AGENDA FOR
CITY COUNCIL MEMBERS’ “NOON” MEETING
MONDAY, OCTOBER 14, 2002
Immediately Following Director’s Meeting
CONFERENCE ROOM 113

I. MINUTES

3. Pre-Council Meeting Minutes - RE: LPED’s Audit By City Controller - September 23, 2002.

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

1. Star City Holiday Festival Board Meeting (McRoy) - HELD OVER FROM THE OCTOBER 7TH “NOON” AGENDA
2. C-SIP Meeting (McRoy/Seng) — HELD OVER FROM THE OCTOBER 7TH “NOON” AGENDA
3. Public Building Commission Special Meeting (Camp/Seng) - HELD OVER FROM THE OCTOBER 7TH “NOON” AGENDA
4. Parks & Recreation Advisory Board Retreat (Cook) – HELD OVER FROM THE OCTOBER 7TH “NOON” AGENDA
5. Joint Budget Committee Meeting (McRoy/Seng) — HELD OVER FROM THE OCTOBER 7TH “NOON” AGENDA
6. Public Building Commission (Camp/Seng)
7. Multicultural Advisory Committee (McRoy)
8. Board of Health (Svoboda)
9. Community Development Task Force Special Meeting (Friendt)

OTHER MEETINGS REPORTS:

III. APPOINTMENTS/REAPPOINTMENTS - NONE

IV. REQUESTS OF COUNCIL FROM MAYOR - NONE
V. MEETINGS/INVITATIONS

1. Nebraska Neighborhoods: Making A Difference! - 9th Annual Neighborhood Recognition Conference where Nebraska’s neighborhood associations share ideas, celebrate accomplishments and create partnerships for a better future. On Saturday, October 26, 2002 from 8:30 a.m. to 1:15 p.m. at Mahoney State Park Lodge - 2002 UCIP Conference & Luncheon - $15.00 per person by Wednesday, October 23rd, $18.00 per person after Oct. 23rd or $6.00 per person with no meals - 472-9217. (See Brochure)

2. Invitation - “A Global Response to Terrorism” - United Nations Day Proclamations Signing on Wednesday, October 16, 2002 at 10:30 a.m. at Warner Chamber, State Capitol - (See Invitation).

3. On behalf of Lincoln Action Program - invites you to our 12th Annual Phoenix Awards Breakfast Reception on Saturday, October 26, 2002 at 8:00 a.m. at the Old Country Buffet, 23rd & “O” Streets - Please RSVP to Connie Burkey at LAP at 471-4515, ext. 227. (See Letter of Invitation).

4. Another event for LAP - Lincoln Action Program’s Annual Meeting - on Tuesday, November 19, 2002 from 11:45 a.m. to 1:30 p.m. - Luncheon Meeting - At the Cornhusker Hotel - The Annual Meeting theme this year is “Looking Back-Moving Forward”. (See Letter of Invitation, which is in the Letter from Deb Daily, LAP Internal Operation Director regarding the 12th Annual Phoenix Awards Breakfast Reception).

5. 2002 MLK – 9th Annual “Freedom Breakfast” on Friday, January 17, 2003 - from 7:30 a.m. to 8:30 a.m. (Doors open at 7:00 a.m.) - At the Embassy Suites, 1040 “P” Street - $15.00 per person - RSVP by November 22, 2002. (See Invitation).

VI. MISCELLANEOUS

1. Discussion of Information Services charges and service. (Requested by Jon Camp). — HELD OVER FROM THE OCTOBER 7TH “NOON” AGENDA

VII. CITY COUNCIL MEMBERS

VIII. ADJOURNMENT
MINUTES
CITY COUNCIL MEMBERS’ “NOON” MEETING
MONDAY, OCTOBER 14, 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, Ann Harrell, Mayor’s Office; Don Taute, Joel Pedersen, City Attorney’s Office; Joan Ray, Council Secretary; Darrell Podany, Aide to Council Members Camp, Friendt and Svoboda.

I. MINUTES

3. Pre-Council Meeting Minutes - RE: LPED’s Audit By City Controller - September 23, 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 the minutes were approved as presented by unanimous consensus.

