

**AGENDA FOR
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, JANUARY 23, 2006
CONFERENCE ROOM 113**

I. MINUTES

- *1. Minutes from Directors' Meeting of January 9, 2006.
- *2. Minutes from Council Members' "Noon" Meeting of January 9, 2006.
- *3. Pre-Council Meeting Minutes - RE: 48th & O Streets South Side Redevelopment Agreement - November 14, 2005.

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

- *1. Public Building Commission (Camp/Cook)
- *2. Multicultural Advisory Committee (McRoy)
- *3. Board of Health Meeting (Svoboda)
- 4. Joint Budget Committee (McRoy/Newman)
- 5. District Energy Corporation Board Meeting (Svoboda)

OTHER MEETINGS REPORTS:

III. APPOINTMENTS/REAPPOINTMENTS - To Be Announced

IV. REQUESTS OF COUNCIL FROM MAYOR - To Be Announced

V. MISCELLANEOUS -

- 1. Discussion of Council 2006 calendar with regards to August 7th & 28th on times for the City Council Formal Meetings? (See Attachments)

VI. CITY COUNCIL MEMBERS

VII. MEETINGS/INVITATIONS -

- 1. Open House for 2005 Stormwater Bond Project, 69th Street & Walker Avenue on Thursday, January 26, 2006 from 5:00 p.m. to 6:30 p.m. - Presentation at 5:30 p.m. at Anderson Library, 3635 Touzalin Avenue - (See Invitation)

VIII. ADJOURNMENT

***HELD OVER FROM JANUARY 16, 2006.**

CITY COUNCIL FORMAL MONDAY MEETING DATES - 2006

COUNCIL ADOPTED SCHEDULE

JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
2 ND NO MTG	6 TH 1:30	6 TH 1:30	3 RD 1:30	1 ST 1:30	5 TH 1:30	3 RD NO MTG	7 TH 1:30	4 TH Labor Day NO MTG	2 ND 1:30	6 TH 1:30	4 TH 1:30
9 TH 1:30	13 TH 1:30	13 TH 1:30	10 TH 1:30	8 TH 1:30	12 TH 1:30	10 TH 1:30	14 TH 1:30	11 TH 1:30	9 TH 1:30	13 TH 1:30	11 TH 1:30
16 TH MLK NO MTG	20 TH Pres.Day NO MTG	20 TH 1:30	17 TH 1:30	15 TH 1:30	19 TH 1:30	17 TH 1:30	21 ST 1:30	18 TH 1:30	16 TH 1:30	20 TH 5:30 NITE MTG	18 TH 1:30
23 RD 1:30	27 TH 5:30 NITE MTG	27 TH 5:30 NITE MTG	24 TH 5:30 NITE MTG	22 ND 5:30 NITE MTG	26 TH 5:30 NITE MTG	24 TH 1:30	28 TH 5:30 NITE MTG	25 TH 5:30 NITE MTG	23 RD 1:30	27 TH Holiday NO MTG	25 TH Holiday NO MTG
30 TH 5:30 NITE MTG				29 TH Memorial Day NO MTG		31 ST 5:30 NITE MTG			30 TH 5:30 NITE MTG		Jan 1 ST Holiday NO MTG

F.Y. 2006-07
TENTATIVE BUDGET CALENDAR

- January 17 Budget Office distributes budget preparation materials and instructions.
- February 17 -
March 3 Departments submit budget requests.
- March 6 – March 31 Finance Department meets with all departments to review budget submissions.
- April 3 - April 28 Budget Hearings with the Mayor.
- May 1 – May 19 Mayor briefs the City Council and makes final budget decisions.
- May 22 - June 16 Preparation of the Mayor's Recommended Budget.
- June 16 Mayor's Budget sent to the printer and City Council.
- June 26 Public release of the Mayor's Budget.
- July 11 Commons Budget Hearings (Tentative date)
- July 5 – July 14 City Council hearings with the Administration and departments.
- July 17 City Council votes on tentative changes to the Mayor's Budget.
- August 1 Publication of Budget Summary in media.
- August 7 – 4:30 p.m. Public hearing on the proposed Budget.
- August 9 City Council votes on final changes to the Mayor's Budget
- August 20 Deadline for the County Assessor to provide final property valuation to the City Budget Office
- August 21 City Council adoption of Budget
- October 1 Prior to October 15 City Council holds public hearing and adopts final tax rate

11/21/05

**MINUTES
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, JANUARY 23, 2006
CONFERENCE ROOM 113**

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

Council Member Absent: Robin Eschliman

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

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

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

- *1. **Public Building Commission** (Camp/Cook). — Camp reported on the Health Department expansion status and change orders, which he believes was approved.

