

**AGENDA FOR  
CITY COUNCIL MEMBERS' "NOON" MEETING  
MONDAY, APRIL 5, 2004  
Immediately Following Directors' Meeting  
CONFERENCE ROOM 113**

**I. MINUTES**

- \*1. Minutes from Council Members' "Noon" Meeting of March 22, 2004.
- \*2. Pre-Council Meeting Minutes - RE: Buildable Lot Supply - March 15, 2004.
- \*3. Minutes from the Directors' Meeting of March 22, 2004.
- \*4. Pre-Council Meeting Minutes - RE: Audit Contract With BKD, LLP - March 22, 2004.
- 5. Pre-Council Meeting Minutes - Executive Session - RE: Negotiations Update - March 22, 2004.
- 6. Minutes from the Directors' Meeting of June 9, 2003.
- 7. Pre-Council Meeting Minutes - RE: EMS, Inc. Status Report - March 22, 2004.

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

- \*1. ServiceLinc Advisory Committee Meeting (McRoy)
- \*2. PRT Meeting (Newman)
- \*3. Downtown Lincoln BID Association Board Meeting (Werner)
- 4. Parks & Recreation Advisory Board Meeting (Cook)
- 5. Community Development Task Force Meeting (Friendt)
- 6. Internal Liquor Committee Meeting (McRoy/Newman/Svoboda)
- 7. Neighborhoods, Inc. Board Meeting (McRoy)
- 8. Joint Budget Committee Meeting (McRoy/Werner)

**OTHER MEETINGS REPORTS:**

**III. APPOINTMENTS/REAPPOINTMENTS - To Be Announced**

**IV. REQUESTS OF COUNCIL FROM MAYOR - To Be Announced**

**V. MEETINGS/INVITATIONS -**

- 1. University of Nebraska-Lincoln - Robert Hillestad Textiles Gallery - Intersecting Traditions - Recent Textiles by Cynthia Schira - (April 19 - May 21, 2004) - On Sunday, April 18, 2004 - Lecture at 1:00 p.m. - at the Home Economics Building, East Campus, 35<sup>th</sup> & Holdrege Streets in Room 111 - Reception with the artist on the 2<sup>nd</sup> floor following lecture - (See Invitation)

2. The Lincoln Chamber of Commerce invites you to attend the following Ribbon Cutting: - Please RSVP to Jaime Henning at 436-2354 or E-Mail:
  - A.) Starbuck's Coffee Company, 1201 N "P" Street on Thursday, April 1, 2004 at 4:30 p.m. - Starbucks Coffee Company is the leading retail roaster & brand of specialty coffee in the world. At Starbucks we aspire to be recognized as much for our commitment to social responsibility as we are for quality of our coffee. — **(Council received their copies of this invitation on 3/29/04, Also placed on the Attend Sheet for 3/29/04) – (See Invitation)**
3. Nebraska Department of Roads Notice of Highway Design Hearing - The Nebraska Highway Commission will hold a Public Hearing about upgrading Lincoln's West Bypass to freeway standards - on Wednesday, April 14, 2004 at 7:30 p.m. - at Firefighters Hall, 241 Victory Lane - (See Invitation)
4. 2004 Mayor's Interfaith Prayer Breakfast - on Thursday, May 6, 2004 at The Cornhusker Hotel at 7:30 a.m. (Doors open at 7:00 a.m.) - RSVP by April 15<sup>th</sup> - (See Invitation)

**VI. MISCELLANEOUS - NONE**

**VII. CITY COUNCIL MEMBERS**

**VIII. ADJOURNMENT**

**\*HELD OVER FROM MARCH 29, 2004.**

MINUTES  
CITY COUNCIL MEMBERS' "NOON" MEETING  
MONDAY, APRIL 5, 2004  
CONFERENCE ROOM 113

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

*Others Present:* Mark Bowen, Corrie Kielty, Anne Harrell, Mayor's Office; Rick Peo, City Attorney's Office; Joan Ray, Council Secretary; Darrell Podany, Aide to Council Members Camp, Friendt and Svoboda; Nate Jenkins, *Lincoln Journal Star* representative; Joan Ross, City Clerk, (sat in briefly for discussion on Formal Meeting schedule).

**I MINUTES**

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Vice-Chair Werner, presiding in Jon Camp's absence, requested a motion to approve the above-listed minutes. Ken Svoboda moved approval of the minutes, as presented, by acclamation. The motion was seconded by Glenn Friendt and carried by unanimous consensus of those Council Members present.

