

**AGENDA FOR
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, AUGUST 22, 2005
CONFERENCE ROOM 113**

I. MINUTES

1. Minutes from Directors' Meeting of August 15, 2005.
2. Minutes from Council Members' "Noon" Meeting of August 15, 2005.

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

1. Public Building Commission Meeting (Camp/Cook)

OTHER MEETINGS REPORTS:

III. APPOINTMENTS/REAPPOINTMENTS - To Be Announced

IV. REQUESTS OF COUNCIL FROM MAYOR - To Be Announced

V. MISCELLANEOUS -

1. Follow-up Discussion of an appointment to the I-80 Economic Corridor Commission (Innovation Zone Commission) recently established by the Legislature. (Ken Svoboda).— **[HELD OVER FROM THE AUGUST 15TH "NOON" AGENDA.]**

VI. CITY COUNCIL MEMBERS

VII. MEETINGS/INVITATIONS -

1. The Asian Community & Cultural Center cordially invites you to the New Building Grand Opening on Friday, August 19, 2005 - 5:30 p.m., Ribbon Cutting Ceremony - at 2615 "O" Street - (Regrets only 477-3446) - (See Invitation)
2. League Of Nebraska Municipalities 2005 Annual Conference - September 21-23, 2005 at Holiday Inn, Kearney, NE - RSVP required - (See Brochure for further details of cost, etc.)

3. LES invites you to an informal open house on Thursday, August 25, 2005 to discuss Lincoln Electric System's (LES) plans to build electrical facilities Northeast of Lincoln, NE - At Lincoln Electric System, Service Center, 2620 Fairfield Street - Anytime between 6:00 p.m. & 8:00 p.m. - (See Invitation)
4. South Street Improvements Project - Open House on Tuesday, August 23, 2005 at 5:30 p.m. and 7:30 p.m. at Saratoga School, 2215 S. 13th Street - (See Invitation)
5. E-Mail Invitation - "Save The Date" from Senator Brown's Office schedule regarding the Economic Development Along I-80 Corridor - Friday, November 4, 2005 from 10:00 a.m. to 5:00 p.m. at the SAC Museum, Restoration Room (SAC Museum adjacent to Mahoney State Park on I-80) - (See E-Mail Invitation)
6. Open-House Public Meeting on the Cardwell Branch Watershed Basin Planning Study - on Wednesday, August 24, 2005 at 6:30 p.m. at Bess Walt Library, 6701 S. 14th Street - (See Invitation)

VIII. ADJOURNMENT

MINUTES
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, AUGUST 22, 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; Dana Roper, City Attorney's Office; Joan Ray, Council Staff; Deena Winter, Lincoln Journal Star representative

I. MINUTES

1. Minutes from Directors' Meeting of August 15, 2005.
2. Minutes from Council Members' "Noon" Meeting of August 15, 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. Camp reported that the Commission had: Held their annual budget presentation, with an overwhelming turn-out of nobody, which matched last years attendance record. We did adopt a 1.7 cent levy, but it goes to the County Board for approval. We discussed the Health Department Expansion change orders; had an executive session on a matter; re-elected officers with Larry Hudkins as Chair and Linda Wilson as Vice-Chair.

Mr. Camp noted that there is a State Statute on defibrillation that eliminates the liability for users not having training, which is good. We'll have the Defibrillators mounted on the walls in these two buildings [Hall of Justice and County/City Building], but if a volunteer uses one of those, the user does not have to be trained and would be exempt by State Law from liability, as long as good faith is shown.

Mr. Cook reported that Chairs in the Chambers seem low, even in the highest position. He did not know why they were adjusted that way, but we've asked that they be re-adjusted to allow more flexibility. Several suggestions, from telephone books to booster chairs, were mentioned in further discussion. Mr. Marvin suggested that PBC investigate how much time it spends on the "chair issue". He felt the proportionality was way over a reasonable percentage. [Laughter] Mr. Cook felt it was very appropriate.

