

AGENDA
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, JUNE 11, 2007
(Immediately Following Directors' Meeting)
COUNTY/CITY BUILDING
CONFERENCE ROOM 113

I. MINUTES

1. Minutes from Directors' Meeting of June 4, 2007.
2. Minutes from City Council Members' "Noon" Meeting of June 4, 2007.

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

1. Parks & Recreation Advisory Board Meeting (Cook)
2. DEC 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 smoke-free campuses. (Requested by Ken Svoboda)
2. Discussion on the schedule for City Council Budget Meeting with Directors.
(See Attachment)

VI. CITY COUNCIL MEMBERS

VII. MEETINGS/INVITATIONS -

1. Celebration honoring Nebraska State Capitol Architect Bertram Grosvenor Goodhue and the dedication of Goodhue Boulevard on Thursday, June 14, 2007 at 10:00 a.m. in the Capitol Rotunda. (See Invitation)


2. Christ Unity Church is sponsoring a prayer service For the Well Being of Our Community - A Silent Prayer Event on Saturday, June 23, 2007 from 3:00 p.m. to 3:30 p.m. in Piedmont Park - (See Invitation)
3. Lincoln Fire & Rescue Nebraska Task Force 1, Nebraska's DHS-FEMA Urban Search & Rescue task force, welcomes you to visit and observe MobEx 2007 on Saturday, June 23, 2007 from 11:00 a.m. to 3:00 p.m. (1100-1500) - This exercise will be conducted at the National Guard Training Site near Mead, NE - RSVP by June 20th to Stacy Schneider at 441-9291 or by email - (See Invitation & enclosed map)
4. Public Open House to discuss proposed improvements to East Adams from 75th Street to 90th Street on **Thursday, June 7, 2007** from 5:30 p.m. to 7:00 p.m. at Kahoa Elementary School, 7700 Leighton Avenue, Lunch Room - (See Invitation)
5. Pre-Construction Open House - Public Open House to discuss the improvements to the 45th and Ginny Area Storm Drainage Area on Thursday, June 14, 2007 from 5:30 p.m. to 7:00 p.m. at Good Shepherd Lutheran Church, 3825 Wildbriar Lane - (See Invitation)
6. Waddell & Reed - Celebration of 70 years of financial services - Special VIP & Media Event on Tuesday, June 19, 2007 from 1:00 p.m. to 2:00 p.m. - at Westfield Gateway Mall, South Parking Lot, 61st & "O" Streets - RSVP to Mallory Gobel at 484-7526 ext.120 or by email - (See Invitation)
7. Fresh Start Home - Open House & Reception on Thursday, June 21, 2007 from 3:00 p.m. to 6:00 p.m. at 6433 Havelock Avenue - 4:00 p.m., Program - (See Invitation)

VIII. ADJOURNMENT



"Dan Marvin"
<dmarvin@neb.rr.com>
06/07/2007 10:26 AM

To <TBogenreif@ci.lincoln.ne.us>
cc
bcc
Subject noon meeting agenda

History:  This message has been replied to.

Put this on as a topic for the noon meeting

Tammy,
Sherry Wolf in Finance has asked for 9.5 hours of time between July 10 and July 20 for the City Council members to meet with the Mayor and directors on budget. I have the following times reserved on the Mayor's calendar. Please check with the council members and see if the times I have reserved will fit with their schedules. If not, we can move the days/times around to suit. Thanks.

Tuesday, July 10, from 9a to noon. (3 hrs)
Thursday, July 12, from 1:30p to 4:30p (3 hrs)
Wednesday, July 18th, from 1:30p to 5p (3.5 hrs)

Debbie Engstrom
Executive Assistant/Scheduler to Mayor Chris Beutler
555 South 10th Street, Room 208
Lincoln, NE 68508
402-441-6897
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dengstrom@lincoln.ne.gov

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**CITY COUNCIL "NOON" MEETING
MONDAY, JUNE 11, 2007
COUNTY/CITY BUILDING
CONFERENCE ROOM 113**

Council Members Present: Dan Marvin, Chair; Robin Eschliman, Vice-Chair; Jon Camp; Jonathan Cook; Doug Emery; John Spatz; and Ken Svoboda.

Others Present: Rick Hoppe, Administrative Aide to the Mayor; Trish Owen, Mayoral Aide; Dana Roper, City Attorney; Steve Hubka, Budget Officer; Sherry Wolf-Drbal, Budget Analyst; Mary Meyer, City/County Clerk; and other interested parties.