Discussion on the Hall of Justice building, and continuing with the L3 Communications-Maintenance Agreement. Mentioned were concerns by Sheriff Wagner, and other staff, on the 911 set up in the parking garage door and the need for security. Cook stated a motion had been passed which would restrict access to the door. Employees who previously had access were now denied with only a few able to utilize the door. Cook continued saying the motion was passed to avoid instances of possible terrorism and stated everyone would be treated equally, all entering through the front entrance, with the metal detector. The Sheriff is looking into implementation and will report back.

Camp stated there have been discussions on the "K" Street Complex and believes a meeting is scheduled for January 31st, with the developers, which should be on the agenda.

Initial space planning for the Courthouse Plaza is being worked on, and we will hear from John McKay, and his unit, on different departments to occupy the space. They have laid out three different scenarios of possibilities for departments to consider.

The Commission has received an inquiry about Sideline's Deli, located in the County-City Building, regarding the few flexible hours they're open. Have spoken to them and they will replace the existing manager and work on the deli's operation at this location.

Cook stated there is another element regarding the timing of the RFP from the Building Commission and since we've had an unexpected delay from the potential buyers of "K" Street it may take until the 30th. The Mayor has agreed to allow the Building Commission one more month, to March 14th, to make a final decision on the RFP.

- *2. **Multicultural Advisory Committee (McRoy).** — McRoy stated Marvin and she attended the meeting and saw the presentation by Information Services of the ACTION website, which focused on hate crimes. McRoy continued saying they will be able to talk with the community and explain how this website works. Information Services did an outstanding job of explaining how to use.

Cook asked the question of under what circumstances would you use the website versus calling the police? For instance, if someone painted on your building, would you report to the police? McRoy replied the website might be an alternate route, and one reason it was presented at the MAC meeting is the fact there are interested minority community leaders understanding what crimes might occur within different communities.

Cook agreed with McRoy but questioned if there were people who thought they should go directly to the website to report, but in fact should be calling the police directly? McRoy answered if the incident was ongoing, or currently happening, should call 911. Believed the website was for crimes committed after the fact, discovered later, and not a lot one can do immediately.

Marvin commented it was an involved explanation of how the complete website works, not just focused on hate crime, but nuisance calls, such as barking dogs, and found very interesting.

- *3. **Board of Health Meeting (Svoboda).** — Svoboda reported additional strategic planning was done at the meeting along with the presentation of the annual report, which was distributed through the Journal Star. The report was distributed to 63,000 Journal Star subscribers. The news format was suggested a number of years ago and saves the Board of Health a substantial amount of money on printing costs. Stated it is very informative and easy to read.

Svoboda stated officers were elected with Larry Hudkins as Chair and Lisa Peterson as Vice-Chair. As the next Board of Health meeting would fall on February 14th Rick Hoppe suggested it be moved to February 7th, one week earlier, which was agreed to.

4. **Joint Budget Committee (McRoy/Newman)** — McRoy reported Joan Anderson, from the Lincoln Medical Society, was guest speaker. Discussion by JBC members focused on speciality doctors being burdened, with a table presented through Kit Boesch. Example of a doctor seeing uninsured and/or Medicaid patients, who might require a translator, which costs \$37 per hour. The Medicaid reimbursement is \$35 and nothing is received if the patient fails to show. Has become a problem among Medical Society members with different specialists and discussion focused on: 1) How to rotate the patients so one, or two, specialists don't see all; 2) Have understanding of payment for translators; 3) Handling no-show patients; and 4) Pharmacy. The physicians are taking losses on all four. Stated the need is \$7,000 from the City/County.

Newman commented they do have a referral base with the Health Department, Ethic Centers, Lincoln Medical Education Foundation, St. Mark's Church and the Peoples City Mission which would result in savings if we have the speciality care system. Sixty (60) offices now volunteering. Patients would not go to the emergency room with non-emergencies, resulting in savings. Anderson spoke on a project which has been providing medication, resulting in more savings. Appreciate Anderson and Mary Jo Gillespie's work in saving the community money.

Newman then reported HUB is growing, and also working with Work Force Development to obtain job training, through a grant, for troubled teens. Have received reports of having at-risk females in the community and HUB is seeing more of these women now. Was reported, at the Juvenile Justice Conference in D. C., more research is being done on females in the Juvenile Justice system as their numbers are increasing with some becoming violent criminals.

McRoy commented on the Lincoln Interfaith Council, with a concern on the pantry tracking program. As the pantry is sometimes out of food they have applied for grants, and are using volunteers. Discussion on moving the program to a paid professional staff with IS and data recorded to track and sustain the program, as opposed to part-time volunteers.