Ms. Eschliman asked if the appraisal had been done on the "K" Street complex? Mr. Camp reported that there had been a hearing, but the City did not have the appraisal yet. Mr. Cook stated that the building had been certified at six million, but the City still has the option to ask for an appraisal. Mr. Bowen noted that it references the County Board valuation, and where at the Board of Equalization meeting, the County turned it down. This was due in a large part because the appraisal was not done. The appraisal is actually in the hands of Don Herz, who has approved a panel discussion about replacement costs if the City decides to proceed with the "K" Street options. It's not all together yet, but a report should be submitted by the end of this week, along with an appraisal. Mr. Marvin asked if

replacement costs would be "downtown" real estate costs, and not the cost of something out in the middle of a cornfield forty miles from Lincoln. Would it be downtown, so access would be reasonable for court cases and retrieval by City/County departments? Mr. Bowen noted that it would, though that is a couple of steps ahead of where they were at this point.

OTHER MEETINGS: - Mr. Cook reported that the Municipal Band Concert had been a good event. Mr. Svoboda noted that they had to cut the last few pieces from the program because of the weather.

III. APPOINTMENTS/REAPPOINTMENTS - Mr. Hoppe had none to report.

IV. REQUESTS OF COUNCIL FROM MAYOR - Mr. Bowen handed out copies of the Mayor's formal statements made at the earlier Directors' Meeting [See attachments].

Mr. Bowen also mentioned that the August 29th briefing on the theater policy has been postponed to September 19th. That will be when the consultant will be back in town, which is the reason for the requested delay.

Mr. Bowen had talked with the Omaha Council Office and September 28th, and 29th were the two dates that would work best for them in reference to the Joint Omaha/Lincoln Council Meeting. After a brief discussion, Council Members agreed that the Wednesday, September 28th date would be the preference of the Lincoln Council. The meetings would be held in the afternoon [traditionally from approximately 1:00 - 5:00 p.m.] in Lincoln, site to be determined.

Mr. Bowen stated that the last item for discussion was the EMS contract. Mr. Roper had a substitute contract for Council's review. Mr. Roper noted that the only thing changed from the previous contract is on Section 11, Page 11 - the term of termination. There are some notice provisions differences, but it is essentially the same document that was previously submitted. He noted that Joan Anderson will be at the meeting this afternoon representing EMS to answer any questions Council might have.

V. MISCELLANEOUS -

1. Discussion of an appointment to the I-80 Economic Corridor Commission (Innovation Zone Commission) recently established by the Legislature. (K. Svoboda) Mr. Svoboda brought the issue forward for consideration since it had been held over from last weeks meeting in order to conclude the discussion with full Council attendance. After an extended discussion, it was agreed by unanimous consensus that the Chair should be named the Council representative to this Commission. It was agreed that Ms. Newman, as Vice-Chair, who would be next in line for appointment to the Council Chair position, would also attend the meetings in order to maintain continuity during the Council's yearly change of officers. It was also agreed that Mr. Camp, who had expressed a strong interest in the issues of the Commission, would attend the meetings in a non-official capacity. It was believed that this was a simple Committee/Commission appointment by the Council and would not require a resolution. [Upon direction from Mr. Svoboda, a letter was written to the State of Nebraska Department of Economic Development informing them of this decision]

ADDENDUM

MISCELLANEOUS - Agenda Items for the Joint LPS/City/County Meeting were requested. Council Members had none.

VI. CITY COUNCIL MEMBERS

JON CAMP - No Further Comments

JONATHAN COOK - Mr. Cook noted a discrepancy between the sign, the press release and the invitation on the South Street Improvements Projects Open House. The Invitation states that the time is: Tuesday, August 23, 2005 - 5:30 and 7:30 p.m. - Saratoga School - 2215 South 13th Street. The sign placed by Public Works says the meetings are at 5:30 and 7:00 p.m., as does the press release. Ms. Ray upon request from Council, checked with the Public Works Department for a confirmation of the meeting times. The meetings were actually scheduled for 5:30 p.m. and 7:00 p.m. Council members were notified prior to the meeting by e-mail, and in-office communications.

