

**AGENDA FOR  
CITY COUNCIL MEMBERS' "NOON" MEETING  
MONDAY, AUGUST 5, 2002  
Immediately Following Director's Meeting  
CONFERENCE ROOM 113**

**I. MINUTES**

- \*1. Minutes of "Noon" Council Members' Meeting for July 22, 2002.
- \*2. Minutes of Director's Meeting for March 4, 2002.

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

- \*1. Star City Holiday Festival Board Meeting (McRoy)
- \*2. Floodplain Task Force Meeting (Seng)
- \*3. Downtown Lincoln BID Association Board of Director's Meeting (Werner)
- 4. Parks & Recreation Advisory Board Meeting (Cook)
- 5. Internal Liquor Committee (McRoy/Svoboda/Werner)
- 6. Community Development Task Force Meeting (McRoy)
- 7. Joint Budget Committee (McRoy/Seng) - **JULY MEETING CANCELLED**

**OTHER MEETINGS REPORTS:**

**III. APPOINTMENTS/REAPPOINTMENTS**

- 1. Enclosed are letters and resumes received by the Lincoln City Library Board of Trustees from 17 persons interested in being appointed to the Library Board to fill three vacancies created by the completion of Ruthann Young's term and the resignation of Jim Sherwood and John Baylor (See Material).

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

**V. MEETINGS/INVITATIONS**

- 1. Discussion on the Open Invitation from Judy Fowler to visit the Antelope Senior Center – Would like to extend an invitation to all of you to come and visit our Senior Center. If you would like to come for lunch please RSVP to me, so I can turn in your reservation. I would love for you to come and visit so you could see the center for yourselves and then know just how much the center means to us and why we really want the Antelope Senior Center to stay open. – RSVP to Judy Fowler at 489-3426 - (See Invitation).

2. The Lincoln Chamber of Commerce will host its Celebrate Business Luncheon on Tuesday, September 10<sup>th</sup> at The Cornhusker Hotel. This event recognizes local business with such awards as fastest growing business, outstanding minority owned and woman-owned businesses, small business of the year & personal citizenship awards. I invite you to be our guest this event. The reception will begin at 11:15 a.m. followed by the Noon Luncheon/Awards Program. RSVP to Tera Pugh by Friday, August 23<sup>rd</sup> - (See Letter of Invitation and Brochure).
3. You're Invited - Ventures In Partnerships Fall Kick-Off Celebration and workshops on Thursday, August 15, 2002 from 7:15 a.m. to 12:00 p.m. at Park Middle School, 855 S. 8<sup>th</sup> Street - (See Invitation).

## **VI. MISCELLANEOUS**

- \*1. Discussion on the use of Discretionary Funds (See Attachment).
2. Discussion, if necessary, on the upcoming appointments of Council Members to Boards/Committees requiring Resolution. (Council Members received Memo on 7/29/02).
3. Discussion on Up-Coming Pre-Council's (See Attachment).
4. Discussion on Breastfeeding Kick-Off Award Ceremony - Attendance on Tuesday, August 6<sup>th</sup>, wants somebody to go to accept an award. (Requested by Jonathan Cook)
5. Discussion on website notification of Handivans available thru StarTran for Budget Hearing Meeting. (Requested by Jonathan Cook) (See Attachments).

## **VII. CITY COUNCIL MEMBERS**

## **VIII. ADJOURNMENT**

**\*HELD OVER FROM JULY 29, 2002.**

**MINUTES**  
**CITY COUNCIL MEMBERS' "NOON" MEETING**  
**MONDAY, AUGUST 5, 2002**  
*CONFERENCE ROOM 113*

**Council Members Present:** Jonathan Cook, Chair; Jon Camp, Vice Chair; Glenn Friendt, Annette McRoy, Coleen Seng, Ken Svoboda, Terry Werner. **ABSENT:** None

**Others Present:** Mark Bowen, Kent Morgan, Ann Harrell, Mayor's Office; Gary Lacey, County Attorney - attended briefly; Don Herz, Finance Director, attended briefly; Bruce Bohrer, Lincoln Chamber of Commerce; Dana Roper, City Attorney; Joan Ray, Council Secretary; Darrell Podany, Aide to Council Members Camp, Friendt and Svoboda.

