

**AGENDA FOR
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, NOVEMBER 14, 2005
CONFERENCE ROOM 113**

I. MINUTES

1. Minutes from Directors' Meeting of November 7, 2005.
2. Pre-Council Meeting Minutes - RE: Cable Television Franchise Agreement - November 7, 2005.

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

1. Public Building Commission Meeting (Camp/Cook)
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 letters requesting 'congratulation letters' from Council - RE: achieved the rank of Eagle Scout. (See Attached two Letters)

VI. CITY COUNCIL MEMBERS

VII. MEETINGS/INVITATIONS -

1. The Lincoln Chamber of Commerce requests the honor of your presence as we welcome these new Lincoln area residents at an Executive Reception: Mark Pound, Vice President General Manager, Quebecor Printing, Inc. & Shiro Noiri, President, Kawasaki - on Tuesday, November 15, 2005 from 4:30 p.m. to 6:00 p.m. at Lincoln Chamber of Commerce, 1135 'M' Street, 3rd Floor - RSVP to Jaime Henning by Nov. 14th - (See Invitation)

2. Performance Automotive Group -Thumbs Up! For Clean Air! StarTran Clean Air Program - Press Conference - Buffet Luncheon (for the official launch of the participation of Performance Automotive Group to the CityHome program) - on Thursday, November 17, 2005 at Noon - at Performance Toyota, 6320 Telluride Drive - RSVP by E-mail to info@cityhome.info - (See Invitation)
3. The Lower Platte River Corridor Alliance (LPRCA) Meeting on Tuesday, November 15, 2005 at 9:30 a.m. at Lower Platte North Natural Resources District, 511 Commercial Park Road, Wahoo, NE - (See Invitation)
4. On behalf of the Lincoln-Lancaster County Homeless Coalition inviting you to an informal gathering, on Friday, November 18, 2005 from 9:00 a.m. to 10:30 a.m. at Matt Talbot Kitchen & Outreach, 1911 "R" Street - RSVP by Nov. 11th to 434-5528 or by E-mail - (See Invitation)
5. Turner Ditch Watershed - Open House on Tuesday, November 15, 2005 at Lincoln NorthStar High School, 5801 N. 33rd Street from 5:30 p.m. to 7:00 p.m. Presentation at 5:30 p.m. - In the Media Center to the right of the main entrance - (See Invitation)
6. Invited to join E&A as the... Huskers vs. Wildcats Pre-Game Tailgating on Saturday, November 12, 2005 at 10:00 a.m. - Kick-Off at 1:00 p.m. - at 850 "S" Street Parking Lot - (See Invitation)
7. Fall 2005 Lincoln Police Department Academy Graduation & Awards Ceremony on Wednesday, November 30, 2005 at 7:00 p.m. at the Holiday Inn Downtown - Reception Following - (See Invitation)
8. E-Mail Invitation - Film "Wal-Mart: High Cost of Low Price" scheduled for: Wednesday, November 16, 2005 at 6:30 p.m. AND Sunday, November 20, 2005 at 7:00 p.m. at the Unitarian Church, 6300 A Street - (See Invitation)

VIII. ADJOURNMENT

City Council
City of Lincoln
575 S. 10th Street
Lincoln, NE 68508

RECEIVED
NOV 04 2005
CITY COUNCIL
OFFICE

Dear City Council:

Eagle Scout Alex Bohlmann will be honored at an Eagle Court of Honor on December 4, 2005. Would you please be so kind as to send a letter of greeting to be presented to him during his Court of Honor? All letters and certificates received will be read and displayed for the guests to see. They will then be placed in a keepsake binder and presented to the Scout.

Please address your letter to the Eagle Scout in care of the following address.

Alex Bohlmann
16801 So. 72nd St.
Hickman, NE 68372

Troop 8 - Cornhusker Council

Thank you for helping us acknowledge this very special event.

Sincerely,

Linda Bohlmann

Linda Bohlmann

City Council
City of Lincoln
575 S. 10th Street
Lincoln, Nebraska 68508

RECEIVED
OCT 03 2005
CITY COUNCIL
OFFICE

October 1, 2005

Dear City Council,

Scout Graham Thurber has achieved the rank of Eagle Scout and will be awarded His Eagle Scout Badge on December 4, 2005 at an Eagle Court of Honor. During the Court of Honor portions of the letters of congratulation will be read. I know he would appreciate a letter of congratulation from you. Would you send any letters to

Graham Thurber
7140 Oxford Road
Lincoln, NE 68506

Thank you for helping us acknowledge this young man on a very important award.