ROBIN ESCHLIMAN - No Further Comments

DAN MARVIN - Mr. Marvin had attended the CASA event to which the entire Council had been invited. They had wanted to get the word out on what it is that they are doing. There are nine hundred kids in the Lincoln community that have been removed from homes, or are being monitored while they're in their homes, not because of the things the kids had done, but because of the family situation. There are only enough CASA volunteers to take care of 180 of these 900 kids. What they've found is that when the kids have a CASA volunteer, they get through the legal system three months sooner. At \$5,000 per month for foster care, we have a significant savings through this volunteer program.

CASA was started by a Judge in Seattle and has been adopted in over twenty different counties in the State of Nebraska. It is a national program and they were very enthused about how it works. They also gave a talk about "typical" social workers. Social workers are working under a terrible over-load burden with a tremendous back-log in cases. He noted that there may be four or five different social workers representing four or five different agencies for one child. During this time there would be one CASA volunteer.

Mr. Marvin also stated that it is critically important that as we go around the county discussing the RUTS program, what we emphasize to people is that these are not roads being built inside Lincoln, but roads that will be built outside the city limits of Lincoln. When people talk about the wheel tax getting into the County and the money being used to build City roads - that is not true. These are County standard roads that will grow into urban streets, without adding huge resources to convert them into urban standard when development demands it at some point in the future.

He noted that when finances are done on the program, none of the people in the incorporated parts of Lancaster County are being asked to foot the bill for this. These are unincorporated residents who are going to benefit from being able to drive on better County standard roads that are being planned out in the County. Generally, if this is explained well, people seem to understand, but it is hard to get through to every resident of the County and will take a bit of work to do so.

Discussion continued briefly with Mr. Bowen making a final clarification that the contributions under a County-wide wheel tax do not include revenue from villages. The wheel tax would not be collected in incorporated villages. Mr. Marvin noted that if money were to be raised in the villages, the intent is to do work with those funds in those villages.

After briefly discussing the issue further, it was noted that this will be on the agenda at the next Common Meeting where time would be available for more detailed informational exchanges.

ANNETTE McROY - Ms. McRoy pointed out that on the Formal Council Agenda, there were New Market Tax Credits along with the appropriation for that. She had checked with Dana last week to see if she had a Potential Conflict of Interest on the issue since she sits on the Community Development Resources Board. Dana indicated that she would not have a conflict of interest and would be able to participate in the discussion and voting on the issue.

She noted that she and Mr. Roper had also talked about the fact that this Council has members who are quite active in the community on the boards of many agencies and some of them had conflicts of interest of which they were unaware. Ms. McRoy stated that Mr. Roper would check into that and at some future time review the status of Council Members who sit on community Boards. Mr. Roper explained that the problem comes under the State Law, even though you're sitting on a charitable, non-profit board, as a Board of Directors member, if the City funds that board or has a contract with that board, you are deemed, under the State Statute to have a "business interest", and, consequently, you have a conflict. In those cases, you have to abstain from voting. It's pretty hard to determine when Urban Development shows up with a fifty page document with programs "hither and thither" if somewhere in the bowels of the document, there might be a board that a Council Member sits on....we'll just have to try and look at each instance as it occurs.

