

AGENDA
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, JANUARY 22, 2007
(Immediately Following Directors' Meeting)
COUNTY/CITY BUILDING
CONFERENCE ROOM 113

I. MINUTES

- *1. Minutes from Directors' Meeting of January 8, 2007.
- *2. Minutes from City Council Members' "Noon" Meeting of January 8, 2007.
- 3. Minutes from City Council Motor Sports Task Force Discussion on January 9, 2007.

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 on attendance. (Jon Camp)

VI. CITY COUNCIL MEMBERS

VII. MEETINGS/INVITATIONS

- 1. Lincoln Chamber of Commerce invites you to attend the following Ribbon Cutting:-
Please RSVP to Kathy Hale at 436-2385 or E-Mail: - -
A.) Revitalift Aesthetic Center on Thursday, February 8, 2007 at 2:00 p.m. at
2801 Pine Lake Road, Suite L.

2. University of Nebraska Campus Consensus Meeting, hosted by ASUN - Two Meetings with similar content have been scheduled for your ease of attendance: On Tuesday, January 30, 2007 at 7:00 p.m.; and Wednesday, February 7, 2007 at 5:00 p.m. - The meetings will be held in the Union on City Campus - RSVP by Jan. 19th by Email - (See E-Mail Invitation)
3. 2007 Nebraska Leadership Prayer Breakfast on Friday, February 16, 2007 at the Cornhusker Hotel - Doors open at 6:30 a.m.; Breakfast at 7:00 a.m. - Cost \$20 each - Please RSVP - (See Invitation)
4. Heart of the Matter Friendship Home's 7th Annual Donor Recognition Luncheon on Wednesday, February 7, 2007 from 11:30 a.m. to 1:00 p.m. at Chez Hay, 210 North 14th Street - Tickets Cost \$25.00 each - RSVP by Jan. 26th to Bre at 434-0169 or by E-Mail - (See Invitation)
5. Special Olympics Nebraska Polar Plunge on Saturday, February 24, 2007 at Holmes Lake - (See E-Mail Invitation)

VIII. ADJOURNMENT

***HELD OVER FROM JANUARY 15, 2007.**

MINUTES
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, JANUARY 22, 2007
(Immediately Following Directors' Meeting)
COUNTY/CITY BUILDING
CONFERENCE ROOM 113

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

Others Present: Mark Bowen, Ann Harrell, Mayor's Office; Dana Roper, City Attorney; Tammy Grammer, City Council Staff; and Deena Winter, Lincoln Journal Star Representative.
Meeting convened at 11:35 a.m.

Location Announcement of the Nebraska Open Meetings Act: A Copy of the Nebraska Open Meetings Act is Located on the Wall at the Rear of this Room

I. MINUTES

- *1. Minutes from Directors' Meeting of January 8, 2007.
- *2. Minutes from City Council Members' "Noon" Meeting of January 8, 2007.
- 3. Minutes from City Council Motor Sports Task Force Discussion on January 9, 2007.

Chair Patte Newman, by acclamation of the Chair, approved the minutes. No objections.

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

***1. Public Building Commission (Camp/Cook)**

Camp reported discussion centered on the Art Railing display, with Gonzolas obtaining pricing and location in the building. He also stated the Health Department had minor change orders on Court House Plaza, which the District Energy Corporation will again review.

Cook reported the PBC discussed standards and bid approval for the Hall of Justice x-ray equipment. The committee gave preliminary approval and noted the Sheriff's Department possibly didn't go through proper bidding process. Purchasing Agent Mejer then brought a number of bids in order to obtain the best deal. The Sheriff's Department made recommendation to go with a California company for the baggage scanner and a local company for the walk through metal detector. Cook said the ultimate decision was to go with the California company for both the baggage scanner and walk through metal detector, with maintenance agreement added to head off maintenance charges in the future.

McRoy added it had come to her attention that the scanners had not reached their complete life usage and wondered if it could be moved to the County/City Building. She understood that often times people go to the wrong building, through the scanner, and then realize they're in the wrong building. McRoy stated we'd be surprised about certain items which come in the County/City Building. Cook said it would be a possibility of using the old one at other locations, possibly this building. He added once you enter this building, and if it is the wrong location, you can't get into the Hall of Justice without going through the scanner.