Newman stated for the Keno Advisory Board usually only one name was nominated. This time two names came forward and the County Board has already approved one. As we wouldn't want anyone to be publicly embarrassed we're suggestion from here on the JBC make the decision and only have one name come forward. Believe now it would be appropriate for the City Council to move ahead and approve the same nomination as the County Board, with discussion to the other nominee regarding possible future openings.

Svoboda questioned if this would be by resolution or just voted upon? Hoppe stated he would check, with McRoy saying she believes it's by resolution. Newman interjected there are very few volunteers and really don't want to turn away. Hoppe stated he would look for another position for this individual, if they have one at this time. Svoboda asked Hoppe if there would be a resolution coming on this as he didn't see on the agenda for the next meeting. Hoppe responded no, as he hadn't been notified the person had been selected, and will look into. Svoboda went on to say he would contact Boesch (County Human Services), find out the individual's name and bring forward if it's the understanding to move ahead with the County at this time.

5. **District Energy Corporation Board Meeting** (Svoboda). — Svoboda reported at the meeting, last week, had election of officer and the current officers were re-elected. President is Bernie Heier, Steven Masters as Vice-President and Ken Ward as Secretary and Treasurer. Received a financial report which was very favorable, had \$50,000 above budget increase in revenues last year and held debt coverage to budget.

Svoboda continued saying the majority of meeting time was dedicated to "K" Street with Lauren Wismer giving a presentation. Wismer stated legally they would not be able to provide cooling to the "K" Street Power Plant. Under articles on heating and lighting and would have to be amended to include. If amended there would be an approximate one point five million dollars in additional costs to upgrade. Currently cooling is limited, and thinks only a small portion of building, office space and the State records, are being controlled with cooling. With this understanding, if "K" Street went off the system there would be a gross impact of approximately \$50,000 a year in lost revenue. Obviously also a net loss, but we don't know amount at this point.

Cook stated since it's not part of the sales agreement and if the buyers want to have the service, they would negotiate and we would pass on costs? Svoboda replied absolutely. Cook asked if there are rules regarding improvements which would have to be made because of the proximity to residential? Ammonia scrubbers or?

Svoboda replied the breakdown is 450 ton cooling unit, cooling chiller, which would be approximately \$870,000. Also, possible additional heater boiler upgrade, which would be just under \$300,000. Ammonia scrubber should be in the range of \$100,000. A total of \$400,000 in additional capital investment to make it a manageable system, including a cooling tower and options.

Cook asked if improvements have to be made regardless because of the issue of residential being next door? Thought there was an ammonia scrubber issue, maybe had to make improvements because residential would be moving in next door, which they might not otherwise have to. Independent of whether or not "K" Street takes advantage of the system.

Svoboda replied they didn't get heavily into the expenditure side, other than just giving us a laundry list of what would have to be done. Really didn't discuss exactly why things would have to be, other than approximately one and a half million dollars over.

Cook asked if there was an environmental law which required, in a commercial district they might not have these particular features, but if they have residential some environmental law requires these ammonia scrubbers. Is a cost you can't pass along to the buyers. If it happens would have to pass along to the rest of the campus. All the energy customers, or have the city pay.

Svoboda replied that's very possible, and as we go further that's possibly a discussion we'd have with staff of LES, that works with DEC, to see exactly what those costs would be, what they're for, what could be passed on, and what could not be. Stated that was the majority of discussion. The articles and process which would have to be followed. A letter apparently went from DEC to, or from, Lauren Wismer, to Don Killeen and the City. We can get a copy of the letter, which went out last week, under letterhead. We did receive copy of what was sent to the City.

Bowen stated there could be a thousand dollars above budget reduction? Svoboda replied yes on revenues. Had a \$50,000 above budget increase on the revenue side. Bowen said he's also curious with the acquisition of Courthouse Plaza, will they be extending service there? Svoboda replied not yet. Within a couple of years they will certainly look into that, but there's an aging system there which would not be required to be changed immediately, but thought within a couple of years would be extending it there. But, would do a cost benefit first. The existing system is running efficiently and they didn't feel the need to jump into an expenditure. They did comment the \$50,000 impact of loss, gross loss, could be made up if "K" Street went off the system. Could be made up by the Election Commissioner's former office and Courthouse Plaza. So those two structures going on. DEC could offset that with some additional obviously up front costs to get the system to them.

