

**AGENDA**  
**CITY COUNCIL MEMBERS' "NOON" MEETING**  
**MONDAY, SEPTEMBER 10, 2007**  
**(Immediately Following Directors' Meeting)**  
**COUNTY/CITY BUILDING**  
**CONFERENCE ROOM 113**

**I. MINUTES**

- \*1. Minutes from City Council Members' "Noon" Meeting of August 20, 2007.
- \*2. Minutes from Directors' Meeting of August 20, 2007.

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

- \*\*1. Public Building Commission Work Session (Camp/Cook) - **CANCELLED**
- 2. Parks & Recreation Advisory Board Meeting (Cook)
- 3. Public Building Commission Meeting (Camp/Cook)

**OTHER MEETINGS REPORTS:**

**III. APPOINTMENTS/REAPPOINTMENTS - To Be Announced**

**IV. REQUESTS OF COUNCIL FROM MAYOR - To Be Announced**

**V. MISCELLANEOUS**

- \*1. Discussion on Council Members' Committee Assignment - Council member appointment to the Utility Billing Check-Off Program Board. (Requested by Dan Marvin)
- 2. Discussion on the (United Way) Charitable Campaign for 2007. (Requested by Dan Marvin) (See Attachment)

**VI. CITY COUNCIL MEMBERS**

**VII. MEETINGS/INVITATIONS -**

1. Lincoln Citizen Advocacy Annual picnic on Sunday, September 16, 2007 at Roberts Park, South 56<sup>th</sup> & Everett Streets (just south of A Street) from 5:00 pm to 7:00 pm - Serving dinner at 5:00 pm - RSVP to Bonnie Arrasmith at 450-3708 - (See Invitation)
2. HDR - If you are planning to attend the Nebraska vs Iowa State Football game on Saturday, September 29, 2007 please stop by our Pre-Game Hospitality Suite at Embassy Suites - will begin 3 ½ hours prior to kick-off (game time to be determined) - RSVP by Sept. 21<sup>st</sup> to Gladys Doerr at 399-4909 or by email - (See Invitation)

3. Retiring ...Cheryl Aden, Public Works to Celebrate 30 years of service and wishing her a wonderful retirement on Wednesday, September 19, 2007 from 2:00 p.m. to 4:00 p.m. at the City/County Building, 2<sup>nd</sup> floor - (See Invitation)
4. Matt Talbot Kitchen & Outreach-Open House to celebrate 15 years of service! On Wednesday, September 26, 2007 from 9:00 a.m. to 10:30 a.m. - 9:30 a.m., Brief Program at 1911 "R" Street - RSVP to Caitlin at 477-4116 or by email - (See Invitation)
5. Head Start Child Development Center Grand Opening on Thursday, September 13, 2007 from 5:00 p.m. to 6:30 p.m. - 5:30 p.m., Program at 3258 South 13<sup>th</sup> Street - RSVP to Jill Connor at 471-4515 ext. 128 or by email - (See Invitation)
6. House-Warming Party! Renee & Carl Sjulín on Saturday, October 6, 2007 at 6420 Winding Ridge Circle - 6:30 p.m., Dinner - RSVP to Renee Sjulín by email - (See Invitation)
7. Open House for 2005 Stormwater Bond Project-Turner Ditch Additional Culvert on Thursday, September 13, 2007 from 5:30 p.m. to 7:30 p.m. at Loren Corey Eiseley City Library, 1530 Superior Street - (See Invitation)

Lincoln Chamber of Commerce invites you to attend the following Ribbon Cuttings:  
- Please RSVP to Kathy Hale at 436-2385 or E-Mail: -

- 8.) Lincoln Action Program-Head Start Center Opening, 13<sup>th</sup> & Arapahoe on Thursday, September 13, 2007 at 5:30 pm
- 9.) Geist Plastics-Grand Opening on Thursday, September 20, 2007 at 10:00 am
- 10.) Office Depot-Grand Opening, 6333 Apples Way on Thursday, September 27, 2007 at 2:00 pm
- 11.) Chase Suites-Finishing Renovation, 200 S. 68<sup>th</sup> Street on Thursday, October 11, 2007 at 3:00 pm
- 12.) Glenn's Carstar Body Shop-New Building, 2051 "K" Street on Friday, October 12, 2007 at 11:30 am
- 13.) Convergent Communications Technologies, 2829 N. 33<sup>rd</sup> Street, Suite 101 on Thursday, October 18, 2007 at 3:30 pm

## VIII. ADJOURNMENT

**\*HELD OVER FROM AUGUST 27, 2007.**  
**\*\*HELD OVER FROM SEPTEMBER 3, 2007.**



**Sandy Yost/Notes**

08/31/2007 08:04 AM

To dmarvin@neb.rr.com

cc Tammy J Grammer/Notes@Notes

bcc

Subject 2007 Charitable Campaign & dept. coordinator name

History:

 This message has been replied to.

