon" Council Members' Meeting for February 11, 2002.
- **2. Pre-Council Meeting Minutes - RE: Public Works/Utilities - Water/Wastewater Rate Structures - December 3, 2001.
- **3. Pre-Council Meeting Minutes - RE: Special Permit Process - February 11, 2002.
- **4. Pre-Council Meeting Minutes - RE: Text Amendment: Storage of Autos for Sale in the Front Yard - February 11, 2002.
- **5. Minutes of Director's Meeting for December 3, 2001.
- 6. Minutes of Director's Meeting for January 14, 2002.
- 7. Minutes of Director's Meeting for February 11, 2002.
- 8. Pre-Council Meeting Minutes - RE: EMS Audit - February 4, 2002.

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

- *1. Public Building Commission (Camp/Seng)
- *2. ISPC Meeting (Cook)
- *3. DEC Meeting (Friendt)
- *4. Multicultural Advisory Committee (McRoy)
- *5. Board of Health (Svoboda)
- **6. C-SIP Steering Committee Meeting (McRoy/Seng)
- **7. Homeless Coalition Meeting (McRoy/Werner)
- **8. Star City Parade Steering Committee Meeting (McRoy)
- 9. Wilderness Park Committee Meeting (Cook/Friendt/Werner)
- 10. Internal Liquor Committee Meeting (McRoy/Svoboda/Werner)
- 11. Joint Budget Committee Meeting (McRoy/Seng)
- 12. PRT Meeting (Seng)
- 13. Downtown Lincoln BID Association Board of Directors Meeting (Werner)

OTHER MEETINGS REPORTS:

III. APPOINTMENTS/REAPPOINTMENTS - NONE

IV. MEETINGS/INVITATIONS - NONE

V. REQUESTS OF COUNCIL FROM MAYOR - NONE

VI. MISCELLANEOUS - NONE

VII. CITY COUNCIL MEMBERS

VIII. ADJOURNMENT

***HELD OVER FROM FEBRUARY 18, 2002.**

****HELD OVER FROM FEBRUARY 25, 2002.**

MINUTES
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, MARCH 4, 2002
CONFERENCE ROOM 113

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

Others Present: Mark Bowen, Ann Harrell, Amy Tejral, Mayor's Office; Dana Roper, City Attorney; Darrell Podany, Aide to Council Members Friendt, Camp and Svoboda; Joan Ray, Council Secretary

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*Held Over from 02-18-02

**Held Over from 02-25-02

Vice-Chair Jonathan Cook requested a motion to approve the above-listed minutes. Jon Camp moved approval of the minutes as presented. The motion was seconded by Ken Svoboda and carried unanimously by voice vote for approval. (Glenn Friendt-Absent)

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

*1. PUBLIC BUILDING COMMISSION (Camp/Seng) Ms. Seng reported that the meeting had been so long ago - February 12th. One item they discussed was the *Thrifty Nickle* newsrack sites; the Space Heater policy from the State was received and forwarded to the Fire Inspectors for review. (the State Policy is "None") Ms. McRoy asked why they didn't just turn up the thermostats instead of having people freezing to death. Ms. Seng noted that there were 50-60 space heaters in the building.

Mr. Camp asked if the PBC had decided to do anything on a City Policy regarding the space heaters. Ms. Seng answered that they had not; it had been forwarded to the Fire Inspector for review, but no action has been taken.

Ms. Seng continued her report, noting that the Old Federal Building Update had been discussed, with Mr. Dallas McGee making a presentation on that issue. Ms. Seng reported that the PBC had approved Sinclair-Hille for the architectural/engineering services for the parking facility in Block 101. There were two groups interviewed of the six that had made application. The two were Davis Design and Sinclair-Hille. Mr. Camp, who was on the interview committee, stated that all of the groups had good presentations.

Ms. Seng noted that HWS had been at the meeting to discuss their geo-technical proposal. They will be doing the borings at the base of the parking garage building. Ms. Seng stated that they had approved seven borings for the project.

She noted that quite a bit of time had been spent on the vacation of "H" Street and security recommendations. She added that they had sent this issue back for more study, but she did have some material to be passed around for Council's review. [Ms. Seng handed out the material which outlined the proposals and their short- and long-term impacts- a copy is on file in the Council Office]

Ms. Seng reported that they had given a recommendation of approval for the Bond Reserve Account. There is \$2.5 million in reserve. We're trying to get a higher percentage rate on that amount. She stated that March 19th will be the date for the next meeting.