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

1. STAR CITY HOLIDAY FESTIVAL BOARD (McRoy) - Held over from the October 7th “Noon” Agenda - Ms. McRoy indicated that they had not had a sufficient number of Board Members in attendance for a quorum. She did note that the sponsorship for the parade is down at this point.

2. C-SIP MEETING (McRoy/Seng) — Held over from the October 7th “Noon” Agenda
Ms. Seng reported that the meeting had been a long, drawn-out process. She stated that the Executives of the Woods and Lincoln Foundations, the United Way and JBC people are trying to come up with a new system, but are really struggling; and another meeting has been scheduled. She noted that Kent Seacrest has been trying to facilitate this because we’ve had so much trouble. She added that someday, she can share exactly where the group has come; but right now it’s just dreadful.
3. PUBLIC BUILDING COMMISSION - Special Meeting (Camp/Seng) - Held over from the October 7th “Noon” Agenda

Mr. Camp reported that there had been an Executive Session regarding the parking garage. Then there was discussion on the Master Plan with some revisions and Mr. Camp noted that progress is being made. He and Ms. Seng had brought up the fact that they needed to have JoAnne Kissel back for a further update. He informed Council that a pre-council meeting had been scheduled for November 18th.

Mr. Cook noted that he wanted to discuss the pre-council scheduling procedures. Ms. Seng commented that it was their understanding, and perhaps she and Mr. Camp had been incorrect, that Council Members were somewhat unsettled on the plan that had been presented at the last pre-council by Ms. Kissel, so, they decided to bring it back for further input and discussion. She noted that if they had been incorrect, they wouldn’t need another pre-council. Ms. Seng reported that Linda Wilson had watched the previous pre-council on tv and had noted that it didn’t look like Council was too settled on the issue.

Mr. Cook commented that he didn’t feel another presentation was needed other than just a few minutes on what has changed. Otherwise, it would be all questions from the Council Members. He wondered if an hour would be needed if it’s just a question session. Mr. Camp noted that an hour was the time discussed by Ms. Seng and himself. He stated that the concern is that the Public Building Commission is setting forth the Space Needs study and it has a 10 year impact on the City as well as the County. We really want to make sure everyone knows the direction we’re taking in the shifting of the space needs for all of the agencies and departments.

Mr. Cook asked if there were any decisions.... Mr. Seng noted that Council Members needed to understand that ‘Health Department needs’ is the number one issue to get moving on, because they are in such desperate straits for space. Ms. Seng noted that Director Dart is meeting with neighbors and talking with them regarding that need.

Then, we will begin on the very first phase by sending out our food vendor proposals requests. We’re still working on the 1st and 2nd floor and trying to avoid moving anyone that we don’t have to....in a cost savings effort.

Mr. Cook stated that he felt the biggest issue with the Health Department is the road, more than the neighbors. Ms. Seng answered that that is true, but the big issue with the PBC is the building. Mr. Cook noted that the Building Commission doesn’t control the roads. Mr. Camp stated that if we adopt a space plan, that is where we need to have the dialogue. Mr. Werner stated that he wants to remain informed, but the reality is that the Council has nothing to say about the actual course to be taken, other than Ms. Seng and Mr. Camp taking the Council Members’ thoughts back to the PBC meetings. Ms. Seng indicated that that is true. Mr. Camp added that he certainly did want to know what the Council Members thoughts on this expansion program really are...so, realistically, Council does have some impact on the decisions being made by the PBC.

Discussion ensued with Council deciding that another pre-council would be called since some members still had questions that needed answers.

Mr. Camp continued the PBC report. He noted that they had adopted the Space Heater Policy that the State has in place. He offered copies to Council Members. Another issue also came up on aquariums. There are approximately a dozen of them in the building; and, apparently 911 has an enormous one, and they’re worried if it ever broke it might destroy the radios in that area. Employee morale was mentioned as an issue that should also be considered in making a decision on the aquarium issue, with the observation that the
environment in the 911 area is rather bleak and the aquarium might be a needed morel booster. Mr. Camp continued noting other issues that had been discussed at the PBC meeting, including the City’s Breast-feeding Policy.