The Nebraska Open Meetings Act posted on the rear wall of Room 113.

Chairman Marvin called the meeting to order at 11:23 a.m.

I. MINUTES

1. Minutes from Directors' Meeting of June 4, 2007.

2. Minutes from City Council Members' "Noon" Meeting of June 4, 2007.

Marvin called for approval of the above minutes of June 4, 2007. With no corrections or discussion the minutes approved by acclamation.

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

a) Parks & Recreation Advisory Board Meeting (Cook)

Cook stated members, and guests, discussed natural play environments, which include more unstructured type play areas, believed more interesting for children, with pictures of European playgrounds provided. Unstructured play could be play with natural resources, not organized games. Another definition is not having structured play equipment for particular purposes, but more natural resources with children figuring out how to play. The problem with anything remotely dangerous is the chance of being sued. So, because of the legal environment we have removed anything unique and different from all public playgrounds. The Park Board will take discussion to a working committee, determine ideas interesting to children, follow up items, and if this could be accomplished.

Fees and Facilities

Cook reported they voted on naming neighborhood parks, including a park on land originally owned by Arnett Folsom, in the Cameron Ridge Development, as the Arnett Folsom Park. Also voted to name the municipal Rose Garden the Hayman Rose Garden, after Don Hayman. Announced the Parks Foundation will have an annual joint meeting, and tour, on July 12, 2007 from 4:00 until 6:30 pm, with a reception following provided by the former chair of the Parks Board.

At the meeting Roper gave presentation on the sale of parkland, describing some legal issues, and today will give a summary on surplus land. Roper stated it is how parks are held in trust, in most instances. The easiest way to describe is with examples of cases before the Supreme Court. The first example involved Nebraska City's Feed and Fair, a private organization, who rented part of a Nebraska City park and wanted to use as a race track. The Supreme Court said no, the land was dedicated as a park and this would be a private operation, and struck down the lease. Another is Elmwood Park, where UNO and Elmwood Park were to build a parking garage and the Supreme Court said no. It was dedicated for parklands, held in trust, and may not be used for other contrary uses. Ralston versus Abood. Mr.Abood approved the sale of this parkland and ten years later came

back and sued to set it aside. The Supreme Court said yes, it is dedicated as parkland, he didn't have the right to sue use, but did allow the sale as it had not been dedicated as parkland.

Roper stated if the gift is one to the City, i.e, I give this land if you name it after me, keep as a park in perpetuity, then it is in a trust. If flexibility is wanted the gift should be unrestricted, or for municipal purposes. But parklands, and their use, depends on how we acquired at the time of acquisition. It doesn't matter what the donors wants later on, it is the circumstances when given. Would be a beneficial trust with a couple of limited grounds on which it could be modified, but which are so limited don't have much application.

Eschliman asked how many of our parks are like this? Roper said as we go through this periodically would say the vast majority. The one which may be open to more flexibility is the Highlands Golf Course. If it's purchased with municipal funds you have flexibility, but if purchased, for example with a bond fund devoted to parks then you're restricted according to the trust.

Marvin stated at the point of acquisition, or Council voting, it transfers into a trust which goes on for perpetuity. Roper added the trust beneficiaries are the people, all taxpayers, and is why it is difficult to modify. One taxpayer could bring a lawsuit. Eschliman asked as developers submit land to be used for parks, how are the new developments working, are they put into trusts? Possibly should look at this and stop. If the donor wants it to be a park, it stays a park. Roper said there are terms of agreement and we have the right to say no. Marvin said the Hayman item would likely be one going on for perpetuity. Roper said Hayman didn't donate the land we use, but we are doing to honor him because of his donations. He didn't give the Rose Garden with the idea to call it the Hayman Rose Garden. We could change the name in five years if we wanted to, but we try not to.

Camp asked on land donated if there was an amount given to maintain the parkland, and if so how is it calculated? Roper stated they calculate believing the endowment is enough, and if not it will be in the General Fund. Camp asked if we could look at an approach for doing land banking? If someone gives land for parks, could we take part to expand our parkland, and have a land bank of acres, which we could sell if we don't need it, and use the money in the General Fund? Roper said it would depend on how we accepted the gift, possibly yes. Camp stated we want parklands but as we start getting more parks this may be a way to alleviate some of our Parks budget and General budget concerns.

