

**AGENDA**  
**CITY COUNCIL MEMBERS' "NOON" MEETING**  
**MONDAY, SEPTEMBER 17, 2007**  
**(Immediately Following Directors' Meeting)**  
**COUNTY/CITY BUILDING**  
**CONFERENCE ROOM 113**

**I. MINUTES**

1. Minutes from Directors' Meeting of September 10, 2007.
2. Minutes from City Council Members' "Noon" Meeting of September 10, 2007.

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

1. Joint Budget Committee - Strategic Planning Session (Emery/Eschliman)
2. Railroad Transportation Safety District Meeting (Eschliman/Marvin/Svoboda)
3. Multicultural Advisory Committee (Marvin)
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. Discussions - RE: Bus Pre-Council Update and Upcoming Pre-Councils: Community Health Endowment update. (Requested by Dan Marvin)

**VI. CITY COUNCIL MEMBERS**

**VII. MEETINGS/INVITATIONS -**

1. The Board of Governors of Nebraska Wesleyan University - Government and Lincoln Business Community Reception welcoming Frederik Ohles on Thursday, October 4, 2007 from 5:30 p.m. to 7:30 p.m. at The Nebraska Club, 233 S. 13<sup>th</sup> Street, Suite 2000, US Bank Building - RSVP by Sept. 21<sup>st</sup> - (See Invitation)
2. CenterPointe, Inc. - Annual Meeting and Luncheon on Monday, September 24, 2007 at Embassy Suites Hotel - 11:00 a.m., Doors open - 11:30 a.m. to 1:00 p.m., Program & Luncheon - \$30/person - Please RSVP - (See Invitation)

3. Public Meeting on the proposed Antelope Valley Research and Development Corridor Master Plan and Design Standards on Thursday, September 20, 2007 at 5:30 p.m. at The Cornhusker Hotel, Lancaster Room - (See Invitation)
4. Downtown Lincoln Association - 40<sup>th</sup> Anniversary Celebration and Annual Meeting on Wednesday, October 17, 2007 at Embassy Suites Hotel Ballroom - 11:30 a.m., Doors open - 12:00 Noon Luncheon - RSVP by Oct. 3<sup>rd</sup> to DLA - (See Invitation- Complimentary to Council members)
5. The Schemmer Associates - Open House at new office location, in celebration of 10 years of service in Lincoln on Tuesday, September 18, 2007 from 4:00 to 6:00 pm at the historic Federal Trust Building, 134 South 13<sup>th</sup> Street, Suite 1100 - 488-2500 - (See Invitation)
6. REALTORS Association of Lincoln 88<sup>th</sup> Installation & Awards Banquet on Thursday, September 27, 2007 at The Country Club of Lincoln, 3200 South 24<sup>th</sup> Street - 6:30 p.m., Social - 7:15 p.m., Dinner - 8:00 p.m., Program - RSVP by Sept. 20<sup>th</sup> to 441-3620 or by email - (See Invitation)
7. Leadership Lincoln's 7<sup>th</sup> Annual Celebration of Community Leadership on Monday, October 15, 2007 at the Cornhusker Marriott Hotel, Grand Ball Room - 5:30 p.m., Social - 6:15 p.m., Dinner - 7:00 p.m., Program - RSVP by Sept. 24<sup>th</sup>, 441-4661 - (See Invitation -Complimentary to Council members)
8. Cornhusker Place, Inc. - Reception to welcome Phil Tegeler our new Executive Director on Tuesday, September 25, 2007 from 1:00 p.m. to 3:00 p.m. at Cornhusker Place, 721 "K" Street (west entrance-3rd floor) - RSVP by Sept. 19<sup>th</sup> to Amanda at 477-3951 or by email - (See Invitation)

## **VIII. ADJOURNMENT**

**CITY COUNCIL  
NOON MEETING MINUTES  
MONDAY, SEPTEMBER 17, 2007**

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

**Others Present:** Dana Roper, City Attorney; Denise Pearce, Mayoral Aide; Trish Owen, Mayoral Aide; Deena Winters, Lincoln Journal Star; Coby Mach, LIBA; Marvin Krout, Planning Director; Tammy Grammer, Council 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 11:25 am.

**I. MINUTES**

1. Minutes from Directors' Meeting of September 10, 2007.
  2. Minutes from City Council Noon Meeting of September 10, 2007.
- Marvin called for approval of above minutes. Minutes approved by acclamation.