Camp commented this raises a valid issue of do we secure this building, adding it would be an expense, which may be high. McRoy said her information was from a person with law enforcement who had concerns about lack of security for this building, and thought possibly we could utilize the scanner. Cook stated it would not go to a landfill if it works, but used at a location where a detector is needed. They had not discussed this building but would bring the topic up, adding interest has indicated keeping this building welcoming to the public and not looking like a secure building, such as court rooms are.

Camp said McRoy brought up a sensitive subject and if we present at the Public Building Commission would like to hear if other colleagues have concerns. Svoboda, Newman and Marvin indicated they had no concerns. McRoy said she would advise the Council is not concerned. Camp said it will be presented correctly and it's not the Council is not moved, but other concerns. McRoy replied she realizes the cost.

Cook stated there is a possibility the State will buy the Woodman Building, which would mean they may want out of certain leases with us, possibly the 233 Building, and also thought there was another location they rent from us where they could consolidate offices. This would not affect the K Street Building. Cook said the Omaha Public Building Commission keeps bringing forward legislation to change the Public Building Commission Law, and in the past have tried to pay the fifth Commissioner, which doesn't excite us. This time they left that out but are asking that the fifth Commissioner be someone from the County, apparently some controversy of Douglas versus Sarpy County. Also, they want a majority of the elected Building Commissioners selecting, rather than all four agreeing. This has never been an issue for us and we figure this didn't look like problematic legislation.

***2. Multicultural Advisory Committee (McRoy) - McRoy unable to attend.**

***3. Board of Health Meeting (Svoboda)**

Svoboda stated for almost every year he can recall there's been at least one animal control issue. A few weeks ago changes were proposed to the Board of Health from the Animal Control Advisory Committee. The most controversial was allowing kennels, boarding kennels, inside the city limits. Svoboda stated eight individuals, mostly from privately owned kennels inside the county, testified in support of/and against. Svoboda said the Health Department feels the need to act rather quickly as a couple kennels are close enough to the city limits that with some annexation agreements, over the next four to five years, we'll have to deal with the issue.

Svoboda stated this comes on the heels of a proposal forwarded by Camp Bow-Wow, which is a national organization who would like to have a franchise in Lincoln. They are in Omaha and would like a boarding kennel operation inside the city limits. Svoboda stated the Board of Health's problem is the question of does it pose a health risk? Our assessment is it does not pose a public health risk because of the fact veterinarians are currently allowed to board animals inside city limits, being exempt from our ordinance under state law. Svoboda added the consideration now is we're probably assuming there's a few hundred individual kennels, which might be used as private boarding kennels, by veterinarians. He added there is one in southeast Lincoln doing a fairly significant expansion, allowing an additional 50 animals at the location. Svoboda stated the Health Department figures it is more a land use issue than it should be a public health issue. We have been kenneling in the City of Lincoln, just under the disguise of exempt veterinarians. Svoboda said they are looking from a standpoint of how to protect private kennel operations on the fringe of the City now, which will be annexed at some time.

Marvin wondered if Camp Bow-Wow was in the city limits of Omaha, Svoboda replied affirmatively. Marvin stated he knew Wilderness Kennels was close to Saltillo Road, asking what happens when annexed in? Would they be grandfathered? Svoboda replied they would be grandfathered in the non-conforming, but some kennels have significant land available. Anderson, on the north side of Lincoln, would probably be the first annexed. Svoboda stated they have 18 acres and without this ordinance pretty much land locked, no way he's ever going to be able to change the land use, and because of the changes he's made avoids the non-conforming. Marvin asked if non-conforming, and wanting to expand the operation, and annexed in, he wouldn't be able to? Svoboda answered he also wouldn't be able to subdivide and sell any of his land for any other use.

Cook stated the portion of his land he continues to use for the kennels would remain grandfathered, and if he chose to expand an operation there's a special permit specifically for expanding non-conforming units. We would have to approve it, but it would be a case by case.