PATTE NEWMAN - No Further Comments

KEN SVOBODA - No Further Comments

MARK BOWEN - No Further Comments

ANN HARRELL - No Further Comments

RICK HOPPE - No Further Comment

DANA ROPER - No Further Comments

VII. MEETINGS/INVITATIONS - Mr. Svoboda stated that he would be interested in attending the Nebraska League of Municipalities Conference to be held in Kearney this fall. After discussion, it was agreed upon by a motion from Jonathan Cook, seconded by Dan Marvin, to cover the cost of Ken's expenditures for the trip to the Conference in an amount up to \$550.00 from the Council's Schools and Conferences Budget fund. The vote was unanimous in favor of the motion. Council members believed it was important to have a representative at the conference where they would be addressing many issues that Council would be facing in the near future.

VIII. ADJOURNMENT - Council adjourned at approximately 12:20 p.m.

cm082205/jvr

Statement by Mayor Coleen Seng
August 22, 2005
Final Budget Recommended Changes

ON THE COUNCIL AGENDA TODAY IS THE FINAL ADOPTION OF THE FY2005-06 CITY BUDGET. THIS HAS BEEN A DIFFICULT YEAR, BUT A GOOD PROCESS THAT HAS LEAD US TO A GOOD CONCLUSION. A CONCLUSION WHERE WE HELD THE LINE ON NEW SPENDING, FULLY FUNDED IMPORTANT PUBLIC SAFETY SERVICES, PRESERVED POPULAR FAMILY SERVICES AND DID NOT INCREASE THE PROPERTY TAX RATE.

AS YOU RECALL, I SAID EARLIER THAT IF THERE WERE ADDITIONAL FUNDS WHEN WE GOT TO THIS POINT I WOULD COMMIT THOSE FUNDS TOWARD MAINTAINING EXISTING PROGRAMS, NOT NEW PROGRAMS.

ACCORDING TO THE FINAL INFORMATION FROM THE COUNTY ASSESSOR THE BUDGET OFFICER HAS REPORTED TO ME THAT THERE IS APPROXIMATELY \$147,500 IN THE GENERAL FUND AVAILABLE IN THE FINAL CALCULATION. TO BE CONSISTENT WITH THE AGREEMENT WE FORGED AT THE BEGINNING OF THIS BUDGET PROCESS THESE FUNDS SHOULD NOT GO TOWARD ANY NEW PROGRAM, EMPLOYEES OR SERVICES. THEY SHOULD NOT BE SPENT ON ANY NEW INITIATIVE.

THERE ARE STILL NEEDS THAT THE BUDGET COULD NOT ACCOMMODATE. ONE OF THOSE NEEDS IS THE COMMUNITY OUTREACH POSITION THAT WAS RESTRUCTURED AND ELIMINATED AT THE HEALTH DEPARTMENT. AS I PROMISED AND MANY OF YOU INDICATED SUPPORT FOR, IF THERE WERE ADDITIONAL FUNDS BECAME AVAILABLE I WOULD APPLY THEM TOWARD RETAINING THAT POSITION WHICH SERVES MINORITY FAMILIES. I ASKED THE BUDGET OFFICER TO PREPARE AN AMENDMENT TO USE \$47,500 OF THESE FUNDS TO REINSTATE THE COMMUNITY OUTREACH POSITION AT THE HEALTH DEPARTMENT.

IN ADDITION, I WILL ASK THE COUNCIL TO APPLY THE REMAINING \$100,000 TOWARD SIDEWALK REPAIR. I, AND MANY OF YOU, HAD EARLIER INDICATED A DESIRE TO APPLY MORE GENERAL FUNDS TOWARD SIDEWALK REPAIR IF IT WERE POSSIBLE. OUR VIEWS WERE SUPPORTED AT THE PUBLIC HEARING BY A NUMBER OF GROUPS AND INDIVIDUALS WHO TESTIFIED IN SUPPORT OF INCREASING FUNDS FOR SIDEWALK REPAIR. THIS IS AN IMPORTANT EXISTING PROGRAM.

THE BUDGET OFFICER HAS PREPARED AN AMENDMENT FOR YOUR CONSIDERATION TODAY THAT WILL APPLY THESE FUNDS TOWARD BOTH OF THESE IMPORTANT EXISTING PROGRAMS.