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

**1. Joint Budget Committee - Strategic Planning Session (Emery/Eschliman)**

Eschliman stated discussion centered on the number of KENO committees, and what number would be appropriate. Emery added dialogue included whether they would hold back 3% very year and use for collaborative projects, with an example given of this year's tax project. Emery said basically the Committee had general discussion, looking at goals, and the meeting was a brainstorming session. There will be a future meeting to try and decide if they will change any goals and/or aims of the committee.

Eschliman said one concern was if there should be a committee, like the JBC, for the Health Department, adding she did think there was such a committee. Emery commented the Community Health Endowment is one committee with another being the Community Health Partners, mostly consisting of the hospitals, who fund a lot of grants through the Health Department. Eschliman said discussion centered on having the hospitals at the table and did mention different groups who should be a part of the group.

Emery stated one question raised is why there are two committees dealing with KENO funds? One separate committee does request the State have separate money to look at problem gambling, and other types of problems. This committee is not a product of JBC, but a project agreed upon when KENO money first came in, having a certain amount of money, yearly, given towards gambling education.

Camp added at budget time there was a different mission statement, with the public having more volunteers. Emery said their concern is if using KENO money, you're administrating out of that committee, and what is the idea to stop KENO gambling, or stop problem gamblers, because clearly the more money people lose the more money in the KENO fund.

Eschliman said they talked about resolutions and believes the discussion was if the Keno Committee wasn't by resolution we wouldn't necessarily need a Council member to attend. The committee could still report, and the Council could hear of it. Emery said the bottom line was that there were no changes made and there will another meeting to look at some brainstorming ideas to see if they're possible.

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

Marvin stated they approved a quiet zone, extending from D Street to Saltillo Road. Also approved budget numbers, were briefed on policy, and discussed a policy to identify where quiet zones actually would be. This involves the number of trains going through, the cost, and certain limitations. Basically the zones approved will be all, and there will not be quiet zones put in other locations. If there was a large coal contract for the new OPPD Power Plant requiring the use of Highway 2 it may change, but as of now the City of Lincoln has completed their approval of quiet zones. Marvin said they didn't do anything at D and J Streets with the reason being there is a legislative bill number which will require, or encourage, the closure of intersections with no crossing arms. The Legislature is going to encourage the closure of the intersections, or an update to have crossing arms, which we understood would be approximately half of million dollars, very expensive at certain intersections. Concerns were raised as people living close feel if there is an accident, with numerous intersections closed, it would take added time to get to the neighborhood. The South Salt Creek population concerned about losing ways to exit the neighborhood, and we stopped in that area.

Marvin stated ethanol is being shipped through communities more and a difficult item. If ethanol catches on fire it is very difficult to put out. Learned these fires cannot be extinguished with water, and some fire extinguishers which use CO2 as their propellant emit certain kinds of sparks, which will set things on fire. Also, some types of foam used to extinguish fires contains a toxic chemical requiring a cleanup operation once the fire is out.

Cook said Eschliman was well covered by television two nights, with the stations revisiting the issue on a third night, with the coverage on Eschliman complaining there would be endless taxpayer funds spent on quiet zones. Cook commented the quiet zones are important to his constituents and he is very pleased with what the RTSD has done. Eschliman said as a Council member she loves taking money from RTSD, but as an RTSD member we are suppose to save lives with this money and if we need a bridge over trains, with Public Works asking for money, we have spent it. Cook responded he believes the quiet zones are fairly cost effective, and the issue of having an endless number seems unlikely under the guidelines adopted. We are addressing major traffic through his and other districts, with our constituents caring a lot about the quiet zones.

Marvin said they were basically done with the quiet zones, only having to figure out what to do with D Street, and some points on J Street, and what the State will do in terms of F Street. And other reason is when the Harris Bridge goes down we think there will be cut through traffic, maybe access over 3<sup>rd</sup> and J to go to O Street, and should probably table discussion on what happens in that area until January 2009.

Pearce stated she thinks the Senator's bill had to do with the time someone stops at an intersection for a train, and believe the bill being talked about has already passed in the Legislature.

Emery asked if the entity in charge could put a time line on the quiet zones on Cornhusker? He added people call at least three to four times a week wanting to know what the progress is. Marvin said to route them to Public Works, they're super knowledgeable. Emery said he believes the people assume they will be seeing some progress. If delayed till 2010, we can tell them as long as they have an idea we're working towards a solution.

Svoboda said it would be a year and a half process because everything has to be approved by Federal before they can actually designate the sites. Emery stated it would have wording, subject to change, but the way it was rolled out there wasn't an understanding of the time frames and people assumed that once approved they would see some sort of an immediate progress.