**I. MINUTES**

- \*1. Minutes of "Noon" Council Members' Meeting for July 22, 2002.
- \*2. Minutes of Director's Meeting for March 4, 2002.

\* Carried Over from August 29, 2002 Agenda

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 Coleen Seng and carried by unanimous consensus, for approval.

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

- \*1. STAR CITY HOLIDAY FESTIVAL BOARD (McRoy)- No Report
- \*2. FLOOD PLAIN TASK FORCE (Seng) - Ms. Seng reported that the Task Force was still patiently waiting for information from the Corp of Engineers. Some information has been received on Dead Mans Run.

Mr. Gary Lacey, County Attorney, came into the meeting, interrupted Ms. Seng, and asked Council Members if they were going to keep the School Resource Officers in the budget. Mr. Svoboda indicated that the issue was still under debate. Mr. Cook suggested that Mr. Lacey read the Council's insert in the paper today. Ms. Seng explained that they had put the item back in the budget, but there will be a formal vote on it on August 12<sup>th</sup>. Mr. Cook explained that the insert indicates Council's intent to restore various items, if the funding works out with negotiations with unions and the schools.

Ms. Seng continued, noting that Public Works had been really upset with the Corp, so the Mayor tried to intervene and get some information coming back a little quicker. At the next meeting we will have the economic study which ties in with Dean Man's Run. We will also be receiving information on Beals Slough. The time-line was revised and that was about the extent of the meeting. They're doing the work they're supposed to do.

\*3. DOWNTOWN LINCOLN BID ASSOCIATION BOARD OF DIRECTORS MEETING (Werner) - Mr. Werner reported that most of the meeting was taken up by Bill Johnston's power point presentation on the technology group, which was interesting. The Board expressed an interest in being a part of future progress. Mr. Werner thought, in agreement with the Board, that they are a nice fit.

Mr. Werner continued, stating that the Board requested that he report (this was prior to the Aging Department concerns) ... so he gave pictures that Council had received and gave them an update on that.

There was a July Jamm report, prior to the event. All indications are that it was successful. The developer of the University Towers gave an update on that project.

Mr. Werner reported that Mr. Morgan had given a talk on impact fees. The Board had wanted to be more involved in that, and Kent had suggested studies, in smaller groups, and then getting the information back to the Board

4. PARKS & RECREATION ADVISORY BOARD (Cook) - Mr. Cook reported that they had discussed the 'golf problem'. Some courses have their own wells and, therefore, water regularly and keep their fairways green, whereas public courses are turning brown. Mr. Friendt asked if all City Courses were on City Water? Mr. Cook stated that most of them are. Discussion continued regarding the fairness of private wells being allowed to water, even though the water is coming from the same aquifer from which the City's courses, (which are under the mandatory water restriction program), take their water. The private wells would have as much impact on the watertable as City water usage. Mr. Bowen stated that the drinking water aspect is the main concern of the City's restriction. Their well water is not potable. It was noted that it would not be a depletion of the City's domestic water. Mr. Werner felt it is everybody's water. Mr. Svoboda noted that, in the global scheme of things, that would be true.

Ms. McRoy requested that the Administration investigate and see if the private well water was coming from the same watertable. If so, perhaps some restrictions should be imposed. Mr. Bowen stated that he would confer with Mr. Roper to see if the City would have control to that extent. Council Members thought the private well user would want to comply if for no other reason than public perception. Mr. Bowen, after speaking with Mr. Roper, stated that the City would have to demonstrate evidence that use of the private well water was impacting the City's ability to provide City Water. It was determined that, at this point, it wouldn't be worth the hassle to pursue this.

In a final word, Mr. Roper indicated that the owners of private wells were not affected by the Executive Order issued regarding water conservation. The Executive Order applies only to Lincoln Water System water. If someone has a private well, and there are 115 of them in the City of Lincoln, they are exempt.