Svoboda stated the Board of Health is simply saying there is no public health risk for having animals boarded, dogs and cats mainly, in the City of Lincoln, as they already exist through a number of veterinarians. Marvin asked if we annex an area, what the appropriate zone would be? Svoboda answered they would be "I's" and some limitations on "H". He thought the area of interest to Camp Bow-Wow was the Highway 2 area, where the Humane Society was talking about expanding. Eschliman asked if Camp Bow-Wow would be willing to change their use from boarding to animal control? Svoboda replied if and when would put out for bid, but is a private issue and they would have to deal with it then.

McRoy asked if this was passed by the Board of Health? Svoboda replied not yet, will be on the February 12th Board meeting. Svoboda stated he's trying to impress the Board that a number of individuals, including at least one veterinarian, stated this is a competition issue, and is trying to impress on the Board their responsibility is to recognize as a public health issue, not as competition or land use. McRoy read that Krout has an ordinance going to the Land Commission. Svoboda stated it is the land use Camp Bow-Wow, but we would have to pass this ordinance first, as the City Council, to allow kennel operations within City limits, within certain zoning. McRoy questioned when it could come forward with Svoboda replying they didn't know at this time.

Newman asked when the City takes over acreages, and people have horses, we tell them they cannot have a horse, but are they grandfathered in? Svoboda replied until approximately 10 years ago there were horses boarded around 33rd and 37th Streets, and there are still horses being boarded at Pine Lake. Newman stated she thought there were ordinances. Svoboda said they're trying to deal with this from a public health standpoint, and when it gets to the land use issue is when we'll deal with noise. But from a public health standpoint do not recognize there is one. We'll see what the Board of Health says. Camp asked what the original rationale was on allowing veterinarians to have kennels in the city, versus others? Svoboda answered they are licensed and inspected by the State.

McRoy asked what percentage of business was veterinarian medical services versus boarding kennel usage? Are they running a kennel, or a veterinarian medical service? Svoboda said the question, which was brought up at the Board of Health meeting, would be are they boarding the animals based on medical issues? With the answer being in some cases yes, but in a lot of cases, no. He added the one expanding in Southeast Lincoln will be for private boarding. McRoy reiterated the question, just boarding? Svoboda said it would probably depend on the veterinarian for what percentage of the

business is annual, and on boarding how much is medical. We could get into the whole issue, as we did with the smoking ban. Svoboda asked how much is it up to this body to suggest what is fair and equitable? Newman asked if the State only has one person, statewide, doing the inspections? Svoboda replied yes, adding it is very minimal. McRoy wants to keep apprised as she's been already lobbied by people.

4. Joint Budget Committee (McRoy/Newman)

Newman reported discussions included the United Way, who raised their highest amount ever, a 4.3 percent increase over last year, amounting to roughly 5.27 million. She stated they also talked about the Boys and Girls Clubs again. She was questioned of what would be the problem with a group coming in and offering after school programs at \$20 per year. Apparently the problem is a lot of federal funding to set up the first year, and then funding is dropped the second year when they go to local authorities to replace the funds. Newman stated if we have well established CLC's now they would be vying for the same money once the federal funding stops. She said it's not a matter of when/or if they come in, it's a matter of when they're going to come.

Newman stated as everyone probably knows we have a great domestic violence program and Bob Moyer is running the Family Violence Council. They will be on their own, and will get their final 501C3, staying in the same location. She added now they are a drain on LMEP.

Newman addressed a newspaper article, the Head Start Program. Before Cedars, the Lincoln Action Program was the fiscal agent for Cedars, and now taking over. Newman said Cedars reported six sites scattered through the city with the Lincoln Action Program planning on 1 site at 13th and Arapahoe, and discussion of problems transferring children to the one site. Marvin questioned the location. Newman replied the strip mall, Indian Village, which is on a bus line but questionable for small children. McRoy asked if the child care center in the Centrum is Cedar's? Newman said the large one is North Woods at 22nd and Y. Cedars is continuing but we'll see what happens.

Newman stated the last discussion was on the National Standards for Interpreters, also discussed at a Common Meeting. A vote was taken not to support the Standards, as brought forward, but support the concept of National Standards for Medical Interpretation.