It is once again time to kick off the Charitable Campaign for 2007.

The campaign will run from October 1 thru October 31, 2007. I am sending this email, which will be followed up with a memo to you with the specifics. Please send your department/division(s) coordinators name to me by Wednesday, Sept. 5th.

Along with the department coordinators, all directors are invited to the Pep rally/Kick-off luncheon this year. The Kick-off luncheon will be held on Friday, Sept. 28 at 11:30 a.m. Please mark your calendar. The location will be announced.

Your department goal for 2007 is: \$278.00

Remember: if you have more than one division in your dept, please send me a name for each division.



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**CITY COUNCIL “NOON” MEETING  
MONDAY, SEPTEMBER 10, 2007  
MINUTES**

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

**Others Attending:** Dana Roper, City Attorney; Rick Hoppe, Administrative Aide to the Mayor; Denise Pearce, Mayoral Aide; Trish Owen, Mayoral Aide; Deena Winters, Lincoln Journal Star; Kyle Fisher, Lincoln Chamber of Commerce; Coby Mach, LIBA; André Mick; LIBA; Mary Meyer, City/County Clerk; and other interested parties.

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

Chairman Marvin called the meeting to order at 11:16am.

**I. MINUTES**

\*1. Minutes from City Council Members’ “Noon” Meeting of August 20, 2007.

\*2. Minutes from Directors’ Meeting of August 20, 2007.

Marvin called for approval of above meeting minutes. Minutes approved by acclamation.

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

**1. Public Building Commission Work Session/Meeting (Camp/Cook)**

Camp reported with the Health Department building there was an excellent job of coordination, had originally borrowed \$11.2 million, with a reserve now of approximately \$200,000. The project has gone well, under budget, with an interest rate on the bonds of 4.3 percent.

Regarding the Juvenile Court there will be a work session later this month, including an update from the architectural firm. Also, the PBC decided on natural gas, Aquila, but not going into the selected option of having a guaranteed rate. Camp added the PBC did authorized the purchase of a used Ford pickup for about \$14,000.

**2. Parks & Recreation Advisory Board Meeting (Cook)**

Cook reported discussion centered on surplus a small portion of Witherbee Park at 48<sup>th</sup> and “O”. Dialogue centered on vacating the portion next to “O” Street, with an additional request on vacating a little of the parkland to develop as a business parcel. In return the business owner would agree to certain use restrictions. The business owner had to give up “O” Street access and Parks & Rec would make improvements to the park, having a play structure further from “O” Street. The neighborhood association thought this may be a good trade off in order to have businesses at this location. Marvin inquired as to current businesses with Cook responding there have been a number, including an adult business, used car lot, but now the business owner wants to put in a small strip mall with a number of different shops. The access would be from 45<sup>th</sup> Street, no access from “O”.

Cook stated Parks & Rec Advisory Board recommended acquiring artwork for Hazel Able Park, an elephant sculpture, which would be steel, six feet high, and basically maintenance free. For years they trimmed bushes to be elephants with constant vandalism. The City purchased artwork is pending approval of the Able family.

There is a Parks Board opening, and two openings on the Foundation Board. Also, the Parks meetings will move to this building from the Auld Center and change to meet on the second Thursday of the month. Johnson did mention the Hands on Help, in which people volunteer for a day to clean up a park or trail.

Cook reported there is discussion of cutting more maintenance from Parks next year. In the last budget cut 5,000 hours and now talk of cutting an addition 10,000 hours in next year's budget. Are we reaching a point where prairie grass in the parks is nice, but to basically allow grasses, etc. to grow tall in neighborhood parks asking if it would be beneficial to these neighborhoods?