Camp said he appreciates Eschliman asking questions, which need to be asked. The RTSD has funds, and we have lots of needs. If we want to rubber stamp, let's get rid of the RTSD. Marvin commented he thought some Council members didn't think it was rubber stamping, but we don't need agreement on all issues.

### **3. Multicultural Advisory Committee (Marvin)**

Marvin said the meeting was controversial and that the affirmative action person has accepted outside employment. Also would say the group was disappointed with the Council in terms of defunding the entity. Marvin thinks the committee is trying to determine what their relevance, and their role is, for the City of Lincoln in providing advice on multicultural items, when we defunded.

Eschliman said there are some funds with Pearce adding the Mayor, and his office, are in the process of explaining what they can do with this money and how to utilize, making sure we have needed services in place, for federal funding and those commitments. Marvin added the thinking was there would be advice from the Multicultural Group to try and figure out what direction they could go. Svoboda said we didn't defund, we just reduced the funding. Spatz asked how many people serve on that committee? Pearce answered there was a quorum there, and believes there are ten that served. It's created by ordinance with the Council's approval.

Eschliman asked what are the largest challenges, issues, or successes? Marvin said he was just appointed, and Pearce is also new, and therefore probably wouldn't be the best ones to respond. Pearce said they're feeling their way now and the Mayor will attend the next MAC meeting to discuss his vision for the committee, and we'll take input and see what they would like to do and the committee as well. Spatz asked if they have a mission statement? Pearce answered they do have by laws, not sure of a mission statement, but probably would want to look to the ordinances to find the mission as it was created in that fashion. Eschliman said she would be interested following the next meeting knowing if they've worked on this, what they had good luck with, and what are the challenges or struggles?

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

Svoboda stated they approved the animal control fees, which will come before the City Council. The Health Department did a city by city comparison and we are fairly consistent, especially with Omaha, and with Des Moines. Lincoln is about the only one which offers a senior citizens discount, regardless of whether it's an altered or unaltered dog. When we raised to \$34 we went approximately \$4 above Omaha and the Metro Area. Interesting in Aurora, CO for a neutered or altered dog it's \$10, but for an unaltered dog it's \$110. We've had this discussion within the Health Department, as to whether anyone interested could get a copy, but also had the discussion of where the threshold is when it relates to animal licensing. We feel we're at the threshold now since we're

fairly consistent with Omaha and the Metro Area. But if we start raising too much we have those who can't afford it and they don't license their pets. Approximately 90% of the animals licensed in the City of Lincoln are altered. So, very few unlicensed altered dogs or cats. So, when talking about the future, and discussing ordinances which may try to limit the number of animals picked up for kenneling purposes, it is one thing to consider that we already are at a good threshold and considerably higher than the national average, which is in the 70% to 75% range.

Spatz asked if there was reason to believe there were numerous unlicensed, unaltered animals? Svoboda responded there is no reason. They have been tracking, and asked for a five year track to see if there is an increase, even though our animal charges/licensing fees have increased. There will be a five year process report and to see if we're on a steady increase, or where we might be.

Camp asked if there have been any studies, correlation, with the micro chip inserted into the animals? Svoboda responded no. The difficulty with micro chips is the fact there are several different styles of scanners and they don't all read the same chips. This is something to consider, doing mandatory chipping of all new, sold, or purchased animals, or pets. It will probably take a generation of dogs to get to the point where nearly every animal in Lincoln would be chipped. It is the expectation, and is one reason when the animal control department or division within the Health Department, was told by the Capital Humane Society that they wanted a reduction in the number of animals brought to their location, one thing they started doing was instead of being picked up and immediately taken to CHS, with a fee, etc., they would do a scan of not only the micro chipping but would scan and go through their records, seeing if the animal had an owner close and may try to take the animal directly home.

Camp said possibly with licensing fees we could give a break if they are micro chipped. We could save, long term, on animal control and secondly, we talked about doing some type of encouragement, working with veterinarians to do a mass micro chipping, somehow giving an economic incentive. This does affect other animals and this way it is easier to care for the animals.

Svoboda said for the last several years every animal adopted from the Capital Humane Society is micro chipped automatically, and registered on the National Registry. Micro chipping is not expensive, only a couple of dollars per animal. Believe one thing the Capital Humane Society wants to do in their broader mission is educate the population. If they could do in a more retail setting, opposed to their building, where they could set up shop and say, today we're micro chipping free, and they could get grants to be able to do.