She noted that Risk Management should be moved over to the 233 Building by now. The Public Defenders' Office will have their own space. She asked if anyone had moved in yet at 900 "J" Street. She commented that her information indicated that it would be three-four weeks before the Human Services Offices would be moved in there. She reported that there was a service agreement approved for the Health Department. Ms. Seng concluded by stating that that was about the extent of the meeting.

Mr. Svoboda asked if it was the Public Building Commission that was discussing the relocation of some of the Council Offices and the flow through the area. He noted that some of the County Commissioners had been coming into Council Members' offices making comments about eliminating Jon's office and having a door coming from the Council Chambers through that space. Ms. Seng indicated that it was all just talk at this point with no decisions to be made until after the space study was completed. Discussion ensued regarding the configuration of the Council Office and the study being done on space use needs and security concerns.

Mr. Cook briefly reviewed the "H" Street vacation materials distributed earlier by Ms. Seng.

*2. ISPC (Cook) - No Report

*3. DEC (Friendt) - Carry Over to the 03-11-02 "Noon" Agenda

*4. MULTICULTURAL ADVISORY COMMITTEE (McRoy) Ms. McRoy reported there had been an update from Chief Casady; there had been a discussion regarding Officers in Community Centers and what they're doing with officers who speak multiple languages. Ms. Tejral added that they had talked about having a Spanish Crime-Stoppers Line. Ms. McRoy stated that the details were yet to be worked out on that concept, but there was interest in supporting that.

Ms. McRoy reported that she had turned in her evaluation of their Hazardous Waste Survey which had been sent out the month before. She noted that the survey had several areas that could be improved and her assistant was working on getting that evaluation done.

Mr. Werner asked what ever had happened to the Interpreter question. He asked if it wasn't to have gone to the MAC for consideration and then recommendation to Council. Ms. McRoy answered that they had stated that they wanted Council to move forward with that. She noted that she had brought that recommendation to the Council conveying that MAC supported that. She noted that her assistant was working on some language for a draft ordinance. Mr. Werner stated that someone had brought this issue to his attention and requested that he ask about it. Ms. McRoy assured him that work was being done on the issue.

*5. BOARD OF HEALTH (Svoboda) Mr. Svoboda reported that there had been a public hearing on the tattooing and body piercing issue, noting that a number of people came to that. Mr. Svoboda said that those who came forward were appreciative of the objectivity of the Board in not looking at the industry as being "seedy" but taking them quite seriously.

The Board of Health was attempting to pass on to the Council a proposed amendment on an ordinance that would discuss everything *except* the underage portion of the issue. Mr. Svoboda told them no - he would rather have something coming forward from the Board, as a health agency board, that would give clear definition as to what their intent was. Mr. Svoboda stated that his argument all along was that teenage body piercing or tattooing should not be allowed other than with consent and presence of an adult. He noted that he was quite adamant about it at this meeting as well. He noted, however, that in speaking with wise counsel, it was pointed out to him that parental control can't be dictated. Although we may not like it, we must be able to give control to the parents - which was also the consensus of the majority of the Board of Health and those members that were there - as well as Staff. So, what is more than likely to come back to Council will be an ordinance that will allow underage body piercing and tattooing to those 15 or 16 years of age, up to the age of 18 -or the age of consent- with parental consent and parental presence.

Mr. Werner noted that the presence would be the big issue - so there could be no signature cards forged by friends. Mr. Werner asked how proof would be shown that someone was a guardian and not a parent. Mr. Svoboda stated that the Law Department is working on that now; whether it would allow for a guardian and/or a parent and how guardianship and/or parental authority would be proven.

Ms. McRoy asked how that would effect ear piercing, observing that kids can get their ears pierced now without parental consent. Mr. Svoboda responded, stating that that would be exempted from the ordinance. He explained that the Health Board's reasoning was that there is little to no blood, and it is not a Health Department issue. The ordinance would cover all other body piercings, but not ear lobes.

Mr. Werner stated that that amazed him, because a needle is used. Mr. Svoboda stated that it is not a body fluid issue and not a public health issue. Nationally, it's not a concern. Apparently there is no risk other than a possible infection and that's usually short term. Mr. Werner asked if currently there was no inspection of tattoo places? He asked if the Health Department didn't go in and make sure they're using sanitary

methods? Mr. Svoboda answered that he did not think so, but this ordinance would force that. He added that the industry is all in favor of this regulation.