Ms. Seng noted that they approved the purchase of property on 8th Street which is next door to property already owned by the City. Mr. Camp added that they had denied a photo exhibit which did not meet the PBC guidelines. There was also a security agreement approved on the “K” Street Power Plant.

Mr. Werner asked what the guidelines were for a photo exhibit? Mr. Camp answered that it has to be general in theme. It couldn’t support advocacy of any group. Mr. Roper had advised them that this exhibit should be denied. Mr. McRoy asked what the picture was. It was a photo of a nude with a message that was supporting an advocacy group, though Mr. Camp didn’t know what group it was representing. Mr. Svoboda asked if the City had a gallery - asking where the exhibit would be displayed? It was noted that they would be shown in the City’s lobbies. Mr. Camp noted that they are at least trying to maintain a uniformity in the displays throughout the City’s public buildings.

He noted that they had talked about other issues, but his comments were inaudible. He noted that the Star City Holiday Parade had been approved to allow their participating organizations access to the parking garage when preparing for the parade. They also do allow use of the restrooms. There had been a concern regarding security and the PBC wanted to make sure that those common areas were secure.

He added that the new parking garage will have some shifting to accommodate the Building and Safety Department.

Mr. Werner asked, if the Urban Development lease were approved, would that effect Mr. Camps status on the PBC? Mr. Svoboda stated that he did not believe that would come before the Public Building Commission. Mr. Werner stated that he understood that, but the fact the PBC is contemplating doing the 3rd floor of this building and a lot of the things we will do will effect rental of downtown property. Mr. Camp noted that he had thought about that because several months ago he had come out against doing the 3rd floor. If that proceeds, and Urban Development goes into the 2nd floor...he noted that he could potentially have some conflicts. Ms. Seng noted that Mr. Camp should talk with Dana regarding the issue.

Ms. McRoy brought up the issue of night cleaning staff and the lack of professional appearance they’re presenting to the public when they lounge and sit in the lobby areas while on duty. Ms. McRoy also mentioned the lack of cooperation she experienced from an individual when she requested that he unlock the Council Office doors so she could retrieve her packet bag. These issues were discussed briefly and duly noted by the PBC representatives on the Council.

4. PARKS & RECREATION ADVISORY BOARD - Retreat (Cook) – Held over from the October 7th “Noon” Agenda - Mr. Cook reported that they had met for four hours on October 3rd. Mr. Cook reported that the Trails/Sidewalks Bond issues were discussed. There had been a vote on the sidewalk space ordinance amendments. They unanimously approved a package of amendments that Mr. Cook will be using as a basis for the ordinance that will be brought forward.

Mr. Cook explained that the LES “Check Off” program was also discussed at the Board Meeting and the review revealed an incredible possibility for confusion in the billing procedure. The best method of presenting the opportunity for the check off for a funds transfer to the Parks Department was discussed and possibilities entertained.
Mr. Cook reported that they had also reviewed an update on the Holmes Park Restoration Project and the status of the Impact Fee proposal.

Another important issue discussed was the alcoholic beverages and public golf course issue. The modification of the SDLs to allow administrative approval of the events was discussed. Secondly, there was an interest in eliminating restriction altogether and allowing golf courses to have alcohol (the same as private courses do now), because these golf courses are going to have a tough time making it and paying their way if they can’t offer the same amenities as the private courses.

Discussion continued with Council members voicing concerns regarding level playing fields for private vs. public courses, tax paying private vs. non-tax paying public courses, administrative approval of SDLs, the Planning Commission’s upcoming change to amend the Code to allow private golf courses to have alcohol...not as an accessory use, but only through a permit...as a Law Department clarification of the Code.

The Mayor’s Roundtable discussion related to alcohol with interpretation by Mr. Kent Seacrest, was mentioned. Council Members requested Mr. Joel Pedersen of the City Attorney’s Office to elaborate on that discussion. Mr. Pedersen stated that there were a number of timing issues on that. He stated that the City didn’t have private golf course until, basically, Wilderness Ridge. Then they went through the Special Designated License process. That one, in particular, went through and didn’t get an SDL, and probably should have. Mr. Friendt asked if it was not requested or was it denied? Mr. Pedersen stated that that was not clear. It was not granted for that. They probably needed one but didn’t get one.

