

**AGENDA FOR
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, AUGUST 26, 2002
Immediately Following Director's Meeting
CONFERENCE ROOM 113**

I. MINUTES

1. Minutes of "Noon" Council Members' Meeting for August 19, 2002.

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

1. Public Building Commission Work Session (Camp/Seng) - **CANCELLED**
2. Star City Holiday Festival Board Meeting (McRoy)
3. Floodplain Task Force Meeting (Seng)
4. Internal Liquor Committee/Special Permit Subcommittee Meeting (Svoboda)
5. Community Learning Center Meeting (Seng) - **(Held over from the August 19th "Noon" Agenda)**

OTHER MEETINGS REPORTS:

III. APPOINTMENTS/REAPPOINTMENTS - NONE

IV. REQUESTS OF COUNCIL FROM MAYOR - NONE

V. MEETINGS/INVITATIONS

1. Please join us in wishing Carole Eddins - Goodbye, Farewell, So Long, Good Luck . . . on her Retirement - Wednesday, August 28, 2002 from 3:00 p.m. to 4:30 p.m. at Urban Development - (See Invitation)
2. Please join us for a 20th year Anniversary celebration and Open House at the Food Bank on Thursday, September 12, 2002 from 4:00 p.m. to 6:00 p.m. - There will be a short program at 5:15 p.m. - at Food Bank of Lincoln, 4840 Doris Bair Circle (just go about 3 blocks north of Superior, and turn right) (See Invitation)
3. 2002 Goal Awards Program - Madonna Rehabilitation Hospital - The Board of Directors of Madonna Rehabilitation Hospital cordially invites you to attend the Eighth Annual Chairman's Goal Awards Luncheon on Friday, September 13, 2002 from 11:45 a.m. to 1:30 p.m. at the Holiday Inn Downtown, 141 N. 9th Street - Cost \$15.00 - RSVP to 486-8379 by Sept. 10th - (See Invitation)

4. Come celebrate the 2002 Award of Excellence in Environmental Health given by the National Association of County & City Officials to the Lincoln-Lancaster County Health Department for the “Get Mercury out of our Home: Mercury Collection Exchange Program” on Tuesday, August 27, 2002 from 2:30 p.m. to 4:30 p.m. at the LLCHD Training Center, 3119 “O” Street - (See Invitation)
5. Lincoln Interfaith Council – 2002 Interfaith Leadership Awards Banquet Honoring Dr. John & Mrs. Beatty Brasch on Sunday, October 27, 2002 at The Cornhusker Hotel – Reception at 5:00 p.m. - Dinner at 6:00 p.m. – Cost is \$35.00 per person or Table of Ten at \$350.00 per table – Please fill out & send RSVP form - (See Invitation)
6. 2002 marks the 35th anniversary year of the Downtown Lincoln Association (DLA) - This year’s event will be held on Thursday, October 17, 2002 at Noon at the Embassy Suites - (See Letter)
7. Families First & Foremost invites you to join us in a panel discussion of the Juvenile Justice System - A panel of Lancaster County juvenile justice system representatives will provide us with an in-depth look at the path a youth takes through the justice system from first point of contact through case disposition. Join us as we bring together the system components to share their interactions, roles and responsibilities and hints for facilitating a family’s movements through the system. On Thursday, September 12, 2002 from 1:30 p.m. to 4:00 p.m. – at the Nebraska Center for Continuing Education, 33rd & Holdrege - RSVP to Henry Moss at 441-5678 (See Invitation)

VI. MISCELLANEOUS - NONE

VII. CITY COUNCIL MEMBERS

VIII. ADJOURNMENT

MINUTES
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, AUGUST 26, 2002
CONFERENCE ROOM 113

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

Others Present: Mark Bowen (arrived late), Ann Harrell, Mayor's Office; Dana Roper, City Attorney; Chief Casady, LPD (attended briefly); Joan Ray, Council Secretary; Darrell Podany, Aide to Council Members Camp, Friendt and Svoboda; Nate Jenkins, Lincoln *Journal Star* representative.

I. MINUTES

1. Minutes of "Noon" Council Members' Meeting for August 19, 2002.

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 Glenn Friendt and carried by unanimous consensus of members present, for approval.

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

1. PUBLIC BUILDING COMMISSION WORK SESSION (Camp/Seng) - This meeting was cancelled due to lack of public notice. The public meeting was not advertised and the Commission was advised by Attorney Dana Roper that it would be best not to meet without public notification. Ms. Seng noted that Public Building Commission staff should be more attuned to the required notification for public meetings.

2. STAR CITY HOLIDAY FESTIVAL BOARD (McRoy) Ms. McRoy did not attend.

3. FLOOD PLAIN TASK FORCE (Seng) Ms. Seng reported that the main event was listening to the Corp of Engineers' presentation on the economic portion of the Dead Man's Run study. In the discussion of how many structures would have to be replaced in the Commercial and the Residential areas, Ms. Seng had noted that the figures just did not make sense. As it turned out, the computer model had failed. The information was incorrect. Ms. Seng reported that when she gets a corrected version of the presentation, she would distribute it to Council.