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

- \*1. **SERVICELINC ADVISORY COMMITTEE** (McRoy) No Report
- \*2. **PRT(Newman)** Ms. Newman reported that she and Ms. McRoy had attended the PRT meeting and they had gotten a condensed version on the Red Tagging of houses. That discussion raised some questions and we'll see what we can do with that concern.
- \*3. **DOWNTOWN LINCOLN BID ASSOCIATION BOARD MEETING** (Werner) Mr. Werner reported that the meeting had covered several issues. There was a report from Russ Bayer and Brad Korell on the SRT, which revealed no new information that hasn't been covered for Council many times. Lynn Johnson was in attendance and gave a report on a park on the Federal Square block of the Downtown area. They're talking about putting in a park with monies from the Urban Development Department. The park would be located

to the east of Old City Hall on the Northwest corner of the intersection of 10<sup>th</sup> & "O" Streets. The park designs were discussed with the thought of putting in a fountain. Mr. Werner asked if there were an artesian well right there in the middle of the park? There used to be a fountain there and they had some renditions drawn up for the new fountain.

There was also a report from Carol Connor which discussed the same issues regarding libraries...information from the report that Council Members have all seen with the different options being proposed.

Mr. Friendt asked if, under the new park design, "Lump and Bump" would have to be relocated? Mr. Werner commented that that very issue had been a lively part of the discussion.

Mr. Svoboda asked if that area was part of the "Government Square" on which bids had been let for building a structure and for landscaping. Mr. Bowen explained that "Government Square" is the parcel of land on the Northwest corner of 10<sup>th</sup> and "O" Streets.

Mr. Werner reported that another issue that had been discussed was the repair project proposed for Centennial Mall. He noted that it would not even be close to what needed to be done, but, as a short term measure, they are going to remove some of the planters in which some of the large trees had been placed. The cement is "a mess" and they're going to remove some of that and try to eliminate some of the danger involved with the crumbling concrete.

Mr. Svoboda asked Ms. Harrell, who had just arrived, if the bids were out on Government Square - that Northwest corner of 10<sup>th</sup> and "O" Streets. Ms. Harrell confirmed that that was the corner currently occupied by "Ptem and Ptah" [aka Lump and Bump]. Ms. Harrell noted that there were some changes proposed for that park area. There were some questions and comments as to where the two stones might now be placed, but no definitive answer was formulated.

4. PARKS & RECREATION ADVISORY BOARD (Cook) Mr. Cook reported that the Golf Committee has made the decision to remove the water jugs from the golf courses. This was decided because there was a law suit somewhere in which the City lost -a settlement for \$3,000,000- because the water was contaminated and somebody got sick. Apparently they just fill the water jugs by using hoses. Mr. Werner asked what if someone is dying of the heat and there is no water? Mr. Cook stated that if there were a lawsuit on that issue, we'll figure out what to do then; in the mean time, we'll just run scared from law suite to law suit. It was noted that the golfers *can* get water on their way out. There were some remarks regarding the availability of beer at that same location and the possibility of marketing incentives as a factor in this decision was mentioned, but this was generally discounted as being a factious observation. [Laughter]

Mr. Cook noted that the Board was still discussing public art - and may be doing so for some time. There had also been discussion dealing with a couple of communication towers in regard to fees and facilities. One proposal for the Pioneers Golf Course will be coming before the Council soon. A request has been made to make a provision that those towers that are placed on golf courses have the revenue go into the Golf Enterprise Fund rather than to the City's General Fund as is currently the case.

Now, when these poles are put up on City [public] land, we retain ownership of the pole. This means that if all the providers leave town, we still have a pole to deal with. If the pole is on private land, we require that they [the land owner] provide a bond to take care of removing the pole if the providers all leave. But, that brings up the question - if the Golf Fund gets the revenue, should the Golf Fund then be responsible for taking down the pole? And, the Park and Recreation Advisory Committee wondered if we shouldn't make it a requirement that they post a bond, even on public land. Even though we own the land, they should still post that bond as an additional condition to provide us the money necessary to take the pole down, if that needs to be done in the future. The Board may want the Council to look at that on future permits granted on City property.