Eschliman asked other than Highlands Golf Course are there others not bound by a trust? Roper said he would check. Cook said Woods Park was given to the City for municipal purposes, and is the only reason we could sell a portion to the Health Department. Eschliman asked if it was the same with Talent Plus? Roper said the Talent Plus area was acquired with Federal Land and Water Funds and is not per say a part of the golf course, is an acquisition. Cook added they have rules for Federal Land and Water purchases. Roper said it is approved by the State Game and Parks Commission and the Federal Parks Department. Cook added with the differences, maybe slightly more flexible for the sale.

Camp asked if we could sell some parkland if we reinvest in other parklands? Roper replied not necessarily. Can only sell under a beneficial trust where the trust becomes unlawful, impossible to achieve, or wasteful. Spatz asked about eminent domine in certain circumstances? Roper theoretically suspects we could condemn out our interests. Spatz asked even if a trust? Roper replied a trust is the legal concept the City holds the property, in trust, for the people. Marvin added the land between 9th & 10th, south of Van Dorn, is technically part of Van Dorn Park. Now a turn lane will go through and Parks should receive compensation from Public Works, adding a disgruntled citizen probably couldn't stop the road. Roper believed they could stop the road if it were a dedicated park held in trust.

Cook added when you sell it goes into the advance of land acquisition fund, used to purchase other lands, and cannot go to other budget needs, or even other park uses. Roper said the only exception may be if the money, the purchase price, came out of an Enterprise Fund, then the money would go back into the Enterprise Fund. All our golf courses are technically in parks. The Enterprise Fund would be reimbursed as far as being sold. Cook said we have no flexibility to use for other purposes, it is in the Charter and State law doesn't override. Roper said we do not have anything like villages and second class cities in the state statute which says they can sell parkland. And so are bound by the trust theory. Cook said we have charter language about the event of land acquisition.

Camp said with the advance land acquisition fund, have we used for non parks purposes, or do we segregate the parks? Cook said they segregate. Camp asked if any economic goes out of the parks? Roper replied there are funds within the general category of advance acquisition. The land isn't in it but is what it is used for, advanced acquisition, and there are various funds underneath. Eschliman asked for explanation of the Enterprise Fund. Roper said it is running the golf program. Hopefully making money and self-sustaining, purchasing golf courses needed, maintaining golf courses owned, charging appropriate prices and running the course. Consequently when they acquire land, with their funds, it goes back into their fund. Eschliman asked if it was an Enterprise Fund for land for all the golf courses or for one particular golf course? Reply was all golf courses. She then asked what happens when golf courses make money, does it get returned to the General Fund? Reply being it stays in the Golf Fund. Eschliman asked if by charter, or code, commenting if a code could we change and return some flex funds to the General Fund? Roper said theoretically might be able to.

2. DEC Board Meeting (Svoboda)

Svoboda stated they looked at a number of their budgets, which they do every quarterly meeting. Did discuss options of various loop systems to be put out for bid shortly. Also, the addition of a new chiller which will have the possibility to handle all the PBC properties around, including Court House Square. If more information requested can give detailed report next week.

Camp said, for new members, possibly an explanation of DEC. Svoboda stated the District Energy Corporation is a separate entity established to provide energy at a lower cost to most governmental agencies, such as the State Capital, State Office Building, various plants throughout the downtown. We provide energy for them with a governing board. One member from the City Council, two from the County Board, one from Public Works, Killeen from the PBC, and members from LES. We receive reports quarterly, and are provided with marketing, and basically the operations of a very well run system. Probably the best deal in town for energy. We wouldn't be able to survive at this level, with the sites and buildings we have if not for this non-profit organization. Works very well. Svoboda stated there is an information packet, which he received on becoming a City Council member, and will provide to members. It gives a good feel for what they do. Included in the system are the City, State, County and those held jointly. The University not included as they have their own system.

OTHER MEETINGS REPORTS:

III. APPOINTMENTS/REAPPOINTMENTS (Attachment A)

Owen said they are having all Division Heads who are served by a Task Force or Committee to confirm, in order to be sure membership lists are current.

Will have a resolution coming on the City Council agenda. All are reappointments in the June time frame except for Snyder. The July list is members currently serving but need to confirm their interest in reappointment or if they are eligible for reappointment.