Sincerely,



Michael and Pamela Thurber

**MINUTES
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, NOVEMBER 14, 2005
CONFERENCE ROOM 113**

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

Others Present: Mark Bowen, Ann Harrell, Rick Hoppe, Mayor's Office; Dana Roper, City Attorney; Tammy Grammer, City Council Staff and Deena Winter, Lincoln Journal Star Representative.

I. MINUTES

1. Minutes from Directors' Meeting of November 7, 2005.
2. Pre-Council Meeting Minutes - RE: Cable Television Franchise Agreement - November 7, 2005.

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

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

1. **Public Building Commission Meeting** (Camp/Cook) — Mr. Cook reported every meeting they have some changes to the Health Department orders. They had an update regarding the lower level of the Hall of Justice. They were hoping to have the electricity in over the Thanksgiving holiday weekend, but it does not look like Square D will be ready. So that may end up beginning around Christmas instead, they're going to try to do what they can to get it done sooner. Mark Bowen mentioned there was a conference call this morning between Building Commission Don Killeen, the insurance company and Square D trying to figure out if they can do that or not so there might be an update today. Mr. Cook reported the north elevators are completed, 5 of the 6 elevators are running in the building now. Adding, the Sheriff's carpet is in, and the new water line is in. They have discussed adding maybe sunk pumps and sensors for water in the future. He thinks they are raising the seal of the door so you can step over the threshold so that water will flow out the doors of the building before it flows down the stairs and into the equipment room.

The Resolution on the bonds for the Courthouse Plaza is before them and our cost at this time is a little higher than the Health Department because rates have gone up. It's about 4.9% and the Health Department was approximately 4.3%. They have to have debt reserve that helps them get a little lower interest rate which is why the number is higher than the cost of the building because they have a debt reserve and some other things. They also had a structural engineering report on the building and it's in good shape.

They talked about the 'K' Street Complex for a long time and then they also went into executive session to discuss some of the issues. Mr. Cook stated the Public Building Commission has a lease through 2014. Mr. Cook asked if somebody could clarify the State lease does it run through 2016 or is it actually expiring when the Building Commission lease is expiring? Dana Roper responded by its terms it runs to 2016, and he doesn't know the explanation. Mr. Cook stated there seems to be a difference of opinion about how much storage space is left in the building depending on which State official you talk to and so they may get an official letter about it. The closing date will be subject to negotiation before they go forward with this and District Energy is still doing a study on impact on their system and it will be weeks before that is done.

The Star City Holiday Parade will stage in the north parking lot instead of under the County-City Building.

Mr. Marvin commented being a newbie is it unusual that two of our seven members can learn information of what will assist them in voting on a project that is going to come to this body, but then the other five of them know less is that normal. Dana Roper responded when it comes to Council, he thinks about everything is open for discussion. Much of the discussion in executive session would be such that it would be acceptable to have it presented at the public hearing and would be able to ask about it at the public hearing. Mr. Cook commented there are certain things such as the appraisal they were told they could not see unless it was in executive session, he doesn't know that maybe the same with the Council Members. He's not sure that there's a willingness to release the appraisal publicly even during the discussions to the Council. Mr. Roper replied that's true. Mr. Cook commented there were also discussions regarding legal issues that may or may not be things that should be discussed publicly. Mr. Roper commented the Board did not get those answers either. Mr. Cook commented they talked about them. Mr. Roper commented you can talk about them you just may not get answers.

Ms. Eschliman questioned regarding the appraisals not being made public. Ms. Eschliman commented they can not do an appraisal without public information that's how you form your appraisal so everything in the appraisal would be available on the Assessor's website or by interviewing the people that the Assessors interviewed. Why is it such top secret in Commercial Real Estate if the seller has an appraisal he shares it with the buyer and they argue about what they are going to pay for it and there's an arrange of values? Mr. Roper replied the numbers are available what you do with the numbers is what's critical, anybody can go to the

website and can make an appraisal. Mr. Roper stated when they are involved with acquiring property or selling property there is a possibility that it is going to result in litigation. When they go out and condemn property they go to a Board of Appraisers and then when we go to District Court for us to hand over our appraisals to the other side and let them work off of them and develop strategies to counteract our appraisal rather than going out and doing their own and we've mutually exchanged them at some point in time we have to fight this fight with one arm tied behind our back and we're not willing to do that. Mr. Camp commented the fact they spent our longest meeting they have ever had to his knowledge would tell you that there were a number of questions. Ms. McRoy asked Mr. Roper if Council could go into an executive session and hear the same presentation the Commission heard? Mr. Roper answered yes. Ms. McRoy commented and hear the same information that Jon (Camp) and Jonathan (Cook) heard. Mr. Roper commented well and Mark Bowen commented or close to it. Ms. McRoy commented there's a reason why Jon and Jonathan represent the Council on that board. Mr. Svoboda questioned how does that fit, normally it would just be litigation or Personnel matters that would allow them to go into executive session. Mr. Roper replied this is Real Estate, acquisition or selling than it's alright if Council wanted to have an executive session. Mr. Svoboda noted okay that would be up to the Council members if they want to call an executive session.