OTHER MEETINGS REPORTS:

McRoy stated for FYI. The Motor Sports Task Force reconvened last Tuesday. The applicant is working on a site by Branch Oak, outside the city limits. Trying to apply city sound ordinances. Mark Hunzeker is the attorney. Is the gentleman who owns the racetrack in Scriber, which is shut down looking for another location. Don't know when it's coming forward, as far as Planning Commission, or Council. They are having experts come in for the sound and different things. It would be a county action, but they're trying to meet the city standards.

Camp said he doesn't report regularly on LPED, but just make sure everyone's aware of this new office of the technology transfer, at the University with John Brush. Is really exciting. John's been very complementary to his staff, really takes a lot of the University properties, market it in and help develop them.

III. APPOINTMENTS/REAPPOINTMENTS - Rick Hoppe

Hoppe said there are two on the agenda. One for Citizens Police Advisory Board, with a note from Cook saying there's a vote on the 30th. The second one regards Brian Stevenson and the GAIC, and regarding the form he filled out, which is in your packets, it lists his address in Topeka, Kansas. Brian is moving here to take over as manager of Nebraska Interactive, a group that buys web based services to the State of Nebraska and is replacing Rod Armstrong, who went off the board. Information Services thought it was very important to have a representative from Nebraska Interactive on our GAIC Committee. Can assure you Mr. Stevenson is moving to Lincoln, and now have a Lincoln address. We are not appointing a Kansasan to a Lincoln board.

IV. REQUESTS OF COUNCIL FROM MAYOR -

MARK BOWEN - Bowen stated a reminder of the Mayor leaving for a meeting in D. C. on Wednesday. Will return on Saturday. If anything happens in the meantime we'll let you know. The second handout the Mayor gave out earlier was a letter written to the County Board a couple of weeks ago. Would ask that it would be read through thoroughly, as there are various substantial issues which we're opening the door to on discussing with the County. Deals with a former County road levy they had until about ten years ago and then abolished. They still have it and the Mayor is asking them to look at why they abolished and then to get a dialogue to resolve how and why it's not currently in existence. So, a much bigger issue, overall, unless we have more important issues.

Camp referred to the letter and asked if Bowen had an idea of the dollar amount the County was raising previously on this County Road Tax? Bowen responded the County currently, under their estimates, is approximately four point seven million dollars, countywide. If you follow the State statute, as it exists, half of that would be retained by the County and half would be distributed to the municipalities. Under this scenario our share would be about two million, annually. Like stated before, the Mayor breached this with the County in a very cooperative, let's get together and talk. They had a conversation last Thursday at their County Board Budget Retreat. She's waiting for them to formally respond and for discussions.

McRoy said, on the same subject, the fifth paragraph, last sentence, they're still collecting the four point seven million. Is that how the sentence is read? Bowen responded affirmatively and added it appears when they abolished the road levy, about ten years ago, they added it to their current general levy, and then internally they fund their bridge and road fund. With approximately the same amount of money. This is what we can best determine. The only catch there is that they don't have to follow the State law, which is

...

McRoy asked then technically we should be getting two point something million? Bowen answered that is the estimate. McRoy asked if that referred to Lincoln, or Lancaster County? Bowen replied Lincoln. We're already five percent of the County property tax, base wise, so it's around two million, if you follow the current statute. McRoy asked if Bowen would keep the Council posted on any response and Bowen agreed.

ANN HARRELL - No Further Comments

RICK HOPPE - No Further Comments

DANA ROPER, City Attorney - No Comments

V. MISCELLANEOUS -

1. Discussion of Council 2006 calendar with regards to August 7th & 28th on times for the City Council Formal Meetings? (See Attachments). — Svoboda

Svoboda stated for the Council calendar will be meeting on August 7th for a public hearing on the budget, normally a 4:30 meeting. (Grammer will make the correction on the calendar) Svoboda continued saying the discussion is it would still be on 28th, we would be holding a night meeting, at 5:30, which is typical, and we still have a whole public hearing on the budget, in the evening.

Cook said we had a night meeting on the 31st of July, just before our meeting. But for different topics? The night meeting on the 7th is for budget. Svoboda added he thinks in the past they've recognized the budget hearing as just a special circumstance meeting and we don't disrupt our regular night schedule for that meeting. The only change is changing it to a 4:30 instead of a 1:30 pm on the 7th.

Marvin said he would go about coordinating potential vacation days off, just to notify members. Svoboda said it's been common courtesy to extend a note to the Chair, just to know when Council members are gone. We do watch making sure there isn't three Council members gone at once.

Marvin stated he read a media advisory from Coby and also the article in the paper about whether he can serve on the committee or not. Would you know anything about this Jon (Camp)? About the fire department, ambulance?.

