

**AGENDA**  
**CITY COUNCIL MEMBERS' "NOON" MEETING**  
**MONDAY, JUNE 18, 2007**  
**(Immediately Following Directors' Meeting)**  
**COUNTY/CITY BUILDING**  
**CONFERENCE ROOM 113**

**I. MINUTES**

1. Minutes from Directors' Meeting of June 11, 2007.
2. Minutes from City Council Members' "Noon" Meeting of June 11, 2007.

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

1. Public Building Commission (Camp/Cook)
2. Joint Budget Committee (Emery/Eschliman)
3. Railroad Transportation Safety District Meeting (Eschliman/Marvin/Svoboda)
4. 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 of video used by the public during the Council hearing.  
(Requested by Dan Marvin)
2. Update on LHA
3. Discussion of August 6<sup>th</sup> Formal Council Meeting changing it to an evening meeting, due to it being a public hearing on the proposed budget. (Requested by Steve Hubka)  
(Note: The Common Meeting is scheduled for August 6<sup>th</sup> at 8:30 a.m.)

**VI. CITY COUNCIL MEMBERS**

**VII. MEETINGS/INVITATIONS - None**

**VIII. ADJOURNMENT**

**MINUTES**  
**CITY COUNCIL MEMBERS' "NOON" MEETING**  
**MONDAY, JUNE 18, 2007**  
**COUNTY/CITY BUILDING**  
**CONFERENCE ROOM 113**

**Council Members Present:** Marvin, Chair; Eschliman, Vice-Chair; Camp; Cook; Emery; Spatz; and Svoboda.

**Other 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; Marvin Krout, Planning Department Director; Deena Winters, Lincoln Journal Star; Mary Meyer, City Council/County Commissioners Staff and other interested parties.

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

Chairman Marvin called the meeting to order at 11:40 a.m.

**I. MINUTES**

1. Minutes from Directors' Meeting of June 11, 2007.
2. Minutes from City Council Members' "Noon" Meeting of June 11, 2007.

Marvin called for approval of above minutes of June 11, 2007. With no corrections or discussion the minutes approved by acclamation.

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

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

Discussion included change orders and the Hall of Justice roof being completed, after a 28 day extension of the deadline.

Camp stated they approved \$946,000 for the Courthouse Plaza Project, with Cook adding \$946,000 includes all finish work (doors, hardware, etc.) with \$540,000 being mechanical; (plumbing, new electrical panel, fire alarms, etc.) using District Energy's services, with considerable work done by our employees. Deciding on network cabling, and whether to go to a higher standard. Camp said there was dialogue on if we wanted to spend another \$9,000 for the upgrade. Eschliman reiterated the mechanical listed at \$540,000, how many square feet is the building? Cook replied it is 21,000 square feet.

Cook stated they voted for bidding on new Chamber monitors, after changing the motion as it listed incorrect information on existing monitor size. Instead of 50 inch panels asked for a bid on 6 - 42 inch panels, plaza or LTD. Will review and discuss lowest cost. Also, a new document camera.

The Committee decided on a 6 inch asphalt parking lot surface at the 233 Building, instead of concrete, with a cost of \$74,000. Not sure of the building's future and thought wise to invest in a parking lot.

Camp stated the Legislature has given Lancaster County another Juvenile Judge and looking for response from Juvenile Judges who do not want to look at the option of going outside the Detention Center, an idea submitted by the County Board. Discussion centered on creating a walkway between the County Building and the Hall of Justice, at the third floor. Suggesting the

City Attorney's Office be moved to 555 S. 10<sup>th</sup>, with a portion of the 3<sup>rd</sup> floor dedicated to them, but everyone would still pass through Hall of Justice security and enter 555 S. 10<sup>th</sup> using the skywalk, thus maintaining security.

Roper said the master plan shows Juvenile Court at the Detention Center, but understand they don't want the location. Would create some problems for the County Attorney, City Attorney, logistically traveling back and forth. But, if in this building have logistical problems as we have to carry add-ons to the Courts, and security issues, and now trying to resolve.