Cook said Tom Madsen attended the meeting and is interested in the small parcel of land next to his bowling alley, which is a city park. When we created McAdams Park the East Campus Community Organization wanted to keep this park but do not know how important it is at this time. Tom Madsen would like to turn the parcel into a miniature golf course, 18 holes, which in North Lincoln there are none, and we would have to surplus the property to make it available. Madsen's parking lot would provide parking with the bowling alley business late at night, and in winter, whereas miniature golf would have earlier hours, and in the summer. Marvin asked for locations. Cook replied Madsen's is at 48<sup>th</sup> and Holdrege with Emery adding the park is directly north of the Madsen building. Eschliman added the tobacco man, the building on the corner, has also been interested in the park. Cook responded the neighbors are worried about that and would like a nice setting at this location and have waited for something like this to come along.

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

Pearce reported they have no appointments or reappointments, but the Community Development Task Force will be listed next week. Mayor Seng disbanded the commission in 2006 and it is still in the ordinances. In the First Reading next week should see the appeal of the ordinances.

Pearce stated another matter was #8 on today's agenda, the Community Forestry Advisory Board. Pearce had been advised by Johnson that they had trouble finding people to fill this board because of the associated term limits. Item #8 would relieve the term limits.

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

Hoppe stated the United Way Campaign will start in October. Will try a different and unique approach this year. We'll have football teams, with the City Council pairing up with the Finance Department to play the Mayor's Office, to see how many people donate to the United Way Campaign. The Council and Finance Department will be "The Fighting Accountants", and the Mayor's office team will be tagged "The Killer Bunnies".

Marvin said the Council has a department goal of \$278.00. If inclined to write a check, give to Grammer. Hoppe added it has to be during the week of the game. Spatz asked which game, and when? Hoppe said it would be announced and during the month of October. Next week will have an update, and a list of the various departments playing each other.

### **V. MISCELLANEOUS**

**Board Appointments** - Marvin stated the Council is going through appointments, and reappointments, as seen during First Readings. He stated he would serve on the Utility Billing Check Off Program Board, adding Eschliman had received email regarding Lincoln Cares and believes it to be one and the same. Eschliman also stated she continues to receive emails from the Homeless Coalition but doesn't believe any Council member was assigned to this group. Marvin agreed that no one was assigned and it is not a mandated board committee.

**Bus Routes** - Marvin stated he did have a conversation with Larry Worth on the bus issue and which rules applied. He believed Council had voted to play by the rules in place before the change. Marvin added he would send a letter to the Law Department to determine which rules apply, and a hearing would be brought forward to the City Council on the bus route changes.

Marvin added the Council will have a pre-council with Worth, within the next 4 to 6 weeks, in order for him to explain the process of the bus route changes. Would then have a public hearing, letting people come forward, and discuss likes, and dislikes, of the changes with the Council voting. The changes, according to Worth's letter, will not go into effect until June of 2008, allowing time to read the maps, and make the changes necessary for the next year. Eschliman said according to the most recently received ordinance, would not need to have a public hearing, but Council members want to bring forward. Marvin thought the discussion was on the major revamping and if going to be done, with Council having to review. With the level at now Marvin thinks a public hearing may be appropriate and this will appear before the City Council.

**Rebidding Process** - Marvin stated he would like a pre-council this fall regarding the charter revision allowing large pipes to be installed without a rebidding process. When large pipes, sewer or water, are installed in certain subdivisions, if involving public money with installation, and public benefit of the pipes, with cost over \$25,000, the project has to stop. Even if the developer is paying approximately 80% of cost, the project has to be rebid, a very cumbersome process. Want discussion on deciding whether to put on the ballot. Camp stated on a special election should find out the costs, as we spend \$100,000 to put on a ballot. Marvin agreed, adding we have no issues on the ballot for 2008, so wouldn't pay anything. Camp thought they did pay even in regular elections, budgeting each year. Camp said with the cost, possibly in the future may have different venues, and there may be items we could try and handle ourselves versus the voters debate. Marvin agreed, adding this is a \$25,000 item and we could have a charter amendment change on the ballot. We may want to do and if in 2009 we can add on for a smaller monetary amount, or practically free as it would be only one item in a host of city elections. May want to wait.

