

**AGENDA FOR  
CITY COUNCIL MEMBERS' "NOON" MEETING  
MONDAY, SEPTEMBER 19, 2005  
CONFERENCE ROOM 113**

**I. MINUTES**

1. Minutes from Directors' Meeting of September 12, 2005.
2. Minutes from Council Members' "Noon" Meeting of September 12, 2005.
3. Pre-Council Meeting Minutes - Executive Session - RE: Employee Evaluation - September 12, 2005.

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

1. Public Building Commission Meeting (Camp/Cook)- **POSTPONED - MEETING WILL BE HELD ON SEPT. 22<sup>ND</sup>**
2. Multicultural Advisory Committee Meeting (McRoy)
3. Board of Health Meeting (Svoboda)

**OTHER MEETINGS REPORTS:**

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

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

**V. MISCELLANEOUS**

1. Discussion on "M" Class Broad Banding. (Requested by Ken Svoboda)
2. Discussion on United Nation Proclamation. (Requested by Jon Camp)

**VI. CITY COUNCIL MEMBERS**

**VII. MEETINGS/INVITATIONS -**

1. 2005-A Year of Exceptional Progress! Downtown Lincoln Association celebrating another year of progress in Downtown Lincoln on Thursday, October 20, 2005 - Doors open at 11:30 a.m. - Luncheon & Awards Ceremony at Noon - at Embassy Suites Hotel Ballroom - \$25.00 per person - RSVP by Oct. 7<sup>th</sup> - (See Invitation)

2. You & a Guest are invited to the HDR Nebraska vs. Iowa State Pre-Game Hospitality Suite at Embassy Suites on Saturday, October 1, 2005 from 9:00 a.m. to Noon - RSVP to Gladys Doerr by Sept. 23<sup>rd</sup> to 399-4909 or by e-mail - (See Invitation)
3. E-Mail Invitation - Lake Street ActivAge Senior Center Annual Picnic or Wednesday, September 28, 2005 from 5:30 p.m. to 6:30 p.m. - at St. James United Methodist Church, 2400 S. 11<sup>th</sup> Street - RSVP to Donna Barrett (Aging) to 441-6157 or by e-mail -(See Invitation)
4. E-Mail Invitation - Hawley Area Association Annual Meeting on Tuesday, September 20, 2005 at 7:00 p.m. - 545 N. 25<sup>th</sup> Street - (See Invitation)
5. CenterPointe, Inc. Annual Meeting & Luncheon on Wednesday, October 5, 2005 - Doors open at 11:00 a.m. - Program from 11:30 a.m. to 1:00 p.m. - At Embassy Suites Hotel - \$25 per person - Please RSVP - (See Invitation)
6. Invited to join E&A for a Husker Football Tailgate-Huskies take on Pittsburgh - Saturday, September 17, 2005 at Noon (kickoff at 2:30 p.m.) - (See Invitation)
7. NAACP Freedom Fund Banquet 2005-(Theme) "Remembering The Legacy By Making A Difference" on Saturday, November 5, 2005 - Social 6:30 p.m. - Program 7:00 p.m. at Marroitt Cornhusker Hotel - Tickets \$35.00 - RSVP by Oct. 21<sup>st</sup> - (See Invitation)

## **VIII. ADJOURNMENT**

**MINUTES**  
**CITY COUNTY MEMBERS' "NOON" MEETING**  
**MONDAY, SEPTEMBER 19, 2005**  
**COUNTY-CITY BUILDING, ROOM 113**

**Council Members Present:** Ken Svoboda, Chair; Patte Newman, Vice-Chair; Jon Camp, Jonathan Cook, Robin Eschliman, Dan Marvin

**Council Members Absent:** Annette McRoy

**Others Present:** Dana Roper, City Attorney; Mark Bowen, Mayor's Office; Rick Hoppe, Mayor's Office; Don Taute, Personnel Director; Roger Figard, City Engineer; Deena Winter, Lincoln Journal Star; Ann Harrell,(Late) Mayor's Office; Mike Cronemeyer, Channel 10/11News; Mike Bohrer, Lincoln Chamber of Commerce; Coby Mach, LIBA; and Joan Ray, City Council Staff

**I. MINUTES**

1. Minutes from Council Noon Meeting of September 12, 2005.
2. Minutes from Director's Meeting of September 12, 2005.
3. Pre-Council Meeting Minutes - Executive Session: Employee Evaluation - of September 12, 2005.

