

**AGENDA FOR
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, JULY 18, 2005
CONFERENCE ROOM 113**

I. MINUTES

1. Minutes from Directors' Meeting of July 11, 2005.
2. Minutes from Council Members' "Noon" Meeting of July 11, 2005.

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

1. Public Building Commission (Camp/Cook)
2. Board of Health (Svoboda) - **NO MEETING IN JULY**

OTHER MEETINGS REPORTS:

III. APPOINTMENTS/REAPPOINTMENTS - To Be Announced

IV. REQUESTS OF COUNCIL FROM MAYOR - To Be Announced

V. MISCELLANEOUS -NONE

VI. CITY COUNCIL MEMBERS

VII. MEETINGS/INVITATIONS -

1. The Arbors-A Madonna-Legacy Memory Care Community - Ribbon Cutting & Grand Opening on Monday, July 25, 2005 at 10:00 a.m. at the new facility, 3777 N. 58th Street in Lincoln - Christa Yoakum at 466-3777 -(See Invitation)

VIII. ADJOURNMENT

MINUTES
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, JULY 18, 2005
CONFERENCE ROOM 113

Council Members Present: Ken Svoboda, Chair; Patte Newman, Vice-Chair; Jon Camp, Jonathan Cook, Robin Eschliman, Dan Marvin, Annette McRoy; ABSENT: None

Others Present: Mark Bowen, Ann Harrell, Rick Hoppe, Mayor's Office; Rick Peo, City Attorney's Office; Joan Ray; Council Staff; Deena Winter, Lincoln *Journal Star* representative

I. MINUTES

1. Minutes from Directors' Meeting of July 11, 2005.
2. Minutes from Council Members' "Noon" Meeting of July 11, 2005.

Chair Ken Svoboda, by acclamation of the Chair, approved the minutes. No objections were offered, thus the minutes were approved as presented.

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

1. PUBLIC BUILDING COMMISSION (Camp/Cook) Mr. Cook reported that the Arts Council has a request for a display, but we put that off waiting for more information. They're doing a new exhibit with Stars instead of Bicycles. We needed a little more information before approval. Ms. Svoboda stated that Patte and he knew what the Star is to look like - which is anything the artist desired. Ms. Eschliman stated that it didn't even have to be three-dimensional this year, just anything that the artist could conceive.

Mr. Cook continued his report, noting that the sprinkler system was fixed; the old chairs have been loaned to Sue Kirkland. There are some major security expansions being discussed for the Hall of Justice, going from 27 cameras to 79 or more. Mr. Cook thought they may be getting advise from someone who is recommending more than would be reasonable for our budget or for our buildings here in Lincoln. He noted that PBC will be discussing this further.

2. BOARD OF HEALTH (Svoboda) - NO MEETING IN JULY

OTHER MEETINGS: - Mr. Svoboda reported that he had attended his first District Energy Corporation Meeting where they had received a very good update on the history of the DEC - about which Mr. Svoboda had previously known very little. They had also discussed the financial report. Obviously DEC is doing well. Two members had just attended a conference and had shared a great deal of information about the conference itself. Lincoln is doing extremely well in their DEC. If any Council Members would like information about the District Energy Corporation, Mr. Svoboda

encouraged them to let him know and he would forward annual reports to each of those who asked. He noted that they will be looking at trying to set up tours at the next DEC meeting, if anyone might be interested. The next meeting will be in September or October. Mr. Camp asked if the tunnels would be included on the tour? Mr. Svoboda thought probably not, but they could be included if that was what Council Members might want.

Ms. Newman reported on the PRT meeting held last month. She did want to share that Joy Citta has taken over the chairmanship of the group and is going to be doing some things a bit differently; and Ms. Newman felt these changes would make a more efficient operation. There will be follow-ups now to anyone's complaint about a property so that they will know that the case has been resolved....so people know what's going on.