Svoboda asked who ultimately makes the decision whether Juvenile Justice stays here or moves? Camp replied the County Board, and if we wanted from a building standpoint, the Public Building Commission. Roper said they are happy where currently located. Cook stated if only a portion of the third floor is finished, wouldn't have a commons area, etc, and wouldn't be as expensive as finishing the whole floor.

Cook said the dates of June 17<sup>th</sup> to July 6<sup>th</sup>, 2007, were agreed on to participate in the Yellow Ribbon Welcoming of Returning Soldiers. Yellow ribbons are throughout the city and the PBC agreed to accept and put the yellow ribbons in our trees. There was an issue with mail sorting, and apparently there are new requirements which results in additional cost.

The smoking deck is now the outdoor, smoke free, eating deck. The County does have a smoke free policy, enacted approximately in 1992, and we can get a copy, but they have not been enforcing as they share most buildings with us. They have been following the Building Commission policy, which is more relaxed, but the County passed a policy banning smoking in all areas of County property. If we wanted to create a smoke free campus environment the only way to enforce is by a City ordinance. Not talking only about City/County employees, but the public.

Roper said the PBC has a resolution designating the area the smoking deck, so we have to amend the resolution. Cook said we agreed to make it smoke free, with tables and chairs, and possibly an awning, for smoke free outdoor dining.

## **2. Joint Budget Committee (Emery/Eschliman)**

Eschliman said they attended their first meeting with everyone on the City side new. Basically they explained how the committee works. Discussion on the two Keno groups, and Eschliman thought they could merge the groups with Emery thinking it all right to have two committees.

Emery stated there are two different entities, with validity. Eschliman added one is more public, and the question was how to communicate the message. Do we have everyone together at one meeting, or keep the two separate groups going? Emery said that will be a discussion item, and believes they are looking at what the possibilities are to combine. Eschliman said they explained what it is, how it works, who they fund, and who is involved. Talked about getting to the source and cause of some of the problems. Are there underlying reasons why all these different agencies need money? Is it drugs, illiteracy, family problems? Are we properly funding these agencies? An interesting discussion.

## **3. Railroad Transportation Safety District Meeting (Eschliman/Marvin/Svoboda)**

Marvin stated they had budgetary approvals, which will go to the County Board. Svoboda added a report was given on the quiet zone issue. Discussion on the bridge by Hickman being moved back from the One to Three Year and now into the Four to Six Year Bridge Plan.

#### **4. Board of Health Meeting (Svoboda)**

Svoboda stated they had updates on the West Nile Virus. The mosquito population is high due to the spring rains, but there are no reported cases in Nebraska. One case reported in South Dakota.

Svoboda said there is no current funding for spraying trees, done in the past, as it is a joint venture between the Health Department, Public Works, and Parks and Rec, with none of the agencies having funding to spray. Obviously, if there is a public health risk, we would notice the need and find the money as we have in the past. But at this point there is no spraying money in the budget. They would like to go more to the prevention side, the larvae side, as opposed to the adult side, and would apply to certain lakes, ponds, and standing water areas in an attempt to do. This takes less money. Last year there were 16 cases in Nebraska and we anticipate more this year because of the excessive flooding we have had.

Svoboda added they had an Avian Flu update and the Action Now Diabetes update, which the Health Department is promoting with the Diabetes Association.

#### **OTHER MEETINGS REPORTS:**

#### **III. APPOINTMENTS/REAPPOINTMENTS**

Hoppe said on next week's agenda they will see appointments to the Air Pollution Advisory Board and the Personnel Board of Re-employment. Marvin asked for an update on the Lincoln Housing Authority discussion from last week. Hoppe answered they received a bad list from their data base, and Roger Massey had already replaced Judge Blue on the Lincoln Housing Authority Board. Marvin asked how long is his appointment? Hoppe will check.

#### **IV. REQUESTS OF COUNCIL FROM MAYOR**

Owen replied none. Eschlman asked if this item was usually taken care of in the Directors Meeting? Hoppe said there are requests, but now meeting with the City Council regularly regarding budgets, and other items, and a lot of the requests are being taken care of before this meeting.