Svoboda stated the agenda for October will be animal kenneling, and most have heard the briefing from HDR and from the Health Department. The briefing to the Health Board will be what the HDR results were regarding comparisons between the various locations and options. Cook commented he heard we would see the increases in fees, but not on the agenda now? Svoboda answered he thought they were approved last week. It was part of the budget process, but would still see it come to the Council for action. Cook said it was included in the budget.

The other item discussed was the West Nile update. As of September 10, 2007 we have eight confirmed in the County. Fifteen were confirmed last year and they anticipate with August and September being the worst months, especially with the rainy weather and then temperatures in the 80's and 90's, September will be a bad month as well. We will probably reach 15 to 16 again.

Svoboda added it is interesting that out of eight, three were bitten probably outside of the County, as they had been traveling. Also, Dart had a breakdown of the four districts within Lancaster County and Northeast Lincoln and Northeast Lancaster County had the fewest of any West Nile contact. Southeast Lincoln and Southeast Lancaster County had the largest number. Interesting but don't know why.

## **OTHER MEETINGS REPORTS:**

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

Pearce stated there was nothing new at this time. Marvin stated we will still hear from our Planning Commissioners. Pearce answered they do have an evening meeting today.

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

Pearce commented next week they would send out the United Way Campaign.

Svoboda asked someone to remind Hoppe to contact the Omaha City Council to start preparing for a joint meeting. Bowman had taken care of before and Svoboda said if he remembers the last couple of years the preparation has been months of work, and we will be the host this year. Camp said we would do in October, or November. Marvin commented possibly late November.

### **V. MISCELLANEOUS**

#### **1. Discussions - Bus Pre-Council Update; Upcoming Pre-Councils; and Community Health Endowment Update. (Requested by Dan Marvin)**

Marvin stated on the first would have a pre-council on the methodology used for the bus routes. And on the 8<sup>th</sup> would have a pre-council on the Community Health Endowment.

Marvin stated he has talked to Council Members and asked if it is the wish of the Council to want to make radical changes to the bus system? More radical than what is coming towards us, i.e., implement a million dollar cut out of the budget or? Worth had indicated he thought the best way would be to give direction to the Multi Model Transportation Committee, saying we would like to see this kind of fiscal impact, a reduction of a million dollars. We would like to have that done prior to them coming on the first. We do not want packets of bus routes which assume a certain fiscal cost, and then have a large fiscal impact. Want direction to provide base routes on what they think the system should provide and then come with recommendations. Marvin stated on the fiscal, he doesn't want it costing this amount of money and then suddenly say now it is X amount. They're happy to try to revamp the route system, with a lower physical impact, but don't think we can do both at the same time. Marvin stated he's fine with the physical impacts of where we're at, and doesn't support a radical reduction, but again don't do both at the same time, one or the other.

Emery stated whether there is a radical reduction now, or a freeze in future funding, eventually some reduction or slow down will occur. Would want us to at least ask them to define a sort of core and then say, this is where bus service is really needed, this is where we should get the most bang for the buck, and as the City continues expansion, they continue to go to places that eventually may require bus service. Even with a disclaimer, or have it mandatory that every three or five years you revisit the core. Emery added now is the time, especially when we're talking about changing routes, to be looking at this.

Camp said he would like base routes, and believes it would be more core, with possibly some of the downtown core. Marvin stated he did talk to Helms who said he would want a process, letting the public weigh in on what we're doing, and then mentioned there is interest to try and identify what is called base routes. The base routes are the ones provided regardless, so people can plan that in the future they are going to have this level of service. Then if they buy property on a bus route that this bus route is going to be in place, with a level of certainty. People will have housing options and possibly move to places based on this level of certainty. Think we can give this direction, it's not physical other than giving planning purposes of where we're headed.

Camp added whoever creates the agenda for our Omaha City Council Joint Meeting, let's talk about public transportation and see what they're doing with mass. And the reason mentioned is long term we have talked about some type of transportation between Omaha and Lincoln, but one difficulty is when arriving at the destination, how do you distribute people? Talked about a possibility of a train. It may be good for both cities to think longer term, as each creates their bus program, and there may be some coordination which for citizens may expand job opportunities.

Cook said if discussed with the Omaha City Council would be curious since they have Metro Area Transit, a separate authority set up and taxed separately. Curious as to what the Council's role is in their authority with route setting, etc.