Mr. Cook continued his report, stating that they had also discussed the City's Internet use policy at Community Centers. The Board approved a fairly restrictive policy regarding what content was allowed. They have approved filtering; if anything inappropriate for children comes up, adults are supposed to let the Center Staff know about it. They adopted a "zero tolerance" policy. They felt this was very different from what the public libraries do. The libraries would be places to go for research and where adults would go to get internet access. This policy was passed, contingent upon the approval of the City Attorney.

Mr. Cook reported that some rental fees for some of the Centers were adjusted. He noted that there had also been some concern about student member recruitment. He stated that there were no students this time around on the Board. Perhaps the recruiting effort needs to start a little earlier in the year.

He informed the Council that there would be an October Retreat of the Parks & Rec Advisory Board. This will be held Thursday, October 3<sup>rd</sup> at Noon at the Highlands Golf Course Clubhouse. There had been an update on the Holmes Lake Watershed Renovation project. The Antelope Triangle resolution was passed which gave specific approval to certain items while leaving other things as items for continued discussion.

He indicated that that was the extend of the meeting, noting that at the next meeting the sidewalk space ordinance might be discussed, even though it has been discussed in the past. After having additional information compiled on this, there will be a more thorough report on the Boards recommendations on that issue.

5. INTERNAL LIQUOR COMMITTEE (McRoy/Svoboda/Werner) Ms. McRoy reported that she had a copy of the letter being sent to Mr. John Seltzer of Mickey's Irish Pub. She reported that he had been called in to the ILC meeting to discuss his advertising and business practices. He did come in, but Ms. McRoy was not sure that he "got it", noting that she felt he was somewhat arrogant with a "don't care" attitude. But, we've asked him to retrain his staff and himself, and to provide closer supervision of the sale of drinks to individuals. Captain Cita pointed out some of his "riskier" business practices. After he has implemented these guidelines, he is to report back to the ILC - in sixty days.

Ms. McRoy added that another item discussed had been the issue of grandfathering. When the Responsible Hospitality Training went into effect, there were locations that were grandfathered in. - exempting them from training requirements. Now, we will be going back to look at those locations. If they have violations, we will require them to take the current training.

6. COMMUNITY DEVELOPMENT TASK FORCE (McRoy) Ms. McRoy reported that the first thing the Chair, Jon Carlson, said to her was that she "classed" the place up, in comparison to Mr. Cook's usual appearance at the meeting. [Laughter] She noted that the agenda had been short and the meeting lasted only 45 minutes. There were some materials passed out and she noted that she would pass that information on to Jonathan's successor.

They're working now on a new housing development with Nebraska Housing Trust. The development is located at Southwest 12<sup>th</sup> Street.

They elected new officers. Jon Carlson is the Chair and John Carter is the Vice-Chair

7. JOINT BUDGET COMMITTEE (McRoy/Seng) - *JULY MEETING CANCELLED* - Ms. Seng noted that the meeting would be held this coming Friday rather than last Friday.

\*Carried Over from July 29, 2002 Agenda

OTHER MEETINGS - Ms. Seng reported that she had attended another meeting with the Havelock community which had been called to discuss their re-development plan. Most of the time was spent on the park. T.I.F. dollars are being utilized for that development. The park will be developed in three phases as the funds are available. Mr. Friendt asked if this was an allocation of the community's taxes, designated by the community? Ms. Seng answered that the group has to decide what they want the money spent on and this was their first priority. There will eventually be other priorities that will be addressed as the time comes.

Mr. Cook reported on the Side-Walk Space meeting. He noted that he felt it had been very successful. There was a good turn-out with all Council Members having attended, except for Ms. Seng who had been out of town. He felt the turn-out and feed-back had been very good. There will be a report submitted after the information is compiled and distributed. Mr. Cook passed out to the Council Members re-formatted informational sheets from the meeting.

The meeting and resulting input will be discussed at the next Mayor's Neighborhood Roundtable meeting. There will be an opportunity to submit comments there; then a draft version will be drawn up taking into consideration all the comments we get back from everyone. Then the P&R Board will meet the first Thursday of next month and the Neighborhood Roundtable the second Thursday. Mr. Cook wanted to have material ready to take to both of those bodies. Depending on the comfort level of these bodies and the Council, it might be something that can be brought forward.