Ms. McRoy asked about their club house...it’s an accessory use. Mr. Pedersen noted that was how the issue came up. They moved to a temporary facility when they were upgrading their clubhouse and needed to get a separate license and that’s when the Liquor Commission said it would have to go to the local jurisdiction for review. That’s when the question came up regarding a zoning permit.

Mr. Friendt asked then, if this is granted, they will be on equal footing with other private clubs that are able to offer alcohol out on the course? Mr. Pedersen responded that that was the case. He noted that the private clubs that are most similar are probably Yankee Hill and HiMark, which have alcohol on the course. Those were granted in time before the SDL process was initiated. The other private courses that allow alcohol are either outside the City limits, or have gotten their permits before the SDL process. The issue is really proximity to residences.

Discussion continued with the notation that the police chief has no concern regarding the proximity of residences near golf courses and alcohol use. Mr. Pedersen noted that, though it hasn’t come up before, the Law Department was aware of the problem. He added that, frankly, they had gotten the law changed regarding zoning regulations. Up until 1999, the State was not willing to acknowledge that the City even had the ability to require these permits. The separation issue is not addressed - most courses do not even allow fences to be placed around the perimeter of the course. Council continued discussion, reaching no final conclusion.

Mr. Cook continued his report noting that the Board also discussed, acting upon Ms. Seng’s suggestion, regarding a Pre-Budget Community Forum. There had been some difficulty in deciding the format to follow, but preliminarily, the meeting is scheduled for Saturday, November 16th probably in the morning. This is for the community to come in and offer their views on what they believe is important for the Parks and Recreation Department programs. Mr. Cook felt they would be sending invitations to the Council Members when the time for the meeting was closer at hand.
Mr. Werner asked if the Board had discussed the Woods Park situation? Mr. Cook stated that they had discussed it in terms of what they had heard from Lynn Johnson about what they’re doing now to make things better and how they’re working with the neighborhood and how they want to have a... Mr. Werner asked at what point this project had ever been brought to the Parks & Recreation Advisory Board? Is that something that would normally have been brought to the Advisory Board? Mr. Cook stated that it had been brought to the Parks & Rec Board sometime back...under the Master Plan. No one came to the Parks & Rec Board to speak from the neighborhood, because they didn’t know what was happening. He noted that he did not believe that the Park & Recs Board Members understood what the neighborhoods’ feelings were regarding the project. That is a failure in the system, because if you get an endorsement from the Board on something nobody even knows about, then, it seems like a good endorsement, when in fact, the Board didn’t even know about it.

The upcoming nude sculptured fountain [female figure] was discussed briefly. Council requested a picture of the sculpture which was being donated from a private source to the City.

Ms. McRoy asked about the park naming issue regarding a basketball court in her district. Mr. Cook stated that this issue is normally handled at the regular meetings and not at the retreats.

5. **JOINT BUDGET COMMITTEE (McRoy/Seng) — Hold over from the October 7th “Noon” Agenda**  
Ms. Seng reported that they had recommended more money for Cedars, which is on the Council’s Agenda for next week. The County and City will split the money which is being issued for the audit.

Ms. McRoy reported that the Region V issue had been discussed. Ms. Seng had an article from the newspaper on the County’s budget woes which she shared with the Council Members.

6. **PUBLIC BUILDING COMMISSION (Camp/Seng) Report combined with earlier report above.**

7. **MULTICULTURAL ADVISORY COMMITTEE (McRoy) - No Report**

8. **BOARD OF HEALTH (Svoboda)** Mr. Svoboda reported that the Board had passed everything that was included in the presentation on the proposed ordinances, with the exception of the commercial boarding kennels. That whole section was not passed on because there was some opposition there that put commercial boarding kennels that are currently outside the City limits, (but within the next five years will more than likely be annexed), in a huge competitive disadvantage if we were to adopt the ordinance in its present form. We tried to revolve it around zoning issues instead. He noted that he thought it had been worked out to where it could be passed. But, one of the big problems we have with it is that veterinarians are currently exempt under State Law from the kenneling limitations. Veterinarians are exempt for the sale of dog food, but they’re not inspected. They do boarding of dogs - not just for health purposes- but for those going on vacations. They do things that are not inspected under our regulations, for which commercial boarding kennels must be. So, we’re re-addressing that issue.