## **VI. CITY COUNCIL MEMBERS**

**EMERY:** No comment

**COOK:** Mentioning the liquor item, #38 on Agenda, to see if there is a willingness to delay, and thought it useful to know ahead of time, and also that he has talked to Krout. Cook stated he has an amendment which would change the operating hours to 10:00 pm for both inside and outside dining. Thinks most restaurants do close by this time and this would more clearly separate bars from restaurants. Marvin added he also had an amendment, and thinks the 60-40 split is an extremely complicated issue. How do we know the restaurant is serving 60% food, and 40% alcohol? This is similar to the smoking ban. The idea being an effort to provide establishments which are currently denied the ability to serve food, such as in the proximity to a residential district, but who believe in providing a beer and a burger together will help them, then give the police officer, or whoever goes in to investigate a compliant driven item, to be able to walk in and see if there is a beer and a burger together, or if they're just offering 50¢ draws after 8:00 o'clock. If they're suppose to act like a restaurant this would assure they are a restaurant.

Cook added a lot of history is behind alcohol, think it was Johnson who first brought forth and put in place the special permits before you could have a liquor license. And then we spent many years not knowing whether or not the Liquor Commission would pay attention to the special permits. Finally had a Nebraska Supreme Court Ruling saying the Liquor Commission had to observe our zoning codes in this regard. Cook stated it was a hard fought battle, with a lot of controversy over spacing between residential and liquor establishments. Finally established a set rule and regardless of different opinions think most people here think we've had enough controversy. Things are handled through the Planning Commission, we don't see too many, if any, and not sure if anyone has appealed, not sure it's been an issue. Believe it has gone very smoothly, and now worry we have created a whole new area with this conditional use, with the 60 - 40. Even the issue about public records request may be denied. It may be we deny, but have just read a judge had ruled all negotiating documents between Union and City have to be made public, are public records, and

do not know what the Court would do if someone said they wanted to see these records, as they should be public records. We may say they aren't, so there is also the question about any appeal from neighbors. We have a clearly defined special permit process, and a little worried. Know back with the smoking ban, the 60-40 split, and then here, we're still uncomfortable with it, because of enforcement. Cook stated he thinks it wouldn't hurt to hold another week to get answers to questions. Agreement voiced by members.

**SPATZ:** No comments

**CAMP:** No comments

**ESCHLIMAN:** Eschliman brought up the event of last Friday night, and asked if members were seated at tables with site selectors? Emery stated he wasn't, and Marvin said he didn't have one at his table, but understood Eschliman sat with one from South Carolina. Eschliman stated he represents manufacturing, several companies, and very interesting. One he did was vacuum cleaners where he moved them from the Gulf Coast, with hurricanes, to Indianapolis. Eschliman stated she did ask him when companies are looking what sort of incentives have been used? He did reply it had kind of changed and in the last five years what they have seen the most of is either TIF or land give away. Some incentives they use to receive are not commonly used anymore. He did state since he deals with manufacturing they often come into a city and just get way more land than needed because they don't want to be a nuisance to the neighbors. Most of the time the City owns the land and can just give to them, but if they don't then they use TIF. Also was someone from Falls City at the table, down by Kansas and Missouri, and she remembered one of the two uses property tax relief. The site selector had said they don't use property tax relief because it does hurt the schools, TIF is different. Eschliman stated she asked if the sewer and the road aren't there, how long they would wait for a municipality to put in? The reply was six months, if they tell us they can get it in there for us, and all of the site inspections are done, having checked for environmental and all that, then we'll get it in six months and try to have our project done. He said he usually only has about a year to work with the people. Eschliman also asked the selector if they ever do land leasing? And he replied never, saying 70% of the time they buy land, only 30% of the time do they end up taking a building which the community already has.

Marvin said the one thing he did learn in terms of what we've done over the last two years, with the airport area, North 56<sup>th</sup> and Interstate 80 having been put into TIF, is that we have some of the tools people use. We don't own land and don't think we'll have a land giveaway, but do have the TIF areas. Marvin stated he thought Lincoln was in good shape in this regard. Camp said he was surprised they said land giveaway was a big factor for this buyer. Eschliman added one of the site selectors was from Dallas and they started out as a 30,000 square foot office building, which Eschliman thought 30,000 would be large, but they want even more

## **VII. MEETINGS/INVITATIONS**

See invitation list.

## **VIII. ADJOURNMENT**

Marvin called for adjournment which was approved by acclamation.

Meeting adjourned at 12:10 pm.

Mary Meyer  
Clerk