

**AGENDA
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, APRIL 17, 2006
COUNTY/CITY BUILDING
CONFERENCE ROOM 113**

****REVISED****

I. MINUTES

1. Minutes from Directors' Meeting of April 10, 2006.

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

1. Multicultural Advisory Committee (McRoy)

OTHER MEETINGS REPORTS:

III. APPOINTMENTS/REAPPOINTMENTS - To Be Announced

IV. REQUESTS OF COUNCIL FROM MAYOR - To Be Announced

V. MISCELLANEOUS **

- *1. Discussion About Outside Legal Counsel.

VI. CITY COUNCIL MEMBERS

VII. MEETINGS/INVITATIONS

1. Governor Dave Heineman & First Lady Sally Ganem 2006 Governor's Easter Egg Roll on Saturday, April 15, 2006 from 11:00 a.m. to 12:00 p.m. at The Governor's Residence, 1425 "H" Street - (Activities for Children 3 to 9 years of age) - RSVP by April 14th to Dean Dennhardt at 730-4900 or by e-mail - (See Invitation)

VIII. ADJOURNMENT

**MINUTES
CITY COUNCIL MEMBERS' "NOON" MEETING
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Council Members Present: Ken Svoboda, Chair; Patte Newman, Vice-Chair; Jonathan Cook, Dan Marvin, Robin Eschliman, Jon Camp, Annette McRoy (arrived late).

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

I. MINUTES

1. Minutes from Directors' Meeting of April 10, 2006.

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. **Multicultural Advisory Committee** (McRoy) — Ms. McRoy mentioned Dan (Marvin) attended as well. Ms. McRoy reported mostly discussed the rally from the day before. There was an interesting article that someone made copies of on the Labor Wages issue.

OTHER MEETINGS REPORTS: - NONE

III. APPOINTMENTS/REAPPOINTMENTS -

RICK HOPPE -

Rick Hoppe reported we will have four or five appointments for the Community Development Task Force in the next couple weeks.

Mr. Hoppe stated apparently there is a Doug and a Dennis Biggerstaff the reason I am mentioning it, we appointed Doug Biggerstaff to the Heating, Ventilating and Cooling Examiners Board last week which we should have appointed Dennis Biggerstaff to that board. So the new appointment should come next week and apologized.

IV. REQUESTS OF COUNCIL FROM MAYOR -

MARK BOWEN -

[Mark Bowen handed out some material to Council]. Mr. Bowen stated these were some handouts from the Town Hall Meeting last week.

V. MISCELLANEOUS

*1. Discussion About Outside Legal Counsel. (Requested by Jonathan Cook) —

Mr. Cook commented we have amended agenda which mentioned the outside counsel and this would just be for the limited purpose of representing us as individuals filing things on our behalf as individuals.

Motion: Moved by Mr. Cook that the City Council hire attorney Vince Powers to be our outside legal counsel for us as individuals not to replace the City Attorney in regards to representation of the City and this would be funded out of the money already budgeted in the Council budget that we have not been spending because we have not used it for staff. Second by Ms. Newman.

Further discussion, Mr. Camp stated I understand the concern, I suspect we'd be looking at a \$5,000 to \$10,000 pass, I think it's a needless expense of City money and so I'm going to vote against it. I think right or wrong our City Attorney should do whatever representation needed, depositions, etc. Ms. McRoy asked Dana (Roper) if we decide to go ahead and do this does that still reserve our right to settle later? Mr. Svoboda and Mr. Cook responded yes. Mr. Svoboda commented it sounds like it based on earlier conversation. Mr. Cook stated it's important that we have representation during this process. Ms. McRoy commented Rick (Peo) is not going to do this for us, he can't come with us for a deposition. Mr. Marvin commented Rick (Peo) will be at the deposition. Mr. Cook commented but he may not file any more papers on our behalf regarding any privileges that we may have because he already went through that process from the City side and not prevail. However, he says we as individuals have certain rights but we need individual representation to do that for us. Mr. Svoboda commented I'm concerned, Mr. Powers is very qualified, I don't know if he's the most qualified individual for this particular type of law suit and for that reason I am not going to support it on that basis. But, I don't know that this is the proper way to use our City funds when we have a City Attorney that this is their job to represent us whether it would be individually or not. So, that's the question that we have is our City Attorney qualified or has a right or obligation to represent us individually. Ms. Newman commented I think Jonathan (Cook) answered that Rick (Peo) is representing the City of Lincoln. Mr. Marvin commented I think that it would be okay to have somebody in there representing us as individuals. I had a conversation with Rick (Peo) asking him are you representing me as my attorney, do I have attorney client privilege in this conversation and the answer was no I do not. He was standing in as the city's attorney and that kind of made me think it would be nice to have my own attorney. Mr. Cook commented Rick (Peo) went through a process of

serving some rights as the attorney for the City, he could not assert our rights as individuals. Mr. Peo told me personally that we probably need a different attorney to assert those privileges, now maybe we could find someone internal, he's not comfortable with that, however, I would rather find someone who does this for a living who deals with these cases every day who will assert those privileges on our behalf as individuals. I think Vince (Powers) is very qualified its what he does every day, and I want somebody very qualified giving me advise on this matter. I think it is important and I want good legal counsel that I can talk to and feel I have attorney client privilege. Mr. Cook commented we had an executive session on this where we discussed a lot of these details.

Motion: Moved by Mr. Cook to hire outside legal counsel, Vince Powers, to represent us as individual Council members and to file motions on our behalf as individuals. This would not be to represent the City to replace our legal counsel with the City and in the trial. Roll call: Eschliman-yes; Jonathan Cook-yes; Jon Camp-no; Ken Svoboda-no; Patte Newman-yes; Dan Marvin-yes; Annette McRoy-yes. Motion carried 5-2.

VI. CITY COUNCIL MEMBERS

JON CAMP - NO FURTHER COMMENTS

JONATHAN COOK - NO FURTHER COMMENTS

ROBIN ESCHLIMAN -

[Ms. Eschliman passed around an article called 'Library may help turn borrowers into buyers'.] Ms. Eschliman stated the Omaha City Libraries are talking about putting a link on their website for people unable to get a copy through the library could buy the book online through the private seller. The library would receive a small percentage of the sale price from the online seller and use the money to buy materials. She thought that was a fabulous idea.

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 April 17th.

VIII. MEETING ADJOURNED - Approximately at 11:52 a.m.

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