I HAVE SPOKEN WITH COUNCILPERSON NEWMAN AND SHE HAS INDICATED A WILLINGNESS TO SPONSOR THIS AMENDMENT THIS AFTERNOON. I ASK THAT YOU ALL PLEASE SUPPORT THE AMENDMENT.

Motion to restore to the Health Department budget/Community Promotion and Outreach Division, in the amount of \$47,500, the Community Outreach Specialist position that had previously been shown as a reduction for 2005-2006, and also move that \$100,000 be added to project #10 in the Streets and Highways CIP for Sidewalk Maintenance and Repair. The source of funding for both items is additional property tax revenue generated by final valuations from the County Assessor being greater than originally estimated and utilizing the tentatively approved tax rate of .30091 per \$100 of assessed valuation.

Statement by Mayor Coleen Seng
August 22, 2005

M CLASS PAY BANDS, PAY ADJUSTMENT AND RANGE ADJUSTMENT

At the public hearing on the budget questions were asked about the cost of the consolidation of the M Class pay ranges that were adopted by Council last December. Following the public hearing on the city budget, the Council delayed action on granting the city management a 1.25 percent market adjustment in their pay. The item would also adjust the M Class pay range by the same 1.25 percentage.

The action last December consolidated the pay ranges and also reduced the variable merit by two percent from its previous zero to six percent to zero to four percent range. The reduction of the variable merit has reduced the average merit increase from 4.25 percent to 2.67 percent. So it is clear merit increases for the M Class have dropped more than 1.5 percent as a result of this change.

The consolidation of the pay range from seven ranges to two ranges has provided more flexibility in hiring, but it has also produced confusion and concern about how many employees might be able to reach the maximum rate.

In particular, some believe that those who were once in the M4 range, like police captains, could now achieve the M7 maximum pay rate during the course of a career. While the Police Department and Personnel Department have both shown examples of how that would not be possible, with the broad range it mistakenly appears possible. That must be corrected to end the confusion.

In addition, questions have been raised about whether some of the data prepared by the Personnel Department staff as the basis for the council decision was accurate. Last week I directed that the staff member in the Personnel Department that prepared the data meet with those who had raised questions. While some questions were answered regarding one of the comparable communities, I was not pleased when it was reported to me that the personnel department staff member acknowledged that a different community presented as an example may have been misrepresented.

The Council and the Administration must have confidence in the data presented to them.

MORE

This admission by a staff member of the Personnel Department casts doubt on some of the information. I was not pleased to hear about this misrepresentation and have directed Mr. Taute to take any action necessary with his staff to ensure that this does not occur again.

Broad pay ranges is a methodology used quite often in the business sector, especially by large private employers and the City of Lincoln is a large employer. To address whether the number of M Class bands is appropriate I am directing the Personnel Director to personally review the data and if necessary redo or amend the number of bands. The staff person who had previously compiled the survey information is not to be involved in the review. I have visited with Councilperson McRoy, who has participated in these discussions, and she has agreed to represent the City Council and assist in monitoring this review. I will also ask if two other employment specialists outside city government would also be willing to assist Mr. Taute. The review of the M Class ranges by Mr. Taute would be addressed by the end of September.

Pending before the City Council today is an action which would grant the M class employees the same 1.25 percent increase received by all other city employees and also increases the range by that percentage.

I share the Council's concern about whether the range should be adjusted, but I believe the 1.25 percent adjustment for the employees is appropriate. Therefore I have directed the Personnel and Law Departments to prepare an amendment that separates the two issues in the Council item.

This will lock the range in place and allow Mr. Taute to complete his review and make recommendations. It will also allow the employees to receive the same market adjustment that Council has already approved for all other city employees. I directed this amendment be offered to Council because it would not be fair to penalize all the management class employees because of actions that they did not have any hand in. If you agree, Mr. Taute has the amendment that amends the pending legislation.