Otherwise, everything was passed and will be coming before the Council at a future date. He noted that his amendment for a cat restraint law failed for a lack of a second. Mr. Svoboda stated that he would more than likely not try to amend that at the Council level.
He explained that he did not think it would be appropriate for him to move forward as a Board of Health representative, because no other Board of Health Member has that option to bring a failed amendment forward to Council. He did note that if anyone else on the Council would like to bring the issue forward before the Council body, they could discuss it.

Discussion ensued, and it was decided not to bring that issue forward at this time, though it was not ruled out indefinitely with Mr. Friendt indicating that he might be interested in bringing it forward at some point. Mr. Cook suggested that if anyone is thinking of promoting controversial amendments, they should try to do so in advance of the public hearings so the public knows what is being considered. Otherwise, he thought it would be proper for the Council to hold things over and give the public a chance to show up and address the controversial issue.

9. COMMUNITY DEVELOPMENT TASK FORCE - Special Meeting (Friendt)
Mr. Friendt stated that the meeting he had not attended was poorly attended by all and no quorum was reached. That is why this special meeting was called. At this meeting, they passed three agenda items - one being the Action Plan and one - a transfer of funds at the end of the budget session. Mr. Friendt noted that this was his introductory meeting, and they moved all three agenda items at once, which he challenged, but was shouted down. So it was a quick meeting.

OTHER MEETINGS - Ms. Seng noted that a meeting on the Community Learning Centers had been held. It was a luncheon that the Mayor had had, in case Council doesn’t understand, there was a mailing sent to Council. She suggested that all Council members be sure to read that memo. It was from Bonnie Coffey & it offered a very good re-cap on community learning centers.

Ms. Seng also reported that the Antelope Valley is busy again, and now there are three small citizen sub-committees. She noted that Annette was on one, she was on one, and she thought that Glenn was serving on one. Mr. Friendt stated that he had declined committee membership. The three sub-groups are: East Downtown, the Neighborhood, and Whittier Junior High areas. They’re very busy. Mr. Friendt pointed out to the Other Council Members that there was a committee assignment available to anyone who might be interested. No one volunteered.

Mr. Werner asked how the mayor chose the appointments to these committees? Ms. Harrell noted that the appointments were distinguished between committees that are instituted by law, such as the Planning Commission, and those that are of a temporary nature, such as issue driven groups like the Billboard committee. Mr. Werner then asked, for instance, the distinction between the Financing and Antelope Valley Advisory Committee. Mr. Pedersen answered that the Antelope Valley Advisory Committees are set up in part through interlocal agreement, and in part through what the JAVA Board is doing. But, those were set up to be Mayoral appointments. The other ones are set up, some by ordinance and some even by charter; but appointment to those committees depends on whom is being advised. If they’re advisory to the Council, then the Council may have role; but if they’re advisory to the Mayor, the Council may not have a role. It depends on how the committees are set up and who they’re advising.

Mr. Werner asked, specifically, about the Infrastructure Financing Committee. That was a committee that the Mayor ... decided to do. They wanted a Council representative. Ms. Harrell noted that the Mayor could have chosen A) to invite a City Council Member, individually, or B) to ask the City Council to select a member, or C) not to invite a Council member. Mr. Werner asked why the Mayor sometimes ask and sometimes he doesn’t. Mr. Bowen stated that it was based on what the issue is. Mr. Harrell stated that it depends on the extent to which the Council is interested.
III. APPOINTMENTS/REAPPOINTMENTS - Mr. Cook stated that, despite Council’s action last week to waive the rules on the appointments, he did not want that to have sent a message that Council will “fix it” in the future. Please make sure that the timing is good on these appointment resolutions.