#### **V. MISCELLANEOUS**

##### **1. Discussion of Video Used by the Public During the Council Hearing. (Marvin)**

Marvin stated at the last Council meeting a person played a DVD they had made, which lasted 9 minutes. Marvin said he was taken off guard and would like Council's comments on how this kind of issue should be handled in the future. Camp stated Council definitely should have an approach and in the past reports have been handed out to read with no real policy established. Whatever we do we have to be consistent, and have a 5 minute rule limit.

Spatz agreed it is very appropriate if we have a rule, with a time limit of 5 minutes, to ask videos, and presentations, be limited to the 5 minutes. Eschlman added to also make the point they are asking something out of the norm. Council should have voted on this, on the dias, as to whether or not to hear and how long it should be, as it is out of the ordinary.

Marvin stated he would like up front direction, and possibly avoid in the future. Cook asked how do we get the rules out to the public? They don't know, and they show up with a nine minute video making it hard to say it is cut off mid-stream. Luxford was aware, and could have said something. The chair should be made aware, and rules available, but not quite sure how to inform the public.

Svoboda commented it appears most constituents know we have a five minute limit when speaking, so however we address should be limited to five minutes. Owen stated once with the County Board they said they would accept into the record, and it would be available in the County Board office for Commissioners to view, if they chose to. But they didn't play during the meeting.

Camp said distinguishing a video from information on the Elmo, both kind of video supplementary testimony, so whatever our policy is we need to keep it consistent. Is a video different than a map on the Elmo? When a large project comes in we give extra time? Don't object but if we have procedures/policies, would like to be as consistent as possible. Everyone knows ahead of time and doesn't put him/herself into a corner.

Cook said sometimes we have to let the Chair make judgements on a case by case basis. This was an unusual situation, with video testimony from different people. If someone brought in a DVD of flooding in their backyard, don't have a problem with it being shown as part of their testimony, but would assume it would only last 5 minutes. Don't believe constituents would expect anything more. Possibly the only reason this man expected more is he had so many people in the video, and the Chair made a judgement to allow. Cook stated he didn't necessarily have a problem with it. If this became common place, perhaps would have more concern, but don't mind having a case by case judgement, and believes it would be good if the Chair was aware ahead of time.

## **2. Update on Lincoln Housing Authority (LHA)**

Marvin said he did visit with Potratz, and Rick. From visiting with Potratz, and not saying people want to dissolve the LHA, but even in a situation of dissolving the Housing Authority, it is the Board which has to vote through those things; or the Board taking the vote to locate the apartments, wherever they locate them. And important if we want to express our philosophy as far as how Lincoln Housing Authority operates. Once the Board is created we do not have the authority. It's like the Airport Authority. They exist, go and do things, with our control over the Airport Authority through the Board appointments.

Camp said it's a little different with the Airport Authority, as they elect members. Do we not have the ability to set policy, even in addition to choosing, or ratifying the appointments? Roper answered the way it is set up is that the City Council input is in the appointment. Once they are appointed they run the day to day operation. Marvin said we could have Potratz come and give us a presentation on how the Housing Authority operates. Marvin did understand, from visiting with Potratz, this is how they operated. If it's impressing upon people how we want them to operate thinks it is more of a conversation we have to have, the appointments, re-appointments, and try to determine what their philosophy is on how the Housing Authority is going to operate. Once on the Board it is kind of out of the City Council's control.

Camp said it seems surprising we don't have any policy making input. Roper said if anyone could identify the State statute where this applies would be more than happy to look at it. Cook asked if this was a State statute created, as he doesn't see anything in the charter. Roper answered the Lincoln Housing Authority was created right after World War II. Marvin said Potratz even referenced Federal statutes which created housing authorities across the country.

## **Pre-Councils**

Marvin said the broader discussion of LHA is a pre-council. Also, there were lines on the bus last week, and is a potential pre-council. Then possibly a pre-council for the Cable TV Board as they are finishing up their work.

Regarding the Cable TV Board Cook hopes everyone read their report. They provided supporting documentation, plus a web page for information. And it may be time to schedule a meeting to discuss what feedback has been provided. The Cable Board Members are interested, and the Mayor may have ideas about ways to proceed. Cook stated he didn't know if we want a pre-council next week, as it is a night meeting, but the Cable Board Members would like to talk to us. We could do a public meeting, or an executive session, to discuss negotiating elements. Would a pre-council next week be a possibility? Worried if we put this off we run into budget times.