Marvin thought Tavlin started within the last few months, or maybe finishing out a term. Owen replied this is why we are going through the process. Cook asked what does the Air Pollution Advisory Board do? Owen said the APAB is a sounding board for the air program, especially when federal rights are coming down. Industry representatives sit on the Board, as well as general public members. Very good feedback before they forward information, if there are concerns. Svoboda said he knows the Health Department is similar, with the Advisory Committee having industry people with very good understandings.

Camp stated he didn't know the number of members on the Housing Authority Board, but would like a pre-council, a history review of the Housing Authority and their purpose. There have been concerns expressed by REOMA, and others, that they have market rate and don't pay real estate taxes. A lot of unanswered questions, even though well run. Marvin stated he would contact them and set up for July. Camp said with new committee members, believe before we ratify would like the information.

Eschliman asked if he was thinking of getting members who are willing to sell some of those assets? Camp replied no, just to understand, and discuss taxes being paid. The Housing Authority donates a half of million a year to social organizations, but they're off the tax list. Marvin thought if they have market rate apartments, property taxes are attached. The claim is they have market rate apartments and not paying property tax, competing with the property tax payer. Marvin thought they had a mix, and the market rate ones, not where a discount is provided, pay property taxes. Camp said it would be informational, also to understand their wage levels. Looking at projects, for example the challenges with StarTran. We have a six million subsidy. Essentially if the Housing Authority can go and build anywhere they dictate back to us, and doesn't know if he wants to provide this type of bus service. Would want defined routes, running frequently. Want information, realizing we need the housing.

Cook stated with the variety of questions, should we provide questions in writing so they are familiar when they come in? Camp agreed. Marvin said we could have the pre-council possibly the first July meeting. Camp said raised a red flag when they put out a beautiful annual report, with costs to print and mail. Marvin stated it would be a pre-council topic.

IV. REQUESTS OF COUNCIL FROM MAYOR

None.

V. MISCELLANEOUS

1. Discussion of smoke-free campuses. (Requested by Ken Svoboda)

Svoboda stated he asked to have on the agenda as the hospitals announced they were going to entire smoke free campuses. He called our Health Director who responded the Health Department doesn't have a smoke free campus at this time, as they never ordered the signs. Svoboda said Health will order the signs through the PBC, and set up at the property entrance. Also, the Public Building Commission agenda lists new tables and chairs for the smoking deck. Somewhat resents the fact it is referred to as a smoking deck instead of an outdoor dining area. Another concern is the private sector, although non-profit, is essentially leading the way, but it was this City Council, and City of Lincoln, which established the smoking ban as it exists. Wanted the PBC agenda to list the discussion of smoke free campuses for all City facilities. Of course would do jointly with the Board, and is why asking the Public Building Commission members to address, fairly soon. When the Health Department orders signs it would be cost prohibitive to order few as opposed to ordering a larger quantity.

Cook said we have no smoking signs all the way to the edge in the parking garage, and could move

off campus, making people walk another 20 feet. He didn't know the balcony was called a smoking deck. Svoboda said it was listed on the PBC's agenda and he personally thought it was an outdoor dining area. Svoboda said he had a couple people complain that on gorgeous days they don't go out and eat lunch, primarily because of the smokers. Thinks it should be open to everyone to go and enjoy.

Camp asked if we went to a smoke free campus, and employees walked across the street, is there recourse to see how much extra time it takes, the cost to the City? Roper replied no, would be work management/rules. There are breaks allowed. On their time they can do what they want, and entitled to 15 minute breaks. Doesn't know of anything prohibiting them from leaving campus if they chose.

Owen asked if there was liability if they are hit by a car? Cook asked if they go to the sidewalk, can they smoke? We only control the campus up to the property line, or do we also control beyond that, as it is City property also? Svoboda replied it was his understanding, based from Director Dart, that employees of the Health Department will sit in their vehicles, or go into the park, off the Health Department's campus. Across the parking lot, in the park, or on the city sidewalk. Cook asked if we could prohibit on the city sidewalk? Svoboda replied we could not. Cook said the question then is we push them down the stairs to the sidewalk, and is that a benefit to those coming to the building? To avoid the smoke or not? Svoboda said he didn't know.

Svoboda said when he saw what the three health industries in the city felt it was worth discussion as to whether the PBC wants to think about this. Marvin asked if it could be brought up at tomorrow's PBC meeting? Cook said they would have to change the agenda, unless brought up in the context of the smoking deck, then could schedule. Svoboda knows the Health Department wants to order signs and if this is a consideration they would delay for 30/45 days if the PBC wanted to take on as a policy.