Ms. Seng explained that another issue which had been discussed was what kind of policy could be put together for Street and Alley Vacations and Surplus Land issues. They wanted a recommendation for a standard policy on land use in the flood plain. All the staff from Public Works, NRD, Building and Safety, and the Corp of Engineers are trying to put a policy in place. One question of concern was whether or not the City should keep vacated lands and not allow building in those areas. If a Department has surplus property in the flood plain, should the City sell it or keep it because it is in the flood plain? Those are questions that need to be answered.

4. INTERNAL LIQUOR COMMITTEE/SPECIAL PERMIT SUBCOMMITTEE (Svoboda) Mr. Svoboda stated that the meeting had gone very well. The one consensus coming out of it was that if there were to be any change made to the ordinance at all, it would be - as part of mitigation - that the Special Permit holder would have to stop selling alcohol at ten o'clock. Mr. Svoboda reiterated that it had been a good meeting - a respectful gathering. Everyone shared their philosophies, opinions and views. It went very well. Mr. Svoboda noted that he had asked Mr. Pedersen of the Law Department to put together a Draft Ordinance change to indicate the 10:00 p.m. notation. He stated that most of those attending the meeting had not had a problem with that stipulation. Mr. Svoboda requested that Council Members all receive a copy of the minutes of that meeting. *[Staff printed copies for all Council members on 08-26-02; copies were distributed to the participants of the meeting and the City Clerk on 08-27-02]*

5. COMMUNITY LEARNING CENTER MEETING (Seng) - *(Held over from the August 19th "Noon" Agenda)* Ms. Seng noted that since the meeting, the Council Members had received information from the presenters, which she believed, gave pretty good detail of the meeting.

OTHER MEETINGS - Ms. McRoy mentioned the Police Quadrant Meetings to which Council Members are invited. She noted that Captain Cita had brought out at the last such meeting, that it costs the City between fourteen- and sixteen-thousand dollars in Police over-time for the Saturday Home Game traffic control. The University isn't helping with that. She commented that she understood the great tax benefits to the City with the downtown sales on football Saturdays, but since we have just finished work on this very tight City budget, it was hard for her to just let that expenditure go unnoted. There are 58 officers on eight-hour shifts on overtime.

Mr. Friendt stated that he would be interested in knowing what the University Police Department expends on this. Ms. McRoy stated that the University Police just handle the University property, and the University *pays* Sheriff's deputies to do the inside stadium work. They're paying other agencies to supervise security in the stadium, while the City makes sure that there is a smooth flow of people and traffic in and out of the downtown area (two hour before and two hours after the games) and we're on our own - Ms. McRoy felt that was inappropriate.

Mr. Svoboda suggested investigating a seat tax on each game ticket similar to what was being discussed for Pershing Auditorium events. There is now a fifty-cent fee to cover such expenses on Pershing events. Mr. Cook observed that this might be considered a "seat impact fee". [Laughter]

Mr. Bowen asked if the Sheriff's deputies being paid were off-duty? Mr. Camp wondered what the City's policy is on other activities...such as basketball games? Ms. McRoy stated that those officers covering basketball games are off-duty and the University *hires* them. Mr. Camp stated that he just wanted to know what the policy is so we can be consistent. Ms. McRoy mentioned that at large events such as RibFest, the security officers are paid by the promoters.

Mr. Friendt suggested that they should ask the expert. Ms. McRoy stated that she would do an RFI requesting that information. Mr. Camp noted that there are certain issues that are sensitive to the University and the State of Nebraska. In the past, balancing the issues, benefit to the larger community vs. cost to the Lincoln community, has been discussed and considered. It was agreed to gather more information on the issue before a policy statement was issued.

Ms. McRoy stated that they had also discussed a curfew downtown. The input from that discussion will be forwarded to the ILC for further consideration.

Mr. Camp asked what private citizens could do when they see an attendee of the football games urinating in public. Discussion on this issue resulted in no definite course of action being decided upon.

III. APPOINTMENTS/REAPPOINTMENTS - Noted Without Significant Comment.

IV. REQUESTS OF COUNCIL FROM MAYOR - Mr. Bowen passed a Memo to Council Members which showed the response of the Supervisor to the concerns expressed by Council regarding a City Employee submitting a resume for the Library Board appointment on City stationery.

V. MEETINGS/INVITATIONS - Noted Without Significant Comment

VI. MISCELLANEOUS - Mr. Cook had requested Chief Casady to stop by the "Noon" Meeting to address some concerns on a current Council Agenda item. Mr. Roper, City Attorney, advised Council that it would be better if Chief Casady did not make comments on the issue at this meeting. He stated that the reason for that was that Council's decision was to be made based on a land-use consideration. It is not based on personal proprietorship. There is nothing in the zoning that would speak to this and Mr. Roper felt this would, should the application be denied, only offer a needless basis for appeal. For those reasons, Mr. Roper stated that he would prefer that Council not receive a report from Chief Casady at this time. He noted that if the neighbors wish to make comments, they are free to do so, but this is a land-use decision for the Council.