Svoboda said he has ILC at 4:00 pm until 5:00 pm next week, but would be willing to come during mid-afternoon. Cook said to plan on an hour and the ILC has always been very courteous, and possibly could move their meeting in order that we could have a pre-council. Svoboda said he could check and make sure a room is available to move the meeting.

### **Other Discussion**

Marvin said he talked to our auditor, and in the second paragraph of the auditor letter is how we're suppose to deal with purchasing and their recommendations. Believes Council put off until next year our charter change on how we handle purchases for large Public Works projects. After we are done with the budget, but not too far in the future, possibly this fall, to bring in Vince Mejer and the auditor to talk about how we would possibly change the charter for purchases of Public Works projects. What threshold would make sense? Agreeable for September or thereabouts?

Marvin said what happens is they're working in a sub-division on major sewer pipes, with the sewer piping having public dollars included. The contractor is there building in the sewer pipe, and because the threshold is \$25,000 now, or? Cook said it is \$10,000. Marvin added \$10,000 is a small number and they have to stop, and have to put out for bid. When they did the Zucker Report they said we should change this to a higher number, but it got stalled.

Cook agreed, adding the concern is making sure we have the proper control. Marvin commented could be on the May, 2008 ballot, but don't know if it would as there is an issue of cost. We would want to have our auditor, and Vince Mejer, here to have an early discussion. Should be thinking of doing in September.

### **3. Discussion of August 6<sup>th</sup> Formal Council Meeting changing it to an evening meeting, due to it being a public hearing on the proposed budget. ( Hubka, Wolf) (Note: The Common Meeting is scheduled for August 6<sup>th</sup> at 8:30 a.m.)**

Hubka stated they should change the August 6<sup>th</sup> meeting to a night meeting for a budget public hearing. This has been mentioned with the idea of one meeting possibly being enough, or possibly have more than one. Perhaps an afternoon meeting followed by a night meeting on the same day? Would give people a choice of two different times, during the day.

Marvin said Svoboda talked about two different days and asked if Hubka thought the Council should have a regular meeting first, or? Svoboda said typically Council conducted a 4:30 pm General Council Meeting and had Budget Hearings start at 5:30, going as long as people want to talk. Svoboda stated he thinks it is an injustice to constituents if it's 10:00 pm and they work the next day, or children, jobs, whatever the case may be, they can't stay until 3:00am.

Spatz asked if we could do on Monday night and have Tuesday night available for carryover if it got to be 10:00 or 11:00 at night? Hubka said it would be fine with him. Svoboda asked if they vote

on the tentative changes on the 8<sup>th</sup>? Hubka replied it should be the final changes. Svoboda stated there would be no additional time other than an additional time block on Monday, or doing as a tentative on the following day? Hubka agreed, adding they are really under a pressed schedule, with the late release of the budget, even with the earliest possible adoption date this year.

Spatz asked if we could do it on Sunday? Svoboda replied then we would be bringing in additional staff. Svoboda added he would follow Hubka's suggestion of a block in the afternoon, then break for a couple of hours, and a block in the evening. Thinking about the anticipated budget shortfall, and some budget cuts we are hearing about, it is going to be a lengthy process this year.

Cook said he's not sure of morning meetings on that day. Why not start our Council meeting at 2:30 pm, break at approximately 5:30, and continue on? Don't want a regular Council day and also evening. Svoboda said he's willing and was suggesting instead of starting at 5:30 to have a block of time set aside for additional public testimony.

Camp said he thinks we should announce with evening meetings there is a time deadline beyond which we could not go. Because 3:30 am was ridiculous. Once you hit midnight it is very difficult to make it the most constructive atmosphere we can have. Cook moved that they change the time. Eschliman suggested also reducing the testimony to 4 minutes, or 3 years. And say we're doing this in order to be done by 10:00 pm, or midnight, and have more people testify.

Emery stated he thinks people have issues and would want the two sessions, with Marvin agreeing. Svoboda said probably most people, at budget time, spend the whole five minutes discussing. Think there will be members from LIBA, and other organizations who would probably do in mass, but typically don't know if there are lots of full five minutes, might have a few.