Mr. Werner interrupted Mr. Cook's report with the request that, since City Clerk Joan Ross had slipped into the meeting momentarily, she stay and have the Council briefly suspend this report period in order to discuss the future meeting schedule for the Formal Council meetings. Ms. Ross agreed to stay for the discussion. The Council briefly reviewed the options for Night Meetings in order to best accommodate the upcoming Flood Plain legislation. After this review, Council determined that the April 26<sup>th</sup> Night Meeting would be moved to May 3<sup>rd</sup>. This would offer Staff the time they had requested to prepare the proposed amendments while still giving the public the opportunity to have the Public Hearing on this matter at a Night Meeting, thus allowing greater public participation on this important issue.

This schedule would eliminate a Night Meeting for the month of April, but there would be two Night Meetings in May - this newly scheduled meeting with the Public Hearing on the Flood Plain Legislation on May 3<sup>rd</sup> and the regularly scheduled Night Meeting to be held May 24<sup>th</sup>. Mr. Cook moved that this schedule be adopted. Glenn Friendt seconded the motion which carried by the following vote: AYES: Patte Newman, Jonathan Cook, Glenn Friendt, Terry Werner, Annette McRoy, Ken Svoboda; NAYS: None; ABSENT: Jon Camp. - Motion carried 6-0.

Mr. Cook concluded his report on the Parks and Recreation Advisory Board Meeting by stating that they had also discussed the Joan Kroc gift of 1.5 billion dollars bequeathed to the Salvation Army. That goes to community centers. Apparently, they've broken down the dispersion amounts into regions to decide who will be receiving the funds for community centers. Lincoln is in the Central Region. The recipient cities must be over 200,000 in population. In the Central Region, there are potentially twelve cities that would be eligible for one of these centers. They're going to allot two centers to the Central Region. So, we figure we have at least a reasonable chance to receive some of that funding. They want some kind of local match. It could be as much as \$800,000 from our local budget, as they want to see that the community is serious in its commitment. The money they provide is 50% for building and 50% for endowment. That could amount to 20-100 million dollars for the center funding. It sounds as though one criteria for approval is that we have a local Salvation Army post that is functioning well.

Mr. Cook discussed briefly the local Salvation Army operation and its link with the Omaha organization. The Salvation Army hierarchy was discussed briefly with a final determination being made that this local hierarchy would not be detrimental to Lincoln in obtaining the funding.

Ms. Harrell noted that the “we” in this project is not the City of Lincoln, nor is this a City process. The City is only trying to provide some logistical support to the Salvation Army as they pursue their goal. They have not made a public announcement of their intentions yet, but it is supposed that they will in the near future. They have been doing some community outreach. When they talk about a “local match”, to a percentage of the funds that they may or may not receive through this grant process, they don’t mean a tax dollar grant. The “local budget” funds could come from the private sector - even a single individual in Lincoln who might decide to put up that money. The point being is that the national organization is looking for some sort of local support...but by local, they’re referencing the community - not necessarily the local government bodies, though it *could* be government funds, if the City or the County chose to be a partner. This is just a very preliminary outreach effort.

Ms. McRoy noted that they had discussed this issue at length at the JBC meeting on Friday. There will be another meeting on April 8<sup>th</sup> for those who are interested. The Community Partners meeting will be in the Mayor’s Conference Room in the afternoon of the 8<sup>th</sup>.

Ms. Kielty concurred, but noted that the meeting would actually be in Room 113 where the Salvation Army will be presenting the preliminary information about the application and what their goals are. What they want from this meeting is to find out what community partners would like to participate; and if they would like to participate, what would they like to set for goals. Even if the community partners chose not to participate, the Salvation Army would still like to have input from the community on what the community perceives as the essential needs in these community center.

Discussion continued briefly with the reiteration that the City was merely providing logistic support, such as the meeting place, but it is a Salvation Army project. Ms. Kielty noted that she had heard that rather than having only two sites chosen for funding out of the twelve eligible cities in the Central Region, she had heard that possibly there would be six out of the twelve funded. She was not sure which figure was correct, or even if there were an actual number designated. Ms. Harrell noted that Lincoln’s chances are, at least, promising. Mr. Werner commented that with all Lincoln has done with community learning centers, it would seem that all of that ground work might give us a “foot up” on this opportunity. Ms. Harrell noted that Ms. Kroc, when the bequest was made, was looking for communities that are reaching out to a very diverse audience and can demonstrate a lot of community partnerships at every level. In that sense, our history with the learning centers may have some practical value, but at a minimum, should have some symbolic value. We don’t know at this point.