Chairman Ken Svoboda, by acclamation, approved the minutes as presented as there were no objections voiced.

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

**1. PUBLIC BUILDING COMMISSION (Camp/Cook).**

Postponed. Meeting will be held on September 22, 2005. No Report.

**2. MULTI CULTURAL ADVISORY COMMITTEE (McRoy).**

No report.

Hoppe attended and discussed Hate and Crime Task Force in progress.

**3. BOARD OF HEALTH (Svoboda)**

Svoboda reported recommendations for acceptance of ADM, Title V, money of \$61,000. A long discussion ensued regarding the kennel portion of the "cat ordinance". Looking at possibly separating dogs and cats. A pilot program of \$3,000 in the 48th and Leighton area will be used to do a "TNR"- Trap, Neuter or Alter, and Release as long as the money is available. Potential liability such as picking up a cat which is not a stray. The Cat House will be doing this, and are prepared should they be asked to submit a proposal to go city wide with it. Our kennel contract will be coming up next spring, or early summer. Svoboda stated approximately 25 to 30 cats in the area are identified as feral cats. They will trap them, alter them, nip their ears as identification, or possibly microchip them and released them to the same area. Civic leaders, and volunteers throughout areas were praising this program of trap, neuter, and release. We'll try it in Lincoln, at least on a pilot program, and move forward from there.

**4. OTHER MEETING REPORTS**

None

**III. APPOINTMENTS AND REAPPOINTMENTS**

Hoppe stated for September and October we'll look at the Community Forestry Advisory Board, which has an appointment and reappointment. Water Conservation Task Force had a couple who

were appointed by executive order. Letitia Meza-Casarin has public hearing today for the Women's Commission and going to ask for appointment of Roger Massey to the Housing Authority Board. A number of the technical boards go through the second page. We're working to get more action from the Pedestrian Bicycle Advisory Community and in the process of talking about reappointment in the Multicultural Committee. Annette McRoy's name is listed. Working with Urban Development as they try to reform and work out changes in the Community Development Task Force, where appointments are on hold. Have StarTran Advisory and need replacements in the Charter Revision Commission.

Newman asked about the Community Development Task Force and questioned why appointments all coming up at the same time. How large? Hoppe responded the committee is comprised of fourteen to fifteen, and he believes came in groups of thirds. Unfortunately all came up together in terms of eligibility for reappointment. Newman asked if this could be changed. Hoppe answered this is part of the question Urban Development is answering now. Some parts include: Our size working for us? We need to be smaller? Need to stagger terms differently? Are we doing work that lends something to the whole process? Hoppe continued saying, they were also having a little trouble maintaining forum and started the discussion.

McRoy added after she read minutes of the last two meetings, felt like they were just not having connection. Harrell said they've been asked to look at how they might restructure if they were to change, what their recommendations would be. So, they are now working on possibly restructuring.

Newman asked how large is the Charter Revision is, Hoppe replied it is smaller and noted they meet fairly frequently. We have names which need to be replaced. Svoboda asked if there's about nine to a dozen members? Taute responded he thought nine.

#### **IV. REQUESTS OF COUNCIL FROM MAYOR**

Bowen talked about the Hall of Justice's water damage dealing with insurance. The insurance is divided differently in the Hall of Justice. City carries the insurance for the structure, and for personal --- in the city departments. The County has separate policy for their own, personal departments. The City and the County both own the building itself. A discussion last week was of who owns the building. Apparently Killeen and Roper discovered it's actually jointly owned. Cook added generally a building like this would be built as a joint building.