Mr. Roper noted, with a touch of irony, that they *do* regulate barber shops. Mr. Svoboda reported that there have been some “walk-in” inspections by the Health Department Staff just to see what is going on. Apparently, most of them, if not all, run extremely tight operations. Most of them do not allow tattooing of minors even *with* parental consent - even though currently there is no law that prohibits it. And even if the new ordinance is passed, most of them will still not allow underage tattooing.

Mr. Werner commented that he was glad Mr. Svoboda signified “most”, because last week someone had called, outraged, because that person’s 15 year-old daughter had a navel pierce and it was infected. The man went down to the tattoo shop and was told that one has to be 16 before it could be done. Mr. Svoboda answered that *some* very well could be operating illegally. The ones who spoke to the Health Department last week said that their industry is not without those who will press the issue and break the law anyway - just like any industry. But they’re all in favor of it and are not opposed to the fees structured in the ordinance or the inspections or the requirements for permits and application for licensure of those who are doing the work, not just the establishments.

Mr. Cook asked what the age of consent would be in Nebraska, wondering if it weren’t 19 in this state. Mr. Roper answered that 19 is the age of majority in Nebraska. Mr. Svoboda noted that that would have to be clarified in the language of the ordinance, but the Law Department is working that out.

There was a brief, light-hearted discussion regarding the possibility of the tattooing/piercing history of Council Members being brought to the fore during any proposed public hearing on this issue. Mr. Svoboda, on a serious note, encouraged Council Members to stop in and look over a tattoo establishment and see what goes on, noting that they’re apparently extremely well-run and above board.

**6. C-SIP STEERING COMMITTEE MEETING (McRoy/Seng) Ms. Seng reported that there had been two meetings in the interim since the last “Noon” Meeting. She noted that they’re just following through on this process with public policy. The Steering Committee is struggling with the issue of where we go after this. Should we make this into a separate organization - should we hook it on to something else - what should happen? Right now it’s United Way, Joint Budget Committee (City/County) and some foundations all working together.

She noted that they’re not quite sure where this group is going, but when we know, we’ll tell you.

**7. HOMELESS COALITION MEETING (McRoy/Werner) No Report

**8. STAR CITY PARADE STEERING COMMITTEE (McRoy) No Report (Ms. McRoy has scheduling conflicts on Fridays)

9. WILDERNESS PARK COMMITTEE MEETING (Cook/Friendt/Werner) - Carry Over to 03-11-02 “Noon” Agenda

10. INTERNAL LIQUOR COMMITTEE (McRoy/Svoboda/Werner) Ms. McRoy reported that they've given Joel Pedersen direction to move forward with the Football SDLs. That should be coming back to us soon. We want it off our plate there (ILC) as we move forward on the issue.

Mr. Svoboda stated that there had been one suggestion that Lincoln just eliminate all SDLs on Football Saturdays. Ms. McRoy stated that that had been a suggestion from the City Clerk. Mr. Svoboda stated that many college towns of our size just don't allow SDLs.

The main point of discussion had been that whatever we do, the criteria would be that an applicant would have to be a current license holder and the location must be adjoining a current permit. That would eliminate the WIC Alumni Association. He noted that some had been concerned that that is really 'steppin' on some toes over there'. But Mr. Svoboda asserted that he was at the point of just saying "tough". He felt the NU direction should set a precedent...be a role model - no alcohol on campus.

Ms. McRoy stated that another discussion at the meeting had been the RHC (Responsible Hospitality Council) which was mandated by the Council a few years ago. The group needs a website home and Ms. McRoy offered, because it was a quasi-governmental, non-profit group, a link to the City Council's website. It won't cost anything and, since it is a City mandated group, if the Council agrees, they will use the City Council website as their parent homepage. Council agreed that this would not be inappropriate.

Ms. McRoy added that the SDL policy would not take effect until 2003, so there would be time for any further comment or discussion.

Ms. Ray reminded Council Members, since they were discussing Council's website, that, as they had requested, a page had been set up for them from which they could offer comments to the public. Ms. Ray noted that the 2002 page is currently empty, which might not look good to the constituency. (Ms. Ray noted that the exception was Ms. Seng's Monthly Citizens Meetings which were being posted each month) Ms. Ray offered this information as an FYI for Council Members' consideration.

11. JOINT BUDGET COMMITTEE (McRoy/Seng) Ms. Seng reported that there had actually been two meetings on Friday; the first was the JBC meeting and the second was regarding the Malone Center situation. She stated that she would like to do the JBC report and requested that Ms. McRoy do the Malone Center report.