IV. REQUESTS OF COUNCIL FROM MAYOR - Mr. Bowen distributed material to Council which Staff did not receive nor was there an indication of what the material was. Mr. Bowen commented that he had spoken to the Omaha Council regarding the upcoming Joint meeting. The meeting will be held on Wednesday, October 30th, from 2:00 - 4:00 p.m. at the S.A.C. Museum on Interstate I-80 near Mahoney Park.

Mr. Bowen informed Council that Georgia Glass, Personnel Director may not be at the Formal Council Meeting today to answer questions, but she would try her best to attend.

Mr. Bowen gave a quick review of the leases that are on the agenda for today’s meeting. Mr. Pedersen stated that he would be at the meeting to answer any questions and he did have copies of the leases in question. He explained that Mr. Camp’s conflict of interest has been noted, with the advice that he withdraw from the Chambers during discussion of the lease of his certain properties. Concerns of other Council members were addressed briefly covering such issues as the public hearing procedures to be followed and whether or not the owners had submitted any of the proposed agreements in writing. (None had been received - in writing). Questions would be answered at the meeting today.

V. MEETINGS/INVITATIONS - Noted Without Significant Comment

VI. MISCELLANEOUS -

1. Discussion of Information Services charges and service. (Requested by Jon Camp). — Held over from the October 7th “Noon” Agenda. The $56.00 per hour charge by I.S. to service computer needs was questioned, especially if the problem is not corrected by the service call. Mr. Bowen suggested if the problem is not corrected, the bill could be disputed with I.S.

VII. COUNCIL MEMBERS

JON CAMP - No Further Comments

JONATHAN COOK - Mr. Cook asked if the Council was interested in any further follow-up with LPED. Mr. Werner noted that he was not satisfied with the information Council had been given. After having promised requested information, that information was not delivered and was denied in a very inappropriate manner. Their attitude had been very arrogant in response to Council inquiries. Mr. Werner offered to re-submit the inquiry if that would help. His main concern was with the exact gross square footage involved which had not matched the square footage information available from the County Assessor. After the audit had not answered the questions, Mr Werner felt it was a matter of accountability - accountability to which Council had the responsibility to hold the LPED group.
Mr. Bowen offered to check with the County Assessor to see why there was such a huge difference in the two square footage figures. Mr. Camp stated that it might be a clerical misrepresentation.

Mr. Cook also mentioned the upcoming Pre-Council schedules. After discussion, Council agreed that Pre-Councils should be limited to less than ½ an hour which would include not only the presentation, but the Question and Answer period as well...unless Council requested a more in-depth presentation for their own information.

Ms. McRoy suggested that the presenting department have a summary of the upcoming Pre-Council in the Council’s Thursday Packet so there could be review of the material in advance of the presentation. [A memo explaining these decisions was prepared for the Directors, but Mr. Cook requested that it not be sent until he has reviewed the information further]

GLENN FRIENDT - No Further Comments

ANNETTE McROY - Ms. McRoy mentioned the Re-consideration of the 70th and Old Cheney Bike Path/Sidewalk legislation. She noted that a constituent had requested that she bring the possibility of reconsideration before Council. Council determined that they could make that decision at the Formal Council meeting during the voting session, though they felt a re-consideration request would not pass.

COLEEN SENG - Ms. Seng mentioned the Shadow Pines issue and the concerns of people who felt that what went through Planning Commission was not exactly what people were told when they bought their property. Ms. Seng requested Council to look at that issue as it will be coming before Council eventually.

KEN SVOBODA - Mr. Svoboda stated that he would offer a motion to over-ride the Mayor’s veto of legislation passed by Council. (Resolution A-81727 - Special Permit 1985)

TERRY WERNER - No Further Comments

ANN HARRELL - No Further Comments

MARK BOWEN - No Further Comments

DANA ROPER - Absent

Mr. Taut/Mr. Pedersen - No Further Comments

VIII. MEETING ADJOURNED - Approximately 1:08 p.m.