Bowen talked to the Omaha Council regarding the meeting on the 28th. Suggesting a 2:00 o'clock start time. He asked if a tour of the complex is wanted since last time Omaha gave us a tour of their facilities. If we met somewhere else, then came back for a tour we would lose people. So, suggestion would be if you want to hold a tour probably need to do in this building. But it's Council's choice.

Question asked of what the tour would consist of. Bowen responded the Chamber. Didn't know about the operations next door. Omaha did show their operations, their emergency network facility, but ours is torn up at the moment. Want to tour the cleanup? Their jail is a separate operation. But, a tour was mentioned so if you want to do a tour believe we should stay around this complex, just for media and staff. Bowen continued saying they want to be on the road by five. As far as topics the Mission, Infrastructure, Legislation, Police and Fire pensions. The only thing we're going to add is agreements on joint recipe recovery and disaster operations.

Svoboda asked on how it relates to their individuals working with our USAR team. Bowen answered they weren't specific, but guessed it also may be how they do it and how we do it. Svoboda stated he understands Bowen will be lining up the necessary individuals who have expertise in these issues to be available? Bowen answered that would be next, these are the five topics covered in the time frame. Didn't think they would have people available to talk about infrastructure. Krout, with the planning department, wasn't aware of the meeting. They have schedules, but could change if the Council wants

them to come down. Bowen continued, saying with joint recovery, doesn't think they're going to bring in department heads, probably just Council members. So, more of a Council to Council discussion. Svoboda asked about having Chief Huff to which Bowen answered the Chief would be back.

Camp said they have USAR team members on the Lincoln USAR team. Call it Team One. But believes, from what Jack described, and because we've had a number of disaster operations that have occurred here, they're more interested in knowing the issues and how to deal with them.

Cook asked when having discussions would it be possibly in this room? Bowen answered it could be in this room, or the Mayor's conference room, or one of the police training rooms. Svoboda asked if there's been a request to televise this? Bowen replied no and Svoboda asked if there was a need to televise it? Bowen said we've never done one before, but it could be done. If Council wants to televise it will have to be addressed.

Svoboda asked Council for preferences. It was agreed to meet in room 113 with no taping or televising as a collaborative work session between two Councils. Bowen said he's looked at the Commission and the Omaha Director is coming. Bring anybody in particular? Svoboda stated they could bring anyone they want. As long as we have personnel available for questions that would be fine.

Bowen said he and Svoboda were commuting this weekend to Kearney. Svoboda said he's going up Wednesday, Thursday and part of Friday. And will be returning each night due to appointments.

## V. MISCELLANEOUS ITEMS

### 1. "M" Class Broad Banding (Requested by Svoboda and several Council members)

Svoboda stated there are obviously a number of different options the Council has, one of which is the investigatory authority to look into records, and even hiring special prosecutors, should we want to. He suggested that with all the questions Council has had of the personnel director would they like an executive session scheduled.

Cook asked for the status of the committee which is looking into the Broad Banding? McRoy answered they met, and surveys went out to the cities and the deadline is set. Looking at the University system, and research areas. Met in Bill Harding's office at the University with others, such as Georgia Glass, Don Taute and McRoy. Don't have a meeting scheduled, but the next thing is to evaluate the survey information as it comes back.

Newman asked if, at this time, any part is going to be an investigation into what happened? McRoy answered the charge now is to look into the pay system and personnel records. Will determine the best way to go, the number of employees categorized, that type of information.

Camp asked if we have an update of what has happened? Has there been any disciplinary action or is that a question for Taute?

Svoboda stated he hoped to accomplish this in the executive session. Since it's a personnel matter we have the ability to ask questions, get answers, and if we feel there was a direction which the Council wanted to suggest or recommend, then we'd have some ability to do so. The option would be to either have an executive session next week, prior to our evening meeting, or hold it off until October 3rd. Super Commons meeting was scheduled for October 3rd but was cancelled, and don't remember what the pre-council schedule is for October 3rd.