III. APPOINTMENTS/REAPPOINTMENTS - Mr. Hoppe passed out to Council Members material showing the upcoming Appointments and Re-appointments. Mr. Hoppe noted that he was still trying to get a "yes" for the City Personnel Board, and currently had a person he was waiting to hear from. His hope was that this could be handled soon, since this has been on the Council's Agenda for some time. The new appointment for the Cable Advisory Board has been made and that appointment should be on the Agenda for next week. Also for next week will be re-appointments and new appointments to the Aging Advisory Board.

We do have three new appointments to the Community Health Endowment: Also, we're still working on a few more appointments with the hope of having a progress report to you at the next go-round.

Mr. Camp stated that he would like to be re-appointed to the Public Building Commission. Mr. Hoppe thanked Mr. Camp, noting that this information had saved Mr. Hoppe a conversation.

IV. REQUESTS OF COUNCIL FROM MAYOR - Mr. Bowen stated that Ed Zimmer and others had submitted the Draft that Mr. Svoboda had requested regarding 'the Triplets'. [Three historical houses grouped together in one neighborhood which the City was considering for demolition]. Mr. Svoboda had requested Urban Development to draft a letter to FHWA and other appropriate Federal Agencies to waive the \$660,000 cost the City would incur if forced to move the buildings - with demolition being considered as the more fiscally responsible option in this very tight budget cycle.

Discussion ensued with Council's final determination being made to have the letter drafted to the office of Congressman Jeff Fortenberry, who, with his knowledge of City budget constraints would be able to "fast lane" the request to the appropriate Federal Agencies to permit the waiver of the federally required preservation of the three historical sites because of the undue burden and financial hardship such preservation would have on the City's budget. It was suggested to include in that letter the fact that the City of Lincoln does not take historical preservation lightly and, in fact, does take great pride in balancing the need for historical preservation and judicious use of public funds. Mr. Bowen agreed to have the letter (to be signed by the entire Council) re-drafted to be sent to the Office of Congressman Fortenberry requesting his assistance in having the waiver granted. Mr. Svoboda requested that the drafted letter be sent to the Council Members by this Wednesday afternoon so that they could add their comments to the letter. Mr. Bowen agreed with this

Mr. Bowen also wished to discuss Utility Rate Changes. He noted that Dan is scheduled to be gone on July 25th, and asked if Council would like to postpone the vote on that issue. It was agreed to delay the vote on the utility rate increases to August 1, 2005.

V. MISCELLANEOUS - None

VI. CITY COUNCIL MEMBERS

JON CAMP - No Further Comments

JONATHAN COOK - No Further Comments

ROBIN ESCHLIMAN - Ms. Eschliman stated that she felt Mr. Svoboda had done a good job yesterday of explaining the RUTS program in the newspaper article. She also expressed her displeasure with the comments made by Mr. Ron Melby [Mayor of Waverly]. Ms. Eschliman read her comments for the benefit of the Council. It was requested that her displeasure with his comments be noted in the minutes of this meeting. At Ms. Eschliman's request her comments are noted here, verbatim:

"Dear Mr. Melby:

I wish to address your negative comments made in the Lincoln Journal Star yesterday about the wheel tax. First let me remind you that a decision has not been made by governing bodies on a wheel tax. Second, I would like to remind you that your city has benefitted money from LPED for Tractor Supply Company, and our city officials supported you in that endeavor. For you to suggest a lawsuit against our city for endeavoring to come up with a plan that will make it affordable for our citizens to drive to your city to get to work, and for your citizens to drive to our city for shopping, hospital visits, and health and human services, is disingenuous.

I would like to ask your cooperation in joining our city in a true spirit of cooperation of regional economic development, which our economic development officials have tried very hard in recent years to cultivate."

Mr. Cook felt there may have been some misunderstanding in the article, because the County Board, even through a joint agreement with the City, does not have the authority to extend the wheel tax to Waverly without Waverly's consent - is that correct? Mr. Marvin commented that that is not correct. Mr. Rick Peo did note that the County could probably enact a County-wide wheel tax into incorporated cities within the County.