Council discussed details of the meeting and many of the issues that were brought forward, noting that the information had been instructive and helpful, including the differences between median landscaping standards and the standards for sidewalk right-of-way landscaping. Council agreed that there should be a consistency between the two standards, with the City setting an even higher standard for itself than that to which the public would be held. Council also agreed that safety should be the major consideration in the final decisions.

III. **APPOINTMENTS/REAPPOINTMENTS** - Library Board Appointments. There are three openings to be filled: One 1-year term; one 2-year term and one 7-year term. Mr. Cook asked if any of the Council Members had had an opportunity to review the Library Board's recommendations? After a lengthy discussion, it was determined that the Council would require more time to study the resumés and to determine a more explicit understanding of the current Board's make-up. Then in two weeks, Council would vote on candidates to fill the three positions. (It was noted that the use of City letterhead by one of the applicants to submit a résumé for the position was inappropriate)

IV. **REQUESTS OF COUNCIL FROM MAYOR** - Mr. Bowen stated that what he had was more of a coordination comment than a request. He explained that the Police Union would be contacted for discussion next Tuesday. The Budget Office had put together the numbers for the Council Members who planned on attending. Mr. Bowen had also asked Steve Hubka to put together his "best guess" about other things that may come up that have been done by other unions that they may be aware of and would cross out at the meetings. Mr. Bowen requested time to get together with Council Members after they have had time to look this over, in order to get their input.

Mr. Bowen also passed out the EMS reports as submitted by Don Herz, Finance Director.

Ms. Seng commented that she had told Kent last week that she was very uncomfortable about Council Members going to this Union meeting without Personnel Department representation. She felt it was a dangerous thing to be doing. Mr. Friendt asked why she felt it was dangerous. She indicated that she did not think the Council Members would have the answers to anything and she thought that someone from Personnel should be there. Mr. Cook stated that if the Unions are saying they don't want anyone from the Administration.... He asked if it would be possible to have Personnel available by phone easily...if answers were needed, would they be right there waiting by the phone while the meeting is going on. Mr. Bowen stated that he would suggest that they could have someone right outside the door - available for answers or clarification on any issue. Mr. Bowen felt that something will pop up and there will be a need for an answer or for a clarification.

Council discussed these concerns and the outlined ground rules for the meeting, as well as concessions that will or will not be brought forward or accepted. The SROs were the main concern mentioned by all of Council, even though, they believed, the rank-and-file officers were not in favor of the program.

## V. MEETINGS/INVITATIONS - Noted Without Significant Comment

## VI. MISCELLANEOUS -

\*1. Discussion on the use of Discretionary Funds. This was addressed because of concerns about Mr. Cook's use of his Discretionary Funds to help in extending Irvingdale Pool hours. There had been concerns expressed regarding the media reporting of the use as a direct personal donation from Mr. Cook. Mr. Cook indicated that he had been very explicit in his comments to the media that the money had come from his Council Office "Research/Constituent Services" money which Council Members have the discretion to use as they see fit in that context.

Discussion ensued. It was noted that there had been no exact guidelines laid out for the use of the funds. Mr. Roper has indicated that the only restriction for the use of the funds, that he was aware of, would be that the money used must be spent on projects the City would or could, itself, fund. The money couldn't be used to donate to a charitable group; but if there were other things that the government itself could do if it chose to, the money could be spent for that project. Mr. Cook noted that the pool hours extension would clearly fall within that criteria. It was noted that when the funds were set up, there would be broad flexibility in their use.

Mr. Svoboda felt it was a matter of public perception. He felt the amount donated was a bit excessive, suggesting that a match of the funds raised might have been more appropriate. He noted that the public he had heard from noted that this was just another case of 'the same old thing'. If the City wants something, they always find a pocket somewhere in City government. If you want a ball diamond, sure, we can build it with money taken from Public Works - that's the same thing they were comparing it to. Yes, we don't have money to fix our streets, but \$12,000,000 was found to build a baseball diamond. We had to close pools in order to relieve a budget crises, yet there was \$5,000 that was found...tax dollars....that went toward that.