Marvin asked if Annette's group will have some information back by the 29<sup>th</sup>? McRoy didn't know. Taute and Glass were going to make phone calls, encourage information to be returned before the deadline. Svoboda asked if Council can talk specific structure of broad banding in executive session, since it's more of a general topic. Roper agreed. Svoboda stated it would be a topic we would have in the open as it

relates to the study and what the community is doing. There are two different issues. The executive session would be primarily asking questions of staff as to what went wrong and what disciplinary action, if anything, has been taken.

Eschliman suggested that we definitely need an executive session, for the specific purpose of determining how this happened, how to prevent it from happening again. Would like to know if this would be only with Taute or with the employee in question? She would like to have the employee in question come before us and tell his/her side of the story. Svoboda asked if that was the suggestion of the Council. Mr. Taute would direct the individual involved in this issue to come before us as well. Meeting was set for four o'clock next Monday, the 26<sup>th</sup>.

**2. Discussion on the United Nations Proclamation. (Requested by Jon Camp)**

Camp said he's been a State United Nations Day representative for six years. United Nations Day is Monday, October 24th, which is United Nations Day. The United Nations Association for Nebraska is bringing in a speaker and wondering, in order to get awareness, would it be appropriate to have a volunteer fifteen minutes before our session on the 10th of October attend. The Mayor typically does a proclamation for United Nations Day, but does it two weeks early. At one point was going to request doing it as a first segment of our program, but didn't know if appropriate. Might not want to open door to all types of organizations and different items. Want to have our proclamation, or our day, for the City Council, and possibly have a voluntary reading of the proclamations. The Mayor would do it anyway, in the chambers. On a voluntary basis if anyone would like to attend.

Svoboda asked if there were any questions? Camp suggested a 15 minute time frame and stated the United Nations Association people would attend. Eschliman asked where do we draw the line between this and others not related to city issues? Camp answered it wouldn't be part of meeting. Proposing using the chambers but last year had it up in the Mayor's office. Also would have student groups go through. Want the City Council to be comfortable, and could do in the hallway upstairs.

Svoboda asked if there is an issue doing a proclamation signing, prior to the council meeting in the chambers? Roper said it could be done but the same old issue, what's City business? Not City business? Setting what kind of precedent? Marvin stated he didn't have a problem with the proclamation dealing with the United Nations, other than it wouldn't become publicized, into a much more controversial issue.

Svoboda asked if any Council member could request a proclamation be signed in the Council chambers on any topic? Roper replied they could make request but has to be a Council action with four Council members agreeing. Have to comply with the Public Building Commission on use of Council chambers. On your own use the front steps, but when you use the city infrastructure, it's a different deal.

Cook asked for clarification of chamber rules. Knows Council members have held press conferences on their own, in an empty chamber, which wasn't agreed to by four Council members. Roper answered the situation probably not comply with the rule and done in violation of the use of the chambers.

Svoboda said at the time he asked for a press conference it was city business, on a city contract. Cook asked if one Council member decides it's a city topic and wants to pontificate, that gives them the right to speak in the chambers? Roper will check with Public Building Commission rules. Believes it's suppose to be for city or county business. The Mayor holds a press conference very Friday, presumably all city business.

Camp stated traditionally the Mayor does a proclamation on the United Nations. Svoboda questioned Roper wanting to know if he was suggesting a vote on whether this would be done in the Council chambers, prior to the date? Roper asked if all were taking an official group action, or acting as individuals? Cook asked if the Mayor could say she would like to come down and say a few words about the United Nations at a particular time. Roper responded yes, maybe that's the solution.

Bowen didn't know the status of the proclamation but believes the Mayor can say we're going to speak in the Council chambers prior to the meeting. Svoboda suggested working with the Mayor's staff. Camp

voiced there wouldn't be a problem with last years location. McRoy stated she understands what's to be accomplished, as long as it would be voluntary attendance. Svoboda thinks the best way would be if the Mayor requested the proclamation be done in Council chambers.