5. COMMUNITY DEVELOPMENT TASK FORCE (Friendt) No Report

6. INTERNAL LIQUOR COMMITTEE (McRoy/Newman/Svoboda) Mr. Svoboda reported that they had met last week and had invited two landlords in - somewhat at the request of the Police Department. These landlords have properties that have been deemed as continual “party houses”. The tenants are mostly college students. Both individuals, who represent most of these homes, were interviewed. One is somewhat new to the management and ownership of these “party house” properties and the other one is trying to do all that he can to eliminate problems.

Mr. Svoboda noted that it was a good, open dialogue as to what the City might be able to offer as help to them and how they might best be able to help the City solve some of these problems. It was a good meeting; they appreciated the fact that we had an interest in it. They didn't feel that it was a "heavy-handed government" coming down on them. They actually stayed until after the meeting so they could visit with us individually afterwards. There was no resentment on their part, but a recognition that they have a problem and they're glad that the City has shown some concern.

It was noted that the individual who was new to the management process had somewhat incomplete rental records, which was a concern to several of the ILC members. Mr. Svoboda noted that this individual was looking at a professional property management company to take over the management of his properties.

Ms. Newman noted that she would recommend the Lincoln Police Department's Crime-free Multifamily Housing program for that gentleman. She added that she would make an official request to get a piece on the "three unrelated individuals" into that class curriculum, along with possible solutions to alcohol problems. She thought those issues would fit well into the program.

7. NEIGHBORHOODS, INC. BOARD MEETING (McRoy) Ms. McRoy gave a brief report stating that all was on schedule - and requested that this Committee no longer be listed on the Report Agenda.

8. JOINT BUDGET COMMITTEE (McRoy/Werner) Ms. McRoy reported that another item of interest, other than the McDonalds money which had been discussed earlier, was the 211-Information Service Referral 24-Hour Hot-Line. It's running currently in Omaha. The United Way is backing this with funds to help us kick it off. We're looking at a date of July 1<sup>st</sup>. This is a pilot project wherein the calls will actually go to the Omaha call center, be evaluated there and then they'll have our Blue Pages from the phone book as well as different sources and agencies that we already have in place. Instead of Lincoln building our own call center and staffing that, we're going to try to use the Omaha one. That has been working well and is already up and running.

She noted that the allocations applications are being reviewed now. A lot of agencies have a question regarding the living wage and how including that would be worked into their new budgets....as they, for the most part, are contracts. They wondered if JBC would be funding that increase. Mr. Werner commented that he did not think they were included in the financial labor study. Ms. Kielty noted that they were, unless they serve the elderly or the mentally disabled.

OTHER MEETINGS - Ms. Newman reported that the Mayor had appointed a Health Care for the Homeless Committee. The first meeting was held last week. Ms. Newman had to leave early because of another meeting and she requested that Ms. Kielty, who had also been in attendance, update the Council on the HCHC meeting.

Ms. Kielty reported that that had been the initial meeting. The City is partnering with the Health Endowment on this, because the Endowment has targeted Health Care for the Homeless as one of their priorities for this year. They've actually put money into their budget so that the recommendations that come from this Task Force can be funded. They can also help publicize the recommendations to get some other funding for whatever those recommendations might propose.

The plan is to have about one meeting per month for the next six months to address what we've seen through the Blue Print Project from the Health Endowment as being areas where we might need some assistance as far as issues regarding health care for the homeless.

Ms. McRoy added at this point, with regards to issues of the homeless, that the JBC had discussed, at length, the DayWatch organization and their current activity/ status. They have an interim director and they have reduced their hours of operation. Ms. McRoy reported that JBC will be giving them the \$6,000 that had been allocated for them, but we will hold the rest. The organization should be running through December 31<sup>st</sup>. There was another organization that may take over for DayWatch. That would be the Mary O'Shea group. But at this point DayWatch is still functioning with reduced hours.

Ms. Newman added that they might be offering mental health services with a State grant. She wondered if that were 'for sure'? Ms. Kielty answered that they're looking at the new money that should be coming out of the mental health bill. It would be sort of a DayWatch with a more intensive treatment. So mental health assistance would be available as well as having a drop-in center.

**III. APPOINTMENTS/REAPPOINTMENTS** - Ms. Kielty commented that there will be a new appointment for the Health Department on next week's agenda. That will be the dental position and the Mayor is appointing someone who was recommended by the Nebraska Dental Association. There will be another appointment to the Parks and Rec Board. This nominee is someone who has worked with the arts and has some expertise in the Arts field which is an added benefit because of the projects that the Parks & Rec Board has been partnering on. The nominee works for the "Arts are Basic" program at the University and comes highly recommended.