2. **Multicultural Advisory Committee Meeting** (McRoy) — No Report - Ms. McRoy stated she did not attend the meeting because she was at the "M" Class meeting.

3. **Board of Health Meeting** (Svoboda) — Mr. Svoboda reported they had with unanimous vote the Land Use Planning Task Forces Pedestrian Standard Recommendations that will becoming. Noting, he does not know if that actually comes to Council or if it is just a policy issue. Ann Harrell stated she thinks it comes in the form of an ordinance, but she will check on it.

They were updated on the Avian Flu and what Lincoln and Lancaster County are doing and so they are running scenarios right now.

OTHER MEETINGS REPORTS: - NONE

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

IV. REQUESTS OF COUNCIL FROM MAYOR -

MARK BOWEN -

Mark Bowen noted on their Agenda today they have the Triplets again and Marc Wullschleger (Urban Development Director) will be there for the public hearing portion.

Mr. Bowen noted at the beginning of the Council Meeting is the Mayor's presentation on the pedestrian bridge naming for Mr. Doug Bereuter and he will be at the meeting.

For the Board of League of Municipalities on Legislative issues, the three primary issues for the City - 1.) The change in the gas tax formulate or to increase money back to municipalities for roads - 2.) Stormwater Utility which is an ongoing effort, it does widen somewhat because (inaudible) told that they have a mandatory requirement now by the State - 3.) The Constitutional Amendment for the Community Health Endowment to be able to invest a little bit more widely.

There was a Charter Review Commission hearing held last week. Dana Roper reported that the Finance Department would like to amend the Charter. Right now the Charter says that they pay by warrants and they would like to add the word checks or warrants to the Charter for fraud purposes. There have been situations around the State, he thinks next door actually in the Corrections Department where there have been problems with fraudulent warrants and they would prefer to issue checks. Mr. Roper commented when you get paid... if your not on direct deposit you get a warrant, not a check, and the warrant is drawn on the City itself as opposed to the bank. The Finance Department has fraud concerns and would like to add that language to the Charter, the Commission reviewed it and will forward that recommendation, so that will be coming to Council to put on the ballot at a regular election. Mr. Roper commented they have not experienced it yet, but other governments around the State have.

Mr. Bowen stated he would like to know if the Council could meet Wednesday afternoon on December 14th, or anytime on Thursday, December 15th or anytime on Friday, December 16th for the Budget Retreat which they will need about three hours. Following discussion, Council agreed on Wednesday, December 14th from 2:00 p.m. to 5:00 p.m. and located to be announced.

ANN HARRELL - NO FURTHER COMMENTS

RICK HOPPE - NO FURTHER COMMENTS

DANA ROPER, CITY ATTORNEY - NO FURTHER COMMENTS

V. MISCELLANEOUS -

1. Discussion on letters requesting 'congratulation letters' from Council - RE: achieved the rank of Eagle Scout. (See Attached two Letters) — Mr. Svoboda stated that Tammy (Grammer) and I will handle this issue.

VI. CITY COUNCIL MEMBERS

JONATHAN COOK - NO FURTHER COMMENTS

JON CAMP - NO FURTHER COMMENTS

ROBIN ESCHLIMAN - NO FURTHER COMMENTS

PATTE NEWMAN - NO FURTHER COMMENTS

DAN MARVIN -

Mr. Marvin stated to Mark Bowen in an article last week there was a story about how gas prices in Omaha were under \$2.00 and we are still hovering \$2.09 to \$2.12 in Lincoln. There does seem to be this differential of close to ten cents or more now between Lincoln and Omaha. Mr. Marvin commented to Mr. Bowen that you went to the Attorney General and asked if they are going to be following up on it. Mr. Bowen replied they are naming their task force to look into this which he actually called them to find out what the status was and they are looking into it. So, they are waiting for the Attorney General's Task Force to actually confirm or deny or tell them what's going on.

ANNETTE McROY - NO FURTHER COMMENTS

KEN SVOBODA - NO FURTHER COMMENTS

VII. MEETINGS/INVITATIONS - Listed on the Attend Sheet for November 14th.

VIII. MEETING ADJOURNED - Approximately at 12:05 p.m.

cm111405/tjg