## VI. CITY COUNCIL MEMBERS

**COOK : (Domiciliary Care Facility) (Attachment)** Cook stated on the domiciliary care facility, Marvin and he were at a meeting with neighborhood representatives, and they discussed what kind of compromises may be worked out. As of this time don't know how interested the applicant is in making the compromises. Cook said the applicant did send a possible reorientation of the lot (See Attachment) in which some neighbors feel if the building were square on the lot it would be a better fit, with the set back a little larger from many homes. Will find out today how the neighbors feel about this alternative versus the original diagonal orientation. Also, there is talk about covenants, and having neighbors sign to waive. Not sure this figures into the decision as covenants are not city business, but may go to how the applicant feels, or their willingness to compromise. Cook added he is interested in what the neighbors say and if this plan gives the applicant the same number of people, and basically the same income being a reoriented building, and what best fits the neighborhood. Do understand Public Works had signed off. This orientation has two driveways, with no problems. Another issue is the truck access, with the applicant claiming they will not have large trucks, with some people thinking there's no way to avoid, and a large concern of trucks traveling through the neighborhood. The applicant had said there was probably no problem with trying to get direction of vendors with only driving on 25<sup>th</sup> and Old Cheney, during certain hours.

Cook added if an amendment was prepared which stated at the site plan, any truck with three or

more axles will only service the facility on weekdays between 9 and 5, and use the 25<sup>th</sup> and Old Cheney entrance, think this would give neighbors more piece of mind. Today will have feedback from neighborhood meetings. Many people still think this is inappropriate in size, 19,000 square feet, and point to the original letter which said it would be a small, assisted living facility.

Marvin noted the building was up against the building lot line, a 30 foot set back, and by turning the building the corner is pulled further back, about 60 feet from the lot line, instead of 30 feet. And by turning where they had a fence on the lot line, not with a 30 foot set back, it then goes to the 45 foot set back providing more green space along Cindy Lane, and more green space uniformly along 25<sup>th</sup>. The facility did lose two parking spots, but they were over the required allotment in terms of parking stalls, and could afford to lose two. The reason the slots were a concern was neighbors thinking there would be a lot of off street parking. The neighborhood representative did find this to be a fair compromise.

Camp stated he read the Smith letter and thought there was some agreement with the property north of Old Cheney for employees to park? Cook expressed thanks for this being mentioned, with the scenario related to Alltel. and Cook agreed with Camp saying this needs to be addressed. There is the possibility if additional parking is needed employees can park across, to the north. Marvin added the neighbors thought of times, like Christmas and holidays, when the influx of visitors would be higher, with overflow parking.

Camp believed neighbors could explain at the public hearing. Cook thought Benton would attend and possibly could give us the neighbors reaction. Cook stated with testimonies, and since we already had a public hearing, and an introduction by the applicant, that at this public hearing would have the general public speak. At the end the attorney would come up and rebut. Marvin said the attorneys reserve their right to come and talk until the end. Cook asked if they're making a presentation at the end, but no presentation at the beginning? Camp replied Hunzeker had said they reserved rebuttal for today, and his understanding, since Hunzeker wasn't there before, was he was going to provide testimony today. Cook said his understanding on the normal moves from the Planning Department's perspective was they would give rebuttal, would not have a chance to make another presentation. Is there something we need to change in this regard?

Marvin thought Hunzeker would give the rebuttal. Cook asked if Hunzeker would do a presentation? Spatz stated he presumed Hunzeker would make a statement, or give testimony, at the beginning since he was unable to do last time. Emery added we requested a night meeting, so they could present and Hunzeker wasn't available, and thought one reason to hold over was to give Hunzeker an opportunity to speak. Camp added actually might be beneficial to the neighbors if Hunzeker said something before, as they may have questions. Cook commented he didn't have any problem either way, just mentioning the Planning Director felt under normal circumstances they rebut only at the second hearing. Emery stated this was a little different as the neighbors asked for a night meeting. We probably would have said if Hunzeker wasn't available to hold and put on this meeting, giving Hunzeker fair opportunity. Don't feel comfortable denying him an opportunity. Marvin stated why not allow him five minutes, as we would any normal advocate, and then open up? Thought the reason we held over was they had their attorney, who was going to present, and thought he would at least give rebuttal. Emery asked what normally would have happened if we had wanted last week and Hunzeker had said he's not available? Would we have put it off? Marvin replied we probably would have held it over, with Emery stating but we didn't. Marvin said the reason it wasn't held over was a 30 day appeal time period, and holding it pushed past the 30 day period. Emery asked that somewhere it was also tied to the fact the community asked for a night meeting? Marvin answered no, the night meeting was a scheduling result, and just happened, with getting it on for first and second readings it went to a night meeting. Pushing it forward was the

holiday and with the 30 day window to initiate is why they came forward and made their presentation. Emery thought Cook specifically made a request, asking for a night meeting. Cook commented the neighbors did ask for a night meeting, and it just happened to be a scheduled night meeting, with the 30 day window. So, it worked and we went ahead with the original schedule. Cook said it is possible the neighbors could have complained they didn't have an opportunity allowing them the 30 day window, so it's a combination of both, which made sense to go ahead.