**IV. REQUESTS OF COUNCIL FROM MAYOR** - Ms. Kielty reviewed the legislative bills that are currently before the Unicameral in this last week of the Session.

She noted that the budget bill is being [inaudible] today. The City should see a .5% cut in what we expected and what the Governor recommended. So, that's not a lot of money to us...but it is still a good amount. The body art bill that Council was interested in has become law. The only difference between the State Bill and what the City Council had passed locally is that the State bill has a requirement for an equivalency of a high school education in order to become a tattoo artist or a piercer. There were several comments from Council Members on how much safer the public might feel knowing that this stipulation is in place. [Laughter]

Mr. Bowen reported on the watch on the Federal T-21 bill. There was a six-year authorization. The Beltway received 14.6 million. That is far short of the totals we were looking for....we were looking for \$50 million for Antelope Valley and \$165 million to support the State's effort to get the South Beltway going. The Administration has made it clear that they will not sign a bill over 256 billion dollars. The house bill is now at \$275b...the Senate bill is at \$318b. We're trying to encourage our delegation to support the 318b level when it gets to Congress. That will give us an opportunity to increase our amounts during the conference committee deliberations.

Mr. Cook asked how the votes looked on a possible veto over-ride? Mr. Bowen stated that with the two-house system it only takes one body to stop the veto. Mr. Bowen agreed with Mr. Cook's observation that this is a popular issue. The House actually did two things. They passed two bills in committee. One bill was at \$375b and one at was at the \$275b level. The bill they advanced was at \$275b. The President had said that he would not sign anything over \$256b - so we, along

with everyone else in communities and chambers of commerce across the land, are working our hardest to get that level up to \$318b. But, is there going to be some way to convince the Administration to sign the bill at \$318b - we don't know.

Mr. Werner asked Mr. Bowen if at \$318b - do you have any sense of what that would mean to Lincoln? Mr. Bowen did not...it may not mean anything. It's all negotiated in conference. There is a provision in the House bill ... a sort of "out clause" or re-opening clause. The House Chairman acknowledged that this was a very positive thing because it meant that after elections, there was a better chance for us to come back and try to increase the amounts of public projects. That's where we are on the Federal side.

Mr. Bowen had two other issues to mention to Council. First, on today's Formal Agenda, Items 23 and 24 are the amendments for the Cornhusker property which is to be sold. He requested that Council move to have public hearing and action next week on the 12<sup>th</sup> after the 1<sup>st</sup> reading today. The reason for that is that the Cornhusker property owners and the buyer want to settle and could if the 3<sup>rd</sup> reading were to occur on the 19<sup>th</sup>. They would like to have final action by the Council before they close. Council agreed that with a notice on the Formal Agenda for the public's notification that would be acceptable.

Mr. Bowen then brought forward pre-council considerations for next week. After discussion, Council agreed to have a Pre-Council Executive Session with Personnel on negotiations; and an update on the Police-Fire Pension status. Council agreed that these two issues would each be given 30 minutes on the Pre-Council Agenda.

V. MEETINGS/INVITATIONS - Noted Without Significant Comment.

VI. MISCELLANEOUS - None

VII. COUNCIL MEMBERS -

JON CAMP - Absent

JONATHAN COOK - Letters to Council Members - Opened by Council Staff. There was discussion on the issue of letters coming to Council being a public record. The question of whether or not to post individual Council correspondence on the Directors Agenda was discussed. Rick Peo of the City Attorney's Office, agreed, at Council's request, to investigate the public information laws and requirements and advise Council of the legal procedures to be followed by government offices regarding correspondence. Council agreed to continue the current procedures, (which, with the possible exception of the restrictions placed on the opening of certain Council Members mail, were believed to be in compliance with that law), until a review of Mr. Peo's information could be made to clarify the requirements.

GLENN FRIENDT - No Further Comments

ANNETTE MCROY - No Further Comments

PATTE NEWMAN - No Further Comments

KEN SVOBODA - No Further Comments

TERRY WERNER - No Further Comments

MARK BOWEN - No Further Comments

ANN HARRELL - No Further Comments

CORI KIELTY - No Further Comments

RICK PEO - No Further Comments

VIII. MEETING ADJOURNED - Approximately 12:30 p.m.

040504/jvr