Mr. Friendt offered that he had heard that other pools didn't get saved. Ms. McRoy noted that her constituents had asked if she was going to save the Air Park Pool. She had answered that there was no staff available to operate it, or she would try to save the pool. Mr. Cook noted that they did raise \$10,000, separately for two other pools...so that money is going there.

He stated that this particular case was a pool in his district, but it was also a pool that these kids had worked hard to raise money for already...so it looked like they had gone to considerable effort. The amount was that necessary to keep it open the full pool hours to the end of the season. Mr. Cook stated that he couldn't say whether it *should* have been just a match of funds or funds needed to actually do the job. He noted that he had saved that money up over all the years that he had been on the Council, since the Discretionary Funds had been initiated. Mr. Friendt was surprised that the discretionary funds rolled-over. Ms. Seng reported that her funds have already been ear-marked for the Parks Department use. She commented that it would be dedicated to trees, and trees, and trees.

Discussion continued briefly regarding the appearances that Council's uses of their discretionary funds might evoke. Mr. Cook felt it was wrong to make tiny little budget cuts that effect services to the least of the citizens...in this case the children who use the Irvingdale pool...while finding funds to finance giant project elsewhere. He felt his use of the funds to save that pool from an arbitrary budget cut was appropriate.

Mr. Friendt commented that if the funds are discretionary and the use did fit within the guidelines that Dana provided, then having been duly noted, unless changes to the guidelines were to be proposed, this concern should be set aside and Council should move on to another topic.

2. Discussion, if necessary, on the upcoming appointments of Council Members to Boards/Committees requiring Resolution. - *Appointments approved as prepared by Council Staff. Mayor's Office given an update of the appointments/resolution list [Appointment and Re-Appointment Resolution Requests delivered to City Clerk on this date showing:*

*Appointment of: Glenn Friendt to a One Year Term on the Community Development Task Force (Term to Expire: 08-31-03)*

*Re-Appointment of Jonathan Cook, Glenn Friendt and Coleen Seng to the Railroad Transportation Safety District (One Year Terms to Expire on August 31, 2003)*

*Re-Appointment of Annette McRoy to the Joint Budget Committee (Two Year Term to Expire on August 31, 2004)*

3. Discussion on Up-Coming Pre-Council's. *Carried over to August 19<sup>th</sup> "Noon" Meeting*

4. Discussion on Breast Feeding Kick-Off Award Ceremony - Request for Attendance of a Council Member on Tuesday, August 6<sup>th</sup> at 9:45 - 10:30 a.m. in the Council Chambers to accept an award for the City's encouragement and promotion of breast feeding. (Discussion requested by Jonathan Cook) *Because of his association with the Lincoln/Lancaster County Board of Health, Ken Svoboda will attend and accept the award on behalf of the City Council.*

5. Discussion on website notification of Handivans available thru StarTran for Budget Hearing Meeting. (Requested by Jonathan Cook) *It was agreed that the Mayor's Office would post a notice under "Media Releases" on their website to inform the public of the availability of the StarTran Handivan for use by eligible citizens to attend the City's Budget Hearings on August 12<sup>th</sup>. The Van will be available for use through the end of this evening meeting, which will begin at 5:30 p.m. Mr. Larry Worth of StarTran also indicated that he would contact the League of Human Dignity to disseminate this information to the public. He also indicated that StarTran would place "flyers in the buses and Handivans and shelters" in addition to the Mayor's website announcement of these special transportation services.*

*\*Held over from July 29, 2002.*

## VII. COUNCIL MEMBERS

JON CAMP - No Further Comments

JONATHAN COOK - No Further Comments

GLENN FRIENDT - No Further Comments

ANNETTE McROY - No Further Comments

COLEEN SENG - No Further Comments

KEN SVOBODA - No Further Comments

TERRY WERNER - No Further Comments

KENT MORGAN - No Further Comments

ANN HARRELL - No Further Comments

MARK BOWEN - No Further Comments

DANA ROPER - Mr. Roper commented that the annexation on the agenda had one issue to be worked out regarding the payment of development on the property. The applicant has requested that Council work out the issue of whether the developer or the City be responsible for the payment of an over-sized water main within the annexation area.

## VIII. MEETING ADJOURNED - Approximately 1: 20 p.m.

cm080502/jvr