Newman stated a motion was unanimously supported. The County Board will vote, and the City Council should vote, unless we would like Boesch to explain more. Newman believes there is a huge difference between endorsing the particular standard and saying we support the concept. The difference is saying we need a standard for medical interpretation, but gold plated standards, putting the bar high, is what we aspire to? Newman asked if a motion or resolution should come forward stating specifics? Eschliman stated do a resolution, and we can have Boesch back. Camp asked if we knew of the County Board's intentions? Newman believes they probably will do the same. Two county board members were present and they voted the same.

Eschliman asked if it's the belief we have enough interpreters to be choosy? Newman said that is the problem, these are the standards, plus understanding Boesch's theory of setting the bar high, it is written if they're unavailable you can default down. Newman said her problem is the fact we have 58 languages, and yes it is a problem to address, but thinks we need option to fall back on non-interpreters if we have no one else. Eschliman asked if the standard precludes using someone else? Newman stated

Boesch said the default mechanism is there, but Newman thinks the bar is too high. Marvin said the JBC adopted the concept. Newman added a standard is needed, and is up to the State to decide the standard , still do we want a resolution to come forward?

Camp said he just wants it very minimal, to support the concept, encouragement. Newman said the real problem is that we don't want medical facilities turning away patients because they can't interpret. Could work both ways, if you don't have the professional interpreter versus the janitor coming in. Svoboda asked if they could this through a letter, versus going through a resolution?

Harrell said the discussion at the meeting, with County Board members, was each body would vote individually. She stated if this body is not going to follow the path, there may need to be further discussions with the County Board. Svoboda said his understanding is to draft a letter, signed by each of us, and not going through the resolution process. If the County wants something different then they're a separate entity. Camp agreed saying we're trying to do the possible best but there are 58 languages. Marvin stated he thought the Council had an understanding with the County Board to take through the JBC, and come to an agreement, and then vote. Newman will talk to the County Board chair. Svoboda said we can do a vote here, supporting the letter, just as easily as a resolution. Cook said it has to be written, the letter or the resolution, and he would leave it to the chair to discuss with the County chair, as it is appropriate.

5. District Energy Corporation Board Meeting (Svoboda)

Svoboda reported the mission accomplished.

OTHER MEETINGS REPORTS:

Newman asked about I-80? Svoboda stated they would meet on the first with a Legislative Breakfast Reception, at the State Capitol Building, inviting all the Senators.

III. APPOINTMENTS/REAPPOINTMENTS

Bowen stated nothing to report.

IV. REQUESTS OF COUNCIL FROM MAYOR

Bowen said as a status report everyone received a copy of the draft of Legislative agenda items for the State. We have narrowed it down, as there were 705 bills introduced. On the resolutions we have been going through, and believe there may be 50, or so, which will require some action, but have not finished all 705 bills. Bowen said for particular items will give everyone an updated sheet, updated version, which will be much shorter and it will the bills identified that we are going to specifically support. These will be connected to our items of interest, meaning fewer taxes, opportunities for local tools to enhance the development of tourism. Bowen said there are specifics regarding public process and the location of the State, we'd like to avoid, plus the recent security information regarding our water system. The City Council will receive next week.

MARK BOWEN

No other comments.

DARL NAUMANN

Naumann asked if the Council had read the stories about Pfizer, and their changes? He stated Pfizer announced their animal operations will not change. McRoy thought the articles mentioned the CEO would announce Monday with Marvin adding he read and sent on to interested parties.

ANN HARRELL

No comments.

DANA ROPER, City Attorney

No comments.

V. MISCELLANEOUS -

1. Discussion on Attendance. (Camp)

Camp said he constructively brings this topic up as we have a numerous meetings and if we are a part of these it behooves us to try and attend. He noticed at the last joint meeting there were two absent, with very valid reasons but wanted to bring the up discussion of our attendance. Marvin stated at the Super Commons we outdid the School Board with Camp adding then we're holding our own.

VI. CITY COUNCIL MEMBERS

JON CAMP

Camp said with Eschliman going on a business trip is there a desire to hold off the vote? Svoboda said he would like to ask the bodies if there is a chance for compromise with the private sector paying for part. He understands there's a deadline of the 29th, but if posed to the two property owners, or the property owner in the contract, maybe they'd be willing to delay the closing date for one week?