Mr. Friendt thanked both Chief Casady and Mr. Roper for their time and professionalism.

VII. COUNCIL MEMBERS

JON CAMP - Mr. Camp asked, regarding special mayoral briefings, (such as was recently done on the Impact Fees), how it was decided which Council Members are invited? Mr. Bowen stated that they leave that to Debbie to figure out how to stay within the rules - who should get together and when and how. Mr. Camp stated that he was curious because he was not invited on any of the meetings for the impact fees. He noted that he did represent 55,000 people, and found this exclusion to be rather interesting, to say the least.

Mr. Bowen said that he apologized. Mr. Camp noted that it is not the first time he had been excluded. Mr. Bowen stated that he would have to ask Debbie how things fit together. Mr. Camp noted that it disenfranchised his constituents; and he felt the impact fees will have a substantial impact on southeast Lincoln especially. He commented that he would greatly appreciate being informed, as his colleges are, in the future. Mr. Bowen responded with an "okay".

JONATHAN COOK - Mr. Cook stated that he was not pleased with the *Journal Star* Budget editorial which basically called the Council Members nincompoops. Mr. Friendt indicated that he had crafted a response which he sent off Friday. He noted that the e-mail in the Council Office has been down, but a copy of that response has been forwarded to all of the Council Members.

He offered it as a local view because he felt it was a rather amazing characterization of what actually happened. Mr. Cook agreed, stating that, quite frankly, the editorial misrepresented the facts.

Mr. Friendt indicated that he had provided facts, though he reluctantly admitted that he had also allowed a little opinion to shine through. [Laughter] Mr. Cook indicated that he had prepared a response, but hadn't sent it. He decided now that whether or not he *would* send it would depend on what Glenn had written.

Mr. Cook also discussed whether or not it would be advisable or allowable for him to use his discretionary funds for letters and mailings to notify the voters in the precincts that had been added to his district after the last census count of their new representation. It was noted that there should be some individual responsibility on the part of the public to know their district and be aware of their representation on the Council.

In continued discussion, it was noted that the mailing might be viewed as a campaigning expense. In that context, the 5-City TV programing of several Council Members was also mentioned. Mr. Luxford had indicated to Mr. Camp that those programs would be discontinued prior to the election. Mr. Cook asked what the time line was on that, but Mr. Camp did not remember, noting only that it would be within the established guidelines.

It was agreed that a final decision on the mailing would be postponed until Mr. Roper had time to review the situation further.

GLENN FRIENDT - Mr. Friendt asked Ms. Harrell, regarding an update on the Entertainment Complex, if he understood that any developer can get all the information they would need to formulate some kind of proposal from the Mayor's Office, or from Dallas McGee in the Urban Development office? Ms. Harrell stated that that was correct. She stated that it is not a City project, but noting that, she offered that their office had information that a private developer might find useful in trying to put together a strategy.

ANNETTE McROY - No Further Comments

COLEEN SENG - No Further Comments

KEN SVOBODA - Mr. Svoboda stated that most of the Council Members had been in attendance at the forum that had been sponsored by the Fair Share Alliance regarding the impact fees. There had been discussion immediately following that meeting regarding the potential of having that broadcast on Channel 5.

The Council engaged in a lengthy discussion on having another forum which would be televised with the exact format, and if possible the same panel participants, or if not the same participants, others with similar views as those of the original panelists. The format was deemed to have been very educational and beneficial in informing the public on these very important issues. It had been done with great impartiality and a balanced presentation.

The final decision was to have at least one such televised meeting prior to the Planning Commission meeting on this issue. All of the Council agreed that it was important to get this information out to the public so they can begin to understand what is going on. The meeting could be termed a Council's Town Hall Meeting, in the Council Chamber with, perhaps, the League of Women Voters to host the effort. It was agreed that the meeting would be sometime prior to the Planning Commission meeting on the 18th of September.

It was noted that the groups involved could place the program on the Community Access Channel. Ms. McRoy stated that Council had fought very hard to get that community access included in the contract and felt it should be put to this very good use.

Another forum meeting after the Planning Commission meeting on this issue was also discussed. It was determined that there could not be too much community conversation on a subject such as this. It was noted that in the past each individual group would be meeting with the City separately, and it was felt that no consensus could be reached in that atmosphere. Mr. Friendt observed that another benefit of face to face meetings was that it brought out courteous behavior. Though precedent was an issue of concern, it was agreed that a Town Hall format would be acceptable for a presentation of this type. It was noted that following the exact format of the original forum would be a good starting point from which to begin the set-up for such a meeting.

Mr. Roper stated that there are Cable Rules that must be followed. He noted that a revised form of these rules will be coming to Council soon. Discussion continued with concerns being expressed regarding the Mayor's programming restrictions and those restrictions on Council broadcasting. It was agreed that a pre-council on the Cable Regulations would be set up sometime in the fall.

TERRY WERNER - Absent

ANN HARRELL - No Further Comments

MARK BOWEN - No Further Comments

DANA ROPER - No Further Comments

VIII. MEETING ADJOURNED - Approximately 12:59 p.m.

cm082602/jvr