**SPATZ** - No comments

**CAMP** - No comments

**ESCHLIMAN - (Abandonment)** Eschliman stated we will be requested to do an ordinance on abandonment, and asked if questions should be presented to the City Attorney now or then, with Roper replying either way. Marvin added if the City Attorney is called it does go on the record. Emery said as a suggestion would be in favor of asking Roper questions now, thinking the City Attorney should not be at any disadvantage if you blindly ask a question.

Eschliman asked if there were state laws involved in this request, or is it city, or both? Roper replied there is a state law which says, if you abandon your child that you are held responsible. Eschliman asked if there were city laws? Roper replied no city laws. We do not charge people with that. The State has §28.705. Which is the abandonment of a child. Any person who abandons and neglects, or refuses to maintain, or provide, for his or her spouse, his or her child, or dependent step child, whether the child is born in or out of wedlock commits abandonment and can be charged as a Class I misdemeanor.

Eschliman stated there was a newspaper article which stated they can be left with the police and the fire department. Know we have safe houses, but what is a fire department safe house? Roper responded if a child feels concerned walking home from school, if someone is following them, they can go there and get protection. Roper stated we have no ability to say if you leave your child at the fire house, you won't be charged. It is a state issue, and needs state legislation to be legislated. Eschliman added, on liability what if the baby was shaken before, or if a child shows up at a fire station with bruises, are we walking the liability line? Roper said in his mind a difference between children and babies, and you would be mandating by ordinance that we do this. We don't have an ordinance on this now for what the fire department is doing. The more we legislate the more we're going to be responsible, and suggesting a child, once they reach the age of majority, can sue for any negligence which occurred to them as a baby. And in twenty years a child who has damage can bring a lawsuit and say, the City had custody of me and they didn't have training on what was proper, whether it was a shaken baby, etc., they didn't properly care for me. Roper added he didn't know how we mandate that hospitals take them. Eschliman asked if these kinds of laws require we keep the baby for a certain number of days at the police station, or call a social worker? Roper replied to call, which is what would happen now.

Camp stated this fall the Council should have a pre-council on City liability, with reasons being this topic and different situations. He's had constituents say they cannot have certain events because of the insurance they cannot afford. An example of buggy rides in the Haymarket during the winter, but the insurance was more than what she received. Camp stated he is interested in exploring, or perhaps present ways on what otherwise would be city liability if there might be some reasonable way we have the liability waived, or to minimize the risk to the city and allow events to happen. For example, The Updowntowners have backed up on activities because the insurance was high. We should discuss liability, at a pre-council, because we may be missing opportunities and possibly there is a way we can waive.