2. Schedule for City Council Budget Meeting with Directors. (Attachment B)

Marvin asked if the dates, and times, listed will work? The email containing the information went to everyone. Looking at July 10th, 12th, and July 18th. Spatz asked if this was the whole Council? Affirmative reply. Marvin stated is for all three dates and times. Wolf said this is 9.5 hours. Marvin asked for discussion. Cook said July 12th is the Parks tour day, starts at 4:00, a little overlap, and possibly could miss the very last and then be informed. Council members voiced they could attend at these times.

Marvin stated another issue is the way we present budget information. Sometimes it is how many FTE's last year, this year? The bottom line last year, this year? Compare the two numbers. This is fine, but would like to have some discussion operationally. For instance, how many bus passengers we have. The trends on bus passes, the cost per unit of rider? Lots of ways to look at and measure, but with better information, and answering the question of if we're getting value for our dollar, rather than just looking at number of FTE's. But, are other people be interested? If we ask Wolf to communicate this to the directors we probably could get more information on the efficiencies, or lack there of, if they answered the questions on prioritization, etc. If no one wants this change we'll do it the same way as last year, but if we want to tweak and add more information to let him know what to include.

Camp agreed on tweaking/improving. Marvin said he wants broader information, how departments are doing, how we can measure/ benchmark what they accomplish. Camp said he wants to be careful on getting caught on the FTE's and getting reports on safety areas. Today in the private sector Ford Motor builds cars in half the time, with half the people, so there's no reason we shouldn't think of half the time with half the cost. Talked about across the board cuts, all the vertical cuts, but to really weigh as we go through the budget. Cook stated we provide services, not the same, but certainly there are

areas to look at. One thing, sometimes frustrating, is essentially sitting through justification of the departments existence. All the wonderful things accomplished. Possibly focus on areas of interest, finding out more about, and which may mean providing questions ahead of time, to narrow the scope.

Marvin said there are ways, an example is Water Waste, an Enterprise Fund, but to say this number of households subscribe to our service, this is what we do. We would get a sense of efficiencies. Cook asked how much would be in the Public Works report? Marvin said some is buried on the back page, you have the front page with FTE's, and dollars, and the back side have some of the services, etc.

Camp said he and Eschliman have been asking to look at the structure within each agency, on how many supervisory level persons there are to staff. Eschliman said she had an organizational chart for almost every department except the Parks Department, and if everyone would like to see would copy. Camp said looking at supervisory versus staff, the number of people, they've got to prune a little at the supervisory level, where it is top heavy.

Wolf said it was decided that the budget meetings would be meeting in Room 113. Marvin added tomorrow is the meeting on the issue of the flood plain and off of construction sites. The meeting is at the NRD office. Is an issue we will vote on. Is there an opportunity for a Councilman to attend?

Spatz said he would try at different times, not continually. Marvin said this will come back and it would be nice to have Council representation. Camp said a long term solution, and thinking of budget costs, is the shifting of funds so we have money for a research assistant. This is a perfect event to have the person attend as our representative, then report, and we would be more in a policy making mode.

VI. CITY COUNCIL MEMBERS

Council Members had no other comments.

VII. MEETINGS/INVITATIONS

List distributed at meeting.

VIII. ADJOURNMENT

Marvin called for adjournment at 12:09 pm, no discussion, adjourned by acclamation.



Mary Meyer
City/County Clerk

MEMO

TO: City Council
FROM: Rick Hoppe/Trish Owen
Aides to the Mayor
DATE: June 11th, 2007
RE: Boards & Commissions Appointments

NAME

Board or Commission

JUNE

Maggie Stine
Wayne Heyen
Carol Swigart
Jay Snyder
(replacing Rick Albro)

City Personnel Board
Air Pollution Advisory Board
Air Pollution Advisory Board
Air Pollution Advisory Board

JULY

Marvona Tavlin
Roger Massey
William Blue
John Snowden
Lloyd Hinkley
Richard Boucher
Barb Biffle

Keno Advisory Board
Housing Authority Board
Housing Authority Board
Charter Revision Commission
Charter Revision Commission
Charter Revision Commission
Charter Revision Commission

Attachment B



"Dan Marvin"
<dm Marvin@neb.rr.com>
06/07/2007 10:26 AM

To <TBogenreif@ci.lincoln.ne.us>
cc
bcc

Subject noon meeting agenda

History: This message has been replied to.

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