## **VI. COUNCIL MEMBERS**

**ANNETTE MCROY:** No reports.

**DAN MARVIN:** No reports.

**PATTE NEWMAN:** No reports.

**ROBIN ESCHLIMAN:** Went to Seattle and brought back newspaper articles to share regarding public financing, transportation and other issues. .

**JON CAMP:** No reports

**JONATHAN COOK:** On the question of directors would like to have a better idea of where we stand before the meeting. Don't particularly want the voting session to turn into a giant public hearing about what we can, or can't do, legally.

Svoboda asked if we had the ability, within current ordinances, to have turning lanes, to, and including Madalyn, or, is there a divided raised medium there regardless of what happens with the vote?

Figard answered the ordinance revisions you have did not have the language to change the design and Madalyn is currently designed with a base medium. Discussion on what the description says and the intent. Went to public meetings, open houses, discussed the medium to Shadow Pines, and how that might change access. Did not physically go through and process or specifically amend the ordinance language last year when the design was completed and the project bid. Cook questioned bidding a project which is in violation of an ordinance? Figard replied the interpretation was the medium was through, not to Madalyn, and we proceeded. Cook asked, to the intersection of Madalyn Road? Technically to the intersection of Madalyn Road the only question is whether you're going to the north side or the south side with your two way, center turn lane. If interpreted to be the north side, this allowed the blocking of Madalyn. Doesn't see how the medium could be taken further than that. It's a peculiar design to stop just there. But legally how you can go beyond that point, given the language of the ordinance?

Figard responded another part is to evaluate the intention of a medium, or particular design consideration. Visited property owners on the east and the extended medium did not restrict access then didn't see as a violation. Possibly a technical violation of lane, but didn't violate access. Cook stated there are clearly some people with strong feelings about the situation. What legal standing does an ordinance like this have, if someone decided to go to Court and say we defiled city ordinance? Figard answered then the staff would decide if the interpretation was strong enough to go to Court, and if not might revisit.

Svoboda asked if the ordinance today is to the north side of the divided, raised medium, or the turning lanes to the north side of Madalyn? Figard replied language wise, yes. But, the ordinance was rewritten, asking for a revision to consider a raised medium from south of Old Cheney down to Shadow Pines, as the design of Shadow Pines has the raised medium.

Svoboda asked if we would have to amend the current ordinance, drawn up last year, that included Madalyn and the extension of the raised medium all the way to Shadow Pines? Figard said the original is probably '98, and not amended. Couldn't find any particular action before the Council to change the language from Madalyn up to Shadow Pines.

Cook asked what if Council chose to clarify the interpretation of this language? Believes if stated to the intersection of Madalyn Road, means access was kept open on Madalyn Road. Camp stated it says intersection. Cook agreed adding he thinks Public Works disagreed with Council in '98, didn't want to follow that, and chose to do it their way. Can say there's a slight difference, or interpretation, but if the Council clarified today saying to the intersection of Madalyn Road meaning Madalyn Road stays open with 56<sup>th</sup>. Suggesting if Council could clarify existing ordinance, instead of taking no action, given the ordinance is somewhat unclear.

Figard responded if Council wanted to do that, would want to re-advertise the ordinance for public hearing so the public knew you were intending to clarify and the Madalyn intersection was actually an item of discussion. Hasn't been advertised as part of this public hearing.

Camp stated intersection means able to intersect and go through. Thinks it boiled down to Public Works making an assumption, or an incorrect interpretation. Agrees with Cook, during the Director's meeting provide us with language you need out of this ordinance. Camp stated he is concerned the ordinance wants to have left turns at Madalyn. If this goes beyond the existing '98 ordinance, or whenever, means we don't have to advertise, we would be done with this matter. Move ahead.