Mr. Marvin noted that they can extend a County-wide property tax over the entire County. Mr. Cook thought that was property tax, but a wheel tax could not be levied without agreement. Mr. Marvin commented that he thought the agreement indicates that this is a County-wide extension of the wheel-tax; but the incorporated areas of the County would get their share of the wheel-tax back. It was Mr. Marvin's understanding that they would make an accommodation and provide resources outside the RUTS plan for those incorporated areas, and those dollars would be made available to them.

Mr. Camp stated that he was disappointed in that theme, because if every community is given its share, that uses the funding all up and there's nothing for the whole purpose of the RUTS program. Mr. Marvin explained that the unincorporated areas generate 1.3 million dollars in wheel tax revenue. The incorporated areas another half-million or three-quarters of a million dollars. Larry Hudkins had stated that he was not comfortable extending the wheel-tax to grain trucks, so if they were to exempt grain trucks, that would take \$200,000 away from the unincorporated areas, bringing that 1.3 down to 1.1 million dollars. That 1.1 million would be what would go to fund RUTS and the other 1/2 million or 3/4 million dollars raised from making it County-wide, would go through the County in working with the local governments.

Mr. Bowen stated that that is a more detailed scenario than is actually finalized yet. There is still a great deal of that being discussed now. But, in concept, that is what the program would entail. Mr. Bowen wanted to go back to Jonathan's original question of whether the wheel-tax can be extended to the entire County through the Joint Public Agency only if those incorporated authorities agree.

It was stated that they would use the City's authority through the Joint Public Agency to establish a County-wide wheel tax. Then, the question is, can they take it to the next level - can the other communities in the County also use that funding for their own purposes? That is what the two Attorney's (City & County) are looking at now in order to make a final decision.

Ms. Newman stated that, in Ron Melby's defense, there has been a lack of communication between the governing bodies. They were surprised to read something in the newspaper. We need to do a better job of communicating the issue.

Mr. Camp stated that he appreciated what Mark said and would like to have that followed up. Also, regarding Mr. Marvin's remarks, he had not gotten the same drift regarding the wheel-tax situation. He would like to know as a certainty what the total raised will be, where it is going, so as we work with the County Board, we can figure things exactly....and make sure we're doing the right thing. That might modify his view on the situation.

Discussion continued with Mr. Bowen noting the County Court has communicated with the other communities. Mr. Svoboda noted that he had talked with Commissioner Stevens this morning and he has since talked with both the Mayor of Emerald and with Mr. Melby of Waverly. They had been able to clarify several things since there had been some misinterpretation of what we were doing here. They had not known about it until they read it in the newspaper, though *we've* been talking about this for months.

Ms. Newman stated that this group has been talking about it and it sounds like we still don't understand, and that's why that communication with the County villages is so important.

DAN MARVIN - No Further Comments

ANNETTE McROY - No Further Comments

PATTE NEWMAN - Ms. Newman noted, after discussion with the Chair, the Council's intent would be to have a congratulatory letter written for the Chair's signature for such events as receipt of the Mayor's Award of Excellence and other community honors which should be formally acknowledged. The Chair would be representing the entire the Council in these letters of congratulations, which Ms. Newman felt was something Council should have been doing all along.. Ms. Ray indicated that the letters for the Mayor's Award of Excellence would be done automatically, but acknowledgment of any other staff achievement and/or community honors should be at the direction of the Chair. Council agreed that this would be a good policy to initiate.

KEN SVOBODA - Mr. Svoboda asked Mr. Bowen if we had anymore information on the Joint Meeting with the Omaha City Council. Mr. Bowen indicated that they had not, but would be getting back to them and set things up.

MARK BOWEN - No Further Comments

ANN HARRELL - No Further Comments

RICK HOPPE - No Further Comment

RICK PEO - No Further Comments

VII. MEETINGS/INVITATIONS - Noted Without Significant Comment

VIII. ADJOURNMENT - Council adjourned at approximately 12:10 p.m.

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