

AGENDA
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, OCTOBER 15, 2007
(Immediately Following Directors' Meeting)
COUNTY/CITY BUILDING
CONFERENCE ROOM 113

I. MINUTES

1. Minutes from Directors' Meeting of October 8, 2007.
2. Minutes from City Council Members' "Noon" Meeting of October 8, 2007.

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

1. Public Building Commission Meeting (Camp/Cook)
2. Multicultural Advisory Committee Meeting (Marvin)
3. 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 - NONE

VI. CITY COUNCIL MEMBERS

VII. MEETINGS/INVITATIONS -

1. The Weitz Company Tailgate Party Open House on Saturday, October 13, 2007 at 440 N. 8th Street, Suite 110 (in the old Sawmill building) - Party starts 3 hours before Kick-Off - (See Invitation)
2. The Lincoln Police Department is proud to announce their participation in a program to achieve law enforcement re-accreditation. A team of assessors from Commission on Accreditation for Law Enforcement Agencies, Inc. (C.A.L.E.A.) is scheduled to conduct an on-site assessment to verify that our department meets professional standards. As part of the on-site assessment the LPD invites you to attend a public hearing on Tuesday, October 30, 2007 at 7:00 p.m. in the Council Chambers to offer any comments on our agencies ability to comply with applicable standards. - (See Letter of Invitation)

3. Nebraska First Nonprofit Leadership Conference on Thursday, November 1, 2007 - Also will host a Legislative Reception to honor our “Legislator of the Year”(award will go to retiring Senator DiAnna R. Schimek). Please join us for either the entire conference from 8:00 a.m. to 4:00 p.m. at the Embassy Suites in Lincoln; Luncheon at Noon; Legislative Reception for Senator Schimek at 4:00 p.m. - (See Letter of Invitation)
4. 2007 NAACP Annual Freedom Fund Banquet on Saturday, November 3, 2007 at Embassy Suites - Social hour begins 5:30 p.m. - Cost: \$35/ticket - RSVP to Leroy Stokes at 475-4700 or email - (See Letter of Invitation)
5. Turbine Flats www.turbineflats.org invites you to attend the following events at 2124 “Y” Street - Please RSVP to rsvp@turbineflats.org: -
 - A.) Ribbon Cutting on Tuesday, October 16, 2007 at 10:00 a.m.
 - B.) Open House on Friday, October 19, 2007 from 5:00 p.m. to 9:00 p.m.
6. HDR - Public Information Open House - Roadway and Water Main Projects for Spring 2008 Construction - Pine Lake Road-84th to 98th Streets & 98th Street-Old Cheney to Yankee Hill on Wednesday, October 17, 2007 from 5:00 p.m. to 7:30 p.m. at Lux Middle School, 7800 High Street (south on 79th Street and Van Dorn Street) - (See Invitation)

VIII. ADJOURNMENT

**MINUTES
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, OCTOBER 15, 2007**

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

Members Absent: Doug Emery.

Others Present: Denise Pearce, Mayoral Aide; Trish Own, Mayoral Aide; Dana Roper, City Attorney; Kyle Fischer, Lincoln Chamber of Commerce; Deena Winter, Lincoln Journal Star; Mary Meyer, City/County Clerk and other interested parties.

Copy of the Nebraska Open Meeting Act posted on rear wall of Room 113.

Chair Marvin opened the meeting at 11:38 a.m.

I. MINUTES

1. Minutes from Directors' Meeting of October 8, 2007.
 2. Minutes from City Council Members' "Noon" Meeting of October 8, 2007.
- Marvin called for approval of above meeting minutes. With no corrections minutes approved by acclamation.

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

1. Public Building Commission Meeting - Camp/Cook

Cook stated options discussed for court expansion in the Hall of Justice and possible expansion of the City and County Attorneys offices. Included in discussion was the idea of connecting the two buildings and finishing portions of the third floor at 555 So. 10th. An option arose regarding the Hall of Justice fourth floor, not occupying the complete floor, but structurally able to carry an entire floor and could expand to the outside edge, 22 feet wide, all around. Possible space for additional Courts and would be adjacent to existing Courts. Perhaps the least disruptive, with the total around the perimeter of 18,000 square feet, but the portion discussed is 1.3 million or 1.4 million to do Juvenile Court. Issues arose regarding moving people to 555 So. 10th; i.e. City and County Attorneys, requiring adding security, with security costs now a third of a million per year at 575 So. 10th. Then do we want to add more personnel and equipment in this building?

Discussed finishing a portion of third floor at 555 So. 10th, and decided the connector discussed for the two buildings would not be practical. Camp added more fine tuning will be completed for the two major options, expanding the perimeter or the attorneys going to the third floor at 555 So. 10th. More growth is seen in the Judicial System with the County Commissioners and Building Commission admitting the County Jail could stay as is and would be a holding area for prisoners appearing before the Judges.

Cook stated with high security at the new jail this location possibly would have slightly lower security. Camp added it could be a savings, and believes as we see the trend of the County needing space, would think there would be an outside chance, at some point, for the City and County offices to move north, building on top of the garage parking lot. Foundations were

installed and could expand to six stories. The need is to look long term, rather than spending money, approximately 1.7 million, adding 22 feet. But Juvenile Court is too small and needs more holding room. Judge Merritt was understanding in the discussion, even opening the door to possibly looking at sharing Courts. Cook added there has not been any serious discussion about building on the parking lot, and is nothing the Building Commission is currently thinking of. Camp agreed, wanting the statement to be clear.