Camp said they had their first meeting for about 1 ½ hours and discussed concerns anybody had. Chief Spadt brought out a concern and Coby wasn't there but was his (Camp) understanding that he's going to excuse himself from the committee and just be a member of the media, since all of the meetings are open. The goal of everyone on the committee is to be objective.

Marvin asked if Craig Mason was on the committee? Camp replied no. Marvin asked anyone knew how the media advisory release was put out? Did they have a board meeting and vote with the understanding that was the position LIBA's was taking? Camp said he didn't have connection with that. Svoboda and he were at a meeting on Tuesday and both received a copy, and was the first he saw of it. Marvin said the thrust of his question is, would we know if people who were voting members are also on your committee? Would there be voting members, who voted for a press release, who would criticize this process, getting ahead and finding solutions before they knew all the answers? Would we know whether members of LIBA voted for this particular document and are also on the committee? Camp said he didn't know. Stated Marvin was welcome to ask LIBA. Camp said he didn't know who voted on the press release.

Svoboda said what he and Camp saw at Budget Monitoring, on Tuesday, was just a draft, and doesn't think it was the same total format. Camp said he didn't pay much attention to it because he's been focused, like everyone, on the objective analysis. Camp would encourage anyone to ask any question as this is an open process. Camp also said he thinks much, too much, is being made about some committee members who may be members of LIBA. It's really inconsequential. Marvin said when he read the comments he thought they were accurate. Don't want a process where you prejudge what you're going to do. And, so it seems that if you were a board member and you voted in favor of an issue by LIBA, that the criticism which was leveled against Coby, should go to other board members if they served on the committee. Camp said he thought this was too picky, number one. Number two he doesn't know but feels some people are being overly sensitive. This committee was chosen based on expertise. Thinks the people leveling the criticisms are being political. Coby excused himself which is probably appropriate. It's a fully open process. Have a good diversity of opinion on the board, from this committee, to really delve into facts, analyze and come up with recommendations. Believes it's important to recognize that by having diversity of individuals on the committee we'll get the best results. We addressed this particular media release and then put it behind us. The goal is to not waste the effort of these 20/25 people. Marvin said he said the principle you're saying was used to excuse Coby seems fair and would be applied.

Svoboda said he believed the reason Coby resigned from the committee is he also represents the media, with a talk radio show in the afternoon. Believes that's the reason why, not because of his association with LIBA. Marvin said that's a little different take than before. Svoboda said he's heard that he's recognized as a media representative as well. Doesn't know if the whole board voted on, would assume they would have had a majority vote from the executive board.

McRoy said her question was related, but not too closely and regarded the fire department article in the paper regarding the County issue, with Doug Ahlberg, that committee. Assumes they won't need any more stories but can you keep us abreast on what they're doing to regain whatever solution it is as far as going out in the County? Because that puts quite a value on calls they went on.

Bowen said, as said before, a thousand calls a year is not mutual aid, it's regular service, and is why we're having discussions. We started discussions with the County Board and Doug Ahlberg agreed to follow up, and he did. Has been going on for a number of months. They've had good process trying to make sure all the rural fire departments are actually billing for services, as some hadn't been. They're trying to get to a standard billing format, so there will be consistency between all entities. It is moving along and will keep everyone posted.

McRoy answered when the fire department came to the Council for money she received an email, and did talk to them later, and they thought the Lincoln Fire Department should not go out in the County, under any circumstances, even though she tried to explain the mutual aid agreements and the higher technology, and different things. But this gentleman was under the impression they were here to serve the citizens of Lincoln.

Bowen said that's exactly what they're suppose to be doing, but through mutual aid. McRoy added there are those who might see this as where our money is going, out into the County. Bowen stated regular service needs to be paid for. McRoy said if we're providing service outside would take manpower and technology and they should pay for it. Want to keep abreast as there are people who are upset reading about that. Bowen stated he would keep everyone posted. Camp said they have the President of the Mutual Aid Society also on the review committee and did that purposely. McRoy said she knows it's a county issue but citizens are kind of upset.

VI. CITY COUNCIL MEMBERS -

JON CAMP - No Further Comments

JONATHAN COOK - No Further Comments

ROBIN ESCHLIMAN - Absent - (left early)

DAN MARVIN - No Further Comments

ANNETTE McROY - No Further Comments

PATTE NEWMAN - No Further Comments

KEN SVOBODA - No Further Comments

VII. MEETINGS/INVITATIONS - Listed on the Attend Sheet for January 23rd.

VIII. MEETING ADJOURNED - Approximately at 12:22 p.m.

***HELD OVER FROM JANUARY 16, 2006.**