Ms. Seng continued, noting that the Health and Human Services representative for Eastern Nebraska made a presentation which pertained more to the County side than to the City side, but it is important for us to hear it too, because as they receive more funding, it will be helpful to know how much the City will have to do on certain projects; or the other way around, if things are cut, they'll be coming to us. All of this is dealing with State funding for Human Services.

She reported that they had voted during the JBC meeting to approve \$20,000 for the Malone Center with \$12,000 going immediately for the Cedars Contract, which is \$2,000 per month for the next six months. We'll hold back \$8,000 until a designation is made as to exactly for what purpose those funds can be spent.

Ms. Seng reported that Marc Wullschleger gave them an update on SRO projects. The committee had met at least once and they are beginning to identify some of the

concerns and situations and spaces that are good or bad and what needs to be done in each situation. There was a review of the C-SIP conference. That's about all that was done except for the JBC funding requests for the upcoming year.

The requests for funding for the upcoming year totaled ninety-seven; 47 were for United Way; 17 were for JBC, and 33 were joint requests. This was our first look at them and we'll have a lot more in-depth review of those requests before we proceed.

Mr. Werner asked about the Day Watch and Matt Talbot funding being lumped together. He asked if Ms. Seng was familiar with any of that discussion? Ms. Seng answered that they did know that Matt Talbot came in for new requests this coming budget year - \$10,000. She thought both Day Watch and Matt Talbot were both listed separately in the reports. Day Watch is under Housing and Shelter and Basic Emergency Needs for \$20,000. They'll go through a whole process of designation before any monies are allotted. Mr. Werner noted that combining the two agencies would be a strange way of conducting business since they are not duplicating services. He felt if such a combining of agencies were in the works it should be something that deserved a great deal of discussion and consideration before proceeding with any such plan.

Ms. McRoy gave a brief over-view of the Malone Center meeting. This was a meeting with the funders. As Ms. Seng mentioned, JBC gave up \$12,000 for a management contract with the Woods Foundation. United Way will pay for the technical assistance; for the accounting firm to audit the books - that's taken care of. The Cooper Foundation, Lincoln Community Foundation and the Community Health Endowment wanted to wait 'til after the March 27th Board meeting to see what they would be funding. They wanted to see how the new Board stacked up & what is going on there [before making a commitment].

Ms. McRoy continued, stating that Jim Blue, with Cedars, is doing the managers contract that went into effect March 1st. He already did preliminary work. The Center is in bad shape not only fiscally, but physically as well. There is a need for a strategic analysis of the engineering/architecture of the whole facility, which will cost anywhere between \$2- \$3,000. There are mundane maintenance needs that must be met - such as the duct cleaning above the gym area - between \$4-5,000 will be needed for that. There was a community cleaning day, which had to be cancelled because of the weather. The bids for the structural analysis of the electrical engineering are being let. They're looking at different organizations that might be able to donate their services...such as Home Builders to do the special projects and things of that sort.

They'll submit the contract for a strategic facilitator from the outside to work on those issues; find a new Director; look at the physical shape of the building for an analysis of maintenance needs. Strategic plans will include an assessment of what's going on in the Malone area. There will be community quorums to talk about what direction the Center should go. A practical business plan for services would include child care. They are looking for the facility to open at some point this summer for use. With Joe Ballard's Project Youth losing funding, it's really important that the Center be open this summer. They're also looking at how the Center will tie in with the Antelope Valley Project.

Short term - They're planning on the child care to open with a new license, but there are a lot of physical things that will have to be done before that can happen. Ms. McRoy stated that she was disappointed that more Community Foundations hadn't stepped up to fill the gap. She stated that the Director's search will be an on-going commitment.

12. PRT (Seng) - No Report

13. DOWNTOWN LINCOLN BID ASSOCIATION BOARD OF DIRECTORS MEETING (Werner) Mr. Werner very briefly indicated that the Mayor has released the funds to do the landscaping on 9th Street. Council was pleased with this news.

*Held Over from 02-18-02

**Held Over from 02-25-02

OTHER MEETING REPORTS - Mr. Camp made brief comments on the West "O" Street Association meeting he had attended last Friday. He stated that they had very active participation and great efforts from the group.

Ms Seng reported that she had gone to the Holmes Lake meeting and wanted to tell Council Members how impressed she is with what the Park Department has done. There are so many different groups of residents and folks in that area who are working together on different issues all connected with Holmes Lake. It is very good. The citizen groups made the presentations, not the Parks Department.