Figard said they still have the issue of plan. Camp believes Public Works exceeded its responsibility and authority. Public Works should have gone to law and brought to our attention. Let's learn from the situation. Try to solve it, get it done, move ahead and not have time delays.

Cook stated it seems there are three issues. One, what does current ordinances actually say should have been done. Secondly, what should the advertising have been? On advertising you could argue either way. Not sure of any real confusion in the minds of those testifying regarding as it did talk about Madalyn and Old Cheney Road. Clearly talked about that particular area of the street. If we absolutely had to we could carry over with the advertising. Thirdly, whether or not it's a good idea to go forward with changes which would allow access to Madalyn. Distances were mentioned and it looks like Shadow Pines has the exact same problem as Madalyn. You have a hill between the two which you can't see over. A mirror image problem. If you're turning out of Shadow Pines which right now only comes from the east, want to turn left out of Shadow Pines to go south, you wait. Have to watch for people coming over the hill from Madalyn. If you're cutting down the hill, should help both. How much more could the hill be cut down if you were to go back in order to make both of the intersections safe?

Figard answered they could certainly go back and if we amend the plans to provide a medium break. Going to change grading, the right of way, and all construction on the abetting properties a couple hundred feet north of Pine Lake, through to Shadow Pines. So, we'll need to go back, talk, sit down and see what kind of impact we have. Would like to take exception with the Public Works people discussion. Public Works recommended what we thought was safe and appropriate. Goal isn't to deny people access. Still think a less safe situation is to have a medium break there. Still concerned about providing adequate northbound to westbound left turn without interfering with the southbound to eastbound left turn there. Certainly we'll go back and look at it.

Svoboda believes some of this conversation should be on the dias. The discussion of safety. Cook stated there's no official public hearing, just our session. Svoboda agreed, saying just during our voting session but believes the discussion should be done in a more open environment.

Marvin stated he didn't know. Thinks the discussion then is one sided. Svoboda said on the dias we can call Figard up during the voting session, for clarification. Cook said we shouldn't call him up asking his opinion on the thing before us. Svoboda believes he would reiterate what he's been saying all along, which was for safety purposes. If we want the discussion of clarification of the original ordinance and this one, maybe delay this for another week.

Cook added if there were enough points to discuss it, we should delay it. Uncomfortable going in and trying



to draft the amendment by. Want to understand, get comfortable, thinks it might be appropriate this afternoon, maybe come to that conclusion at this meeting. Svoboda said if there's a consideration of an amendment, it's important we delay so the law isn't trying to do something quickly. Best to delay, and if there's an issue to bring up as an amendment, that we give law plenty of time to do it. Figard added an advantage of doing that would allow our director to review. He was involved in the process, and took a part in design of the project which had the raised medium through Shadow Pines.

Marvin stated we could make a motion, from the dias, to delay one week. Make recommendations for clarification, or request additional information of staff, during the voting session. Cook agreed but mentioned while driving at 42<sup>nd</sup> and Pine Lake has the double left on 40<sup>th</sup>, a single left at 42<sup>nd</sup>, and fits into the space. As a comparison. Figard said the thing over time is compromise. We need to look at each one on it's own merit.

Svoboda questioned Figard on the rationale on 70<sup>th</sup> Street, approximately VanDorn, both north and south? There are no raised mediums between "A" and South. Counted a dozen driveways, within the first four hundred feet. Two out of a left turn lane. The rationale there obviously seems to work as you rarely see accidents at the intersection, or up and down the street. Figard answered probably best answer is many of those businesses and driveways were there prior to our road. Believes the Council has been very adamant that we should try to respect access to the extent possible. Certainly a two way center turn lane is safer than a four lane road with no turn lanes. Looking at those sections in commercial areas. Should we come to Council and ask if we should we put a raised medium in? Lots of changes over time, we continue to grow with more traffic. As circumstances change it's our job to come back and recommend change. .