McRoy said there is a substantial difference between the assessment and the city's cost, if we pay. A difference of line items cost of some line items being \$38,0000 at one time but when the City pays it's \$17,000, and is not right of way. Bowen said regarding the width of the road, it was going to be built to a commercial standard, commercial nature in area, then to set off to the side, to create the district, decided to keep at residential, and so is one part. Saving money with the sales not included in the sales cost.

Cook said actually could be very complicated, how much tax payer subsidy is appropriated. In a circumstance like this don't know, but also a question, because we've already formed the assessment district, and are waiting for petitions, if they have a trigger, a resolution to construct, that assessment district assumes certain costs. What would happen if there were radically different ideas of what costs would be, possibly assessed? How would it work into the created assessment district? Do we make any change? Roper replied he would check, as he thinks we're just creating a district and going in and building. Cook asked if it would just be a Board of Equalization issue, ultimately with Roper replying yes. Cook stated they decide who gets assessed and who has to pay a subsidy.

Bowen ask Svoboda regarding normal costs, could he explain? Svoboda said they'll discuss today in the public hearing but as described last week the normal costs were in the 125 to 250 dollar range depending on land acquisition costs and size of the roadway. Svoboda asked if they would be willing to pay even up to the top side, or a little bit beyond? The answer was he didn't think his clients would be opposed to doing this. So talking in the \$250/\$300 per front foot range and if that is what it takes in order to get an agreement, and move forward, having shared costs, then possibly it is the more appropriate way.

Marvin addressed Roper, saying when this was talked about a month ago, at Doane, he heard with the assessment district everybody has legal recourse to appeal to a court, saying they didn't get a special benefit and don't want in, or their benefit is specific and want to be able to get relief. Is that true? Roper replied affirmatively. Marvin said he's willing to explore other options, but with what the parties have they could have signed on the original assessment district and said the price of front footage is ridiculous and would not pay but that they would sign in and then litigate, having legal resources where they could go before a judge and argue, and let the judge decide.

Svoboda thinks it would be more recognized if the deal could be struck before litigation, as you may spend as much on litigation as on the assessment. Marvin said it seems to have been a course they could have had, and Doane was willing to go that route, and they didn't want to. Figured some people moved out, at 250, and would have been able to claim the lot, etc. Doesn't know how to assess how much the drainage way was a public benefit or how much was a private benefit. Don't know how to allocate this cost.

Svoboda said there's recognition this being recognized as a potential circulator road, to keep traffic off of continued congestion on 48th Street, so a public benefit, but private property owners shouldn't have to pay, and is obviously an assessment and benefit to the citizens of Lincoln.

Camp said his concern is the use of most of the 2 million dollars estate redefined for this. Would rather let go of the 2 million we had, and TIF, and all other financing. Should look at the allocating map, as he thought TIF often goes to streets. Suddenly pushed the bounds of TIF. Camp stated if they want to do that we could put the ball in their court and say we made this offer, this amount and reallocated, the dispute by 50th and O is less unified, 2 million dollars for the lot to develop. He added could look at areas, other than the southside. Do have Super Saver with no subsidiary, Perkins didn't have help, and others going in and out, so have come above and beyond. The bottom line would be taking the TIF and saying, if you won't do this we'll reallocate for our own street. It's a sticky wicket to get into saying, how much is public priority stand or how much public or private? We're still going ahead on the water solution, and electrical, we have that in the bond.

Marvin said that would have been a tool that they were going to use to pay for the roadway. It's a new concept to use, but other towns are using it. Camp stated he would want to investigate. McRoy said she thought they were using some of the TIF to pay down the HyVee assessment, using the TIF for HyVee share.

JONATHAN COOK - No Comments

ROBIN ESCHLIMAN - No Comments

DAN MARVIN - No Comments

ANNETTE McROY

On the Noon Meeting invitation list regarding the rotation for the Special Olympics, the blind, would anyone think about helping, taking the plunge?

KEN SVOBODA - No Comments

PATTE NEWMAN - No Comments

VII. MEETINGS/INVITATIONS - Listed on the Attend Sheet for January 22nd.

VIII. MEETING ADJOURNED - Approximately at 11:50 a.m.

***HELD OVER FROM JANUARY 15, 2007.**

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