III. APPOINTMENTS/REAPPOINTMENTS - Ms. Tejral announced that there would be appointments on the Formal Agenda next week to the Women's Commission and to the EMS Board.

Mr. Cook requested the resumes and applications of the nominees for the Council's review prior to the Formal Meeting. He explained to Ms. Tejral that the Council Members would like a chance to review the names submitted for nomination before they reach the formal agenda. This is to assure consensus on the choices as well as offering an opportunity for questions that Council Members might have regarding an applicant. Ms. Tejral indicated that she would have the appointments/reappointment nomination information to Council in order to provide them that opportunity.

IV. MEETINGS/INVITATIONS - Noted Without Significant Comment

V. REQUESTS OF COUNCIL FROM MAYOR - Mr. Bowen handed out material on the EMS Report to Council.

VI. MISCELLANEOUS

ADDENDUM:

MEETINGS/INVITATIONS - Friends of Wilderness Park - Benefit Fund Raiser Invitation - Noted Without Significant Comment

MISCELLANEOUS: Discussion on the E-Mail from Jean Walker Re: Scheduling small group meetings with Council Members for briefing on the proposed Infrastructure Financing Strategy: Council adopted the following schedule:

Monday, March 11th, 8:00 a.m. - Terry Werner, Ken Svoboda, Jon Camp;
Monday, March 11th, Immediately Following the Formal Council Meeting;
Coleen Seng, Annette McRoy, Jonathan Cook;

Location to be determined (03-05-02 - *Notice of location confirmed from Planning:
Mayor's Conference Room*)

Mr. Friendt will be contacted by the Planning Department to set up a time for him to meet with Staff at his convenience.

VII. COUNCIL MEMBERS

JON CAMP - No Further Comments

JONATHAN COOK - No Further Comments

GLENN FRIENDT - Absent

ANNETTE McROY - Ms. McRoy announced that in case anybody needs glazed doughnuts through the rest of the month, the Russ's B&R at 17th & Washington is giving all their profits from the sale of glazed doughnuts to the Kuklin Pool. So if you need doughnuts, that's the place to go.

COLEEN SENG - Ms. Seng asked what the Budget Schedule was. She indicated that she was saving time on Thursday & Friday and would like to know when she would be meeting. Council determined what dates each Council Member had been scheduled for the Budget Review.

KEN SVOBODA - No Further Comments

TERRY WERNER - Mr. Werner asked if the Mayor was taking any action on LB384 [Prohibiting the use of condemnation for certain utility property] Ms. Tejral stated that basically the City is supporting the League's position. Mr. Werner asked if Administration had actively opposed the Bill? Ms. Tejral replied that they had not. Mr. Werner indicated that he felt it would be a good idea to do so. Mr. Cook agreed. Mr. Bowen stated that "we don't have much of a dog in that fight".

Mr. Cook and Mr. Werner both indicated that they felt we do. Mr. Cook stated that we're a municipality; we have a gas company that serves us. Mr. Cook felt we had as much of a dog as any other City with our population....we have the second biggest dog in the State. Mr. Werner stated that we should be opposing it for the same reason the League is opposing it. Mr. Bowen stated that it would require a state-wide effort [the rest of Mr. Bowen's comments were inaudible]. Mr. Werner stated that he thinks it would be something that we really don't want to see passed; and there is a lot of support for it because of some misconceptions and a tremendous lobbying by Utilicorp and the other gas companies. Mr. Bowen made comments that were inaudible.

Mr. Werner stated that there are some cases in Missouri where Utilicorp was taken to court for over-charging. They may be forced to send out some rebates. Someone is now looking at Nebraska, though we don't have any regulation in that area here. Mr. Werner reiterated that it would be in our interest to....

Mr. Cook stated that he would suggest that we all look this over and we may have suggestions next week as to any concerns we might have.

Ms Tejral stated that LB936 (Storm Water and Utility Bill) doesn't show on the update, but it did come out of committee and we already have another bill already on Select File to give it a better shot of actually going somewhere.

Mr. Werner asked to discuss the Council Budget at the next "Noon" Meeting. Mr. Werner also stated that he would like to have parking and towing in the downtown area on the next "Noon" Agenda for discussion.

ANN HARRELL - No Further Comments

AMY TEJRAL - No Further Comments

MARK BOWEN - No Further Comments

DANA ROPER - No Further Comments

VIII. MEETING ADJOURNED - Approximately 1:12 p.m.

CM030402/jvr