Cook pointed out the Urology P. C. driveway, closer to the intersection, was a discussion of a trade off. Really not an ideal driveway to leave off. If Madalyn Road is left open, it's saying the neighborhood thinks it's important. If we were to make a change to do wouldn't there be value in changing that right in, right out? It's so close to the intersection it almost looks like you're in the right turn lane. It seems like you come out and go right into the left, or turn into a right. Wouldn't you want to get rid of that? Wouldn't that be a reasonable addition? Leaving Madalyn open would allow us to close that without opposition, he believes, from businesses. Figard answered if you chose to hold over a week would certainly be thrown into the mix.

Cook said the other topic is, could you carefully look at the grading issue between Shadow Pines and Madalyn? Ignoring what might be under contract, what could be done to make that corridor safer? Make both Shadow Pines and Madalyn safer? Want an idea of how much you can grade there. Figard asked, safer by having better sight distance? Cook agreed, adding this sounds like delaying Cumberland and 56<sup>th</sup>. Doesn't mean that we delay Pioneers. We will have our amendment on Pioneers.

Figard asked questions on the amendment, clarification on the technicality. Thinking to use the drawing as an attachment and clarification on where there would be medium breaks. And whether you wanted language to allow for the design.

Cook replied he would be happy to vote no on the change. Thinks Pioneers Boulevard design, as the Council approved, rather than adding a meeting to widen the road, would like to vote no. However, sounds like there might be technical changes which are important. Would incorporate and maybe should amend so Figard receives while still retaining the existing design for section.

Marvin mentioned he wrote page three, line 13 and 14 was a strikeout on where it says 84<sup>th</sup> Street, south 87<sup>th</sup> Street through two through lanes where the left turn and right turns off 87<sup>th</sup> Street.

Figard said to leave the strikeout in and eliminate all other strikeouts in the proposed ordinance. Allows yes in the 87<sup>th</sup> to the 98<sup>th</sup>. Would be technical change. Cook said now would be able to build four lanes plus. Figard said LRTP changed on 87<sup>th</sup> to 98<sup>th</sup>, from a two plus to a four plus. Cook stated a written amendment is fine, which says this. If it eliminates the strikeover we could say it.

## **JON CAMP**

Camp stated he is concerned that the design, bidding and contract, when we went ahead, were contrary to ordinance on 56<sup>th</sup>, and anyplace. Pretty clear an intersection was in the ordinance. Left turn. Figard said he could argue his case, that he interpreted it correctly. Camp thinks that some Council members are sensing real concern that we're not following procedure process. We don't want things done that violate what we, or our predecessors on the Council, acted on. And then have you say the design is going to cost more to under design it. Figard stated they We made a mistake on design and need to pay the extra costs. Camp responded the Council represents the City and you could have come to us up front. Not suggesting repressions here but suggesting adherence to what's in the books. If there a disagreement at some point come back in ample time, so it's not necessary to expend it to get approval.

Figard answered the ordinance goes back a lot of years, missed this and we shouldn't have. Will apologize to the Council. In the future think need to continue to work towards trust and where things are in the comp plan and LRTP and day to day details. Having the Council dictate exactly where we have mediums and access shouldn't be our norm. Don't see as legislative, thinks the design standards and long range plan off set. The department director should have some latitude from professional liability issues to make those decisions. .

Marvin said he believes Figard made the point to try to do the best work on the U-turn issues and the roundabouts, and other things which should be done to accommodate access in a way that doesn't inhibit the property values.

### **3. OTHER CITY REPRESENTATIVES**

#### **MARK BOWEN**

Also on agenda for public hearing today is joint resolution on RUTS. More language. Just so you know, the County did have a meeting with the Village Board Chairs last week. They tried to clear a lot of things up for the Villages, and about what the Villages wanted from the City, County, Commissioners.

### **4. MEETINGS/INVITATIONS**

Invitation attend sheet noted by Council.

### **IV. MEETING ADJOURNED**

Meeting adjourned at 12:44 p.m.