**SVOBODA** - No comments

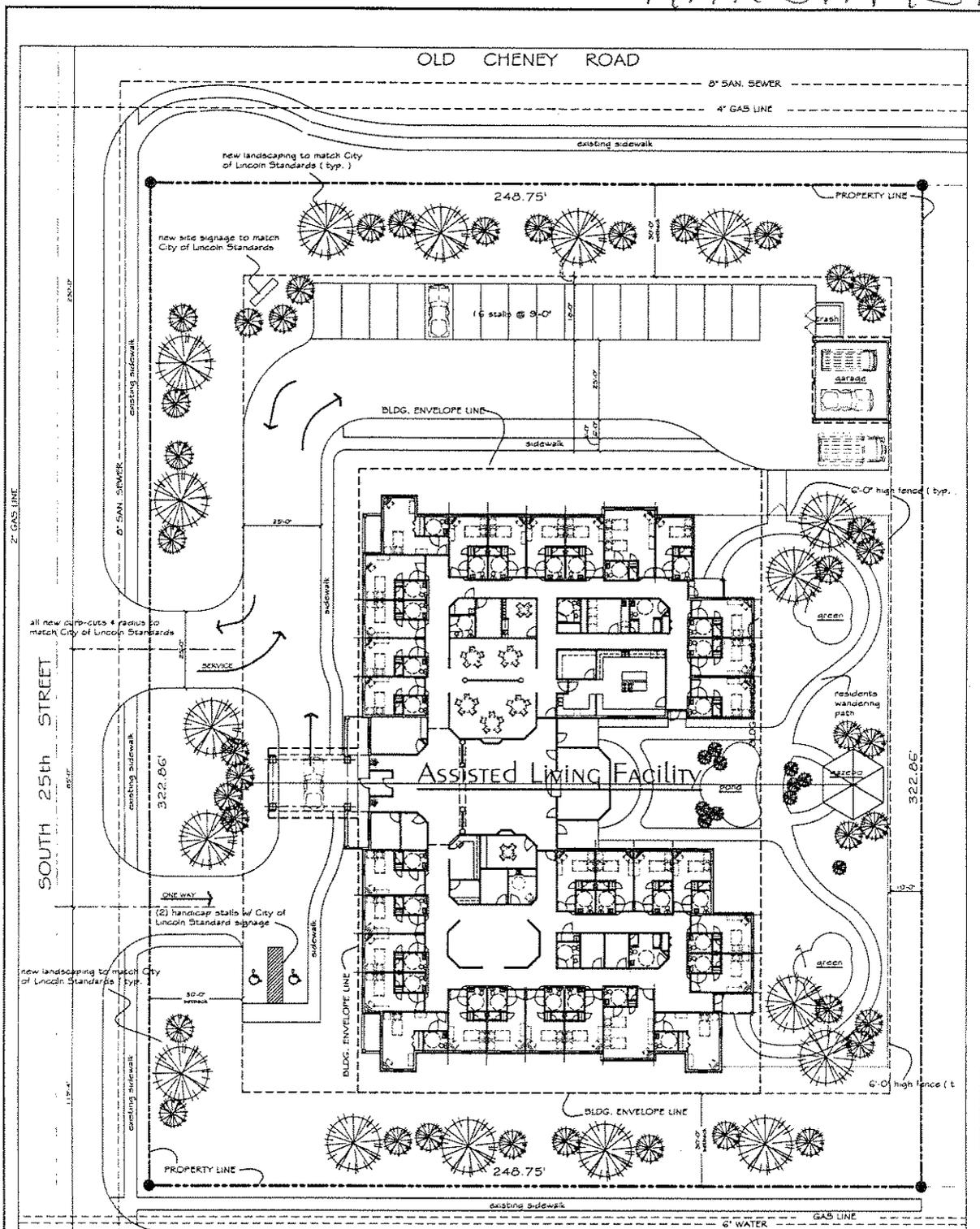
**EMERY** - Emery asked if someone is looking into the letter from Rick Moses, the gentleman who has a problem with Lincoln Electric? Would be more than happy to help.

**VII. ADJOURNMENT**

Meeting adjourned at 11:59 am by City Council acclamation.

Mary Meyer  
Clerk

cm091007/mmm



CINDY DRIVE

PROJECT INFORMATION :

Current Zoning District: L-1 (R-1)  
 Legal Description:  
 Lot -2, Block-1, Chest Hill Knolls North Addition, LLCN  
 5790 SOUTH 25th Street, Lincoln, Nebraska 68512  
 Lot Area = 80,281 sq. ft. or 1.843 acres  
 35% of lot area = 28,098 sq. ft.  
 Proposed Project: New 32 Bed Assisted Living Facility  
 Proposed Square Footage =

**Parking Requirements:**  
 Section 27.87.040 "one stall for every four (4) residents based on total occupancy allowed by the lot area, and two (2) stalls for every three employees on the largest shift."  
 32 Residents = 4 = 8 stalls  
 9 employees (largest staff) = 9 ÷ 3 = 3 x 2 = 6 stalls  
 Min. Required Stalls = 14  
 Proposed Plan Has 18 Stalls, and 2 Handicap Stalls, 18 Total Stalls

**Building Envelope:**  
 Proposed Garage = 575 sq. ft.  
 Proposed Facility = 27,333 sq. ft.

**Site Plan**  
 SCALE: 1" = 30'-0"

Aqemark Assisted Living  
 LINCOLN, NEBRASKA

Old South River Road  
 Omaha, Nebraska 68106  
 Phone: (402) 342-1000  
 Fax: (402) 342-1000