Marvin stated on August 6<sup>th</sup> the LPS Joint Meeting and the City/County Common Meeting were scheduled, starting at 7:30 am. Tried to move the Common meeting to August 7<sup>th</sup>, at 8:30 am but another meeting was scheduled. Cook asked if these meetings could be skipped in August? Camp thought we should reschedule at budget time. Marvin asked Meyer to see if meetings could be rescheduled or cancelled.

#### Motion

Cook moved the Council not have any morning meetings on August 6, 2007, then start the regular Council Meeting at 2:30 pm, followed by the budget session. Interrupt for dinner, calling for an hour, and if we want to advertise have the break be at the Chair's discretion.

#### Discussion

Camp stated he is willing to do a half hour for dinner. Cook agreed.

Emery stated he thinks the issues from people will be if we don't have a set time frame. If we go on an extended time frame we will have people here, and then angry because we're not here, and agree with Camp on a half hour dinner. Marvin stated could break from 6:00 to 6:30 pm.

Cook said no morning meetings, but we start a regular Council Meeting at 1:30 pm, as currently scheduled, and after going through the complete agenda, open up for budget hearings. If nobody shows we go home and come back at 5:30 pm for continued budget.

Eschliman asked if a time period for budget could be scheduled? Marvin said he would like to leave it open, with Eschliman responding she didn't and we may have to vote. Spatz thought it

important to make sure the public is aware. We will have budget hearings for four hours, if you and a group of people have a particular issue, have one person describe the issue. As long as we announce, and we make clear what our expectations of the public are, see no problem.

Marvin asked if we should advertise closing at midnight? Emery added another thing we'll do if we have a cut off is force people to come earlier, and try to get in, versus waiting until they can walk in the door at 9:00 pm and know we will still be going. Svoboda asked why midnight, instead of saying 10:30 pm? Agreement voiced. Because they'll be some, like Emery said, who walk in at 11:00 pm to speak. Emery asked if we are saying 10:30 pm do we say anyone inside the Council Chamber at 10:30 pm can speak? Camp answered no as then would be cancelling the 10:30 pm attempt. Svoboda added we encourage them to sign up in advance. Eschliman asked if Council could say the meeting will begin immediately after the Council meeting? The Council meeting will start at 1:30 pm. Cook said the budget meeting might start at 2:30 pm.

Marvin said he's hearing they would start, have an advertised break at 6:00 to 6:30 pm, and will conclude no later than 10:30.

#### Cook withdrew his motion

#### Motion

Camp moved they start at 2:30 pm with the regular meeting, and then immediately after start the budget meeting. At 6:00 pm to 6:30 pm take a dinner break and then continue, but go no later than 10:30 pm. Spatz seconded. Motion approved by acclamation of Council Members.

### **OTHER DISCUSSION**

#### Lincoln Housing Authority

Hoppe asked about the Housing Authority Issue resolution? Marvin replied he wants direction as whether we're going to have a pre-council, or if visiting with individual members. And believe the agreement was to hold off.

Camp said if we delay, we do have one appointment going forward. Hoppe said it is clearly Mr. Massey and he will continue. Marvin said he would talk to Potratz and possibly he could come and give a 30 minute presentation on how they work, the structure of LHA in terms of our authority to exercise control, their mission and what they do. Possibly do in July. Hoppe asked if all right to go forward on the appointment? Marvin replied that is what he's hearing.

## **VI. CITY COUNCIL MEMBERS**

Camp No comments

Cook No comments

Emery No comments

Eschliman Everyone received a notebook containing organizational charts for each department, except Public Works, and Grammer will furnish those pages. Cook asked who put together? Eschliman stated she wanted for herself and heard others on the Council would like copy.

**Marvin** No comments

**Spatz** Thanks to the Council and staff for the flowers sent for our new baby.

**Svoboda** No comments

**VII. MEETINGS/INVITATIONS**

See attend list.

**VIII. ADJOURNMENT**

Marvin called for adjournment at 12:25 pm, which was approved by acclamation of Council Members.

Mary Meyer  
City Council Clerk

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