Cook continued saying they did approve new monitors for the Council Chambers and six new smaller flat screens, with the total contract of \$15,000.00 including the new Elmo device. Spatz questioned if the TV's were needed. Cook responded they were very old, and very difficult to repair. The price included new TV's, the Elmo, and video equipment. Camp commented this included all new video cameras.

Cook stated the next item was DEC doing construction. Now digging on 10th Street, and will be closing 9th Street.

On surplus property Cook stated a project is 10th and Military, with Camp adding it was low income to moderate housing. Cook said the PBC pulled up a project and need to see if the City wants to do, but making aware that equipment is stored there and would need an alternative location, with the County having to pay for a different location. Spatz commented a shooting range is also located there and this is a Federal building granted to us, which enables us to find a way to allow development and dispose of the building. For the shooting range would try to find an alternate site. We do discuss with Federal making sure there are no problems, allowing the development to progress. Marvin added the project is on a very short term.

Cook stated permission was granted for the Star City Parade to use our garage again. Then the eagle, outside the Mayor's office, will be moved to the first floor. The last item discussed was one return motor blower in this building failed, costing \$4900 to replace.

2. Multicultural Advisory Committee Meeting - Marvin

Marvin stated they did vote on Leadership Education Development (LED), which is a cooperative effort of the Community Health Endowment and Leadership Lincoln. They will endeavor to provide minorities a training process after which they would be available to be drafted into foundations and boards across the City. We would then have a more ethnic group diversion population within the governers of foundations and boards. Pearce added this would include public boards and commissions. Marvin added three board members serve on the Multicultural Advisory Committee and have been working with the Community Health Endowment, and we support all efforts. Next year should start seeing people on boards. The next meeting will be held at the Sheldon Memorial Art Gallery, providing the Mayor can attend, and also we are now celebrating Hispanic month.

3. Board of Health Meeting - Svoboda

Svoboda stated the scheduled meeting was designed with only one agenda item, the kennel operation status. Went over the ACRC studies, which this body was briefed on by the Mayor's office, which listed four different available options. After the briefing Hoppe shared that the Capital Humane Society is back in discussions with the Mayor's office regarding doing the entire kennel and animal control operation, similar to what was talked about with the Nebraska Humane Society, out of Omaha and Douglas County. Lot of discussion revolved around this topic. This is still being discussed but they are looking at having a proposal, once the City puts

out for a RFP. We do not know the timeline or how it will be drafted. Camp reiterated it would be an RFP process, with Svoboda agreeing and adding they would follow the letter of the law, not just handing over a million five contract. At this time don't know how it will happen, if it will be discussed as numerous different options for one provider. For example, if just for a kenneling operation, done twice before, or if included with animal control services. Again, don't know how it will be drafted, with the Mayor's office working on draft as discussions continue.

Marvin asked if there was a time limit? Svoboda replied he was not aware of one and didn't think we would delay too much as there is the deadline imposed by Capital Humane Society that in August 2008, wanting complete severance of all City ties. If they extend because of negotiations it would be great, but don't believe we can assume this will work with Capital Humane Society and not continue going through the process of possibly finding a different provider. Don't want to get caught and in August, 2008 hear they gave the deadline, which we didn't meet, and then we have to start collecting our animals and would spend a considerable amount of money for a temporary location to house stray dogs and cats.

Eschlman asked if Council would be involved or just the Health Department? Roper replied the Council would be involved, as it will be a multi year contract. Marvin added therefore it would be a vote of the City Council. Svoboda said if it goes as proposed at this time, with Animal Control Services taken over by the Capital Humane Society, there would be ordinances that would have to be changed to allow us to get police operations, and enforcement, and have animal control officers out of the Capital Humane Society. Different issues were shared at the meeting which require a number of ordinance changes which will not happen quickly.

Camp asked if done nationally which could serve as a model? Svoboda said for services, along with kenneling, only have to look to Omaha and Douglas County. The difficulty with modeling after Omaha is remembering the Nebraska Humane Society has been operating for the City of Omaha for 135 years. They proceeded most of the ordinances we're discussing today. We could not copy as a lot of theirs was enforced before some ordinances were even written.

4. Utility Check-Off Program - Marvin

Marvin stated they were given a report on the money contributed:

- \$30,000 to help pay for the Trago Park playground;
- \$20,000 for the East Downtown Park Project;
- \$3,000 toward picnic tables at Bowling Lake;
- \$4,000 to repair and install the sculpture "Bountiful Harvest", damaged by rain and to be installed at VanDorn & Coddington Streets, on a bike trail, visible by trail and motorists;
- \$4,000 match for Pocras Park lighting;
- \$15,000 toward Parkers Pal Recreation and Swim scholarships; and
- \$15,000 toward the Outdoor Adventure Program
- \$94,000 approved amount with \$4,000 in reserve.

A total of \$95,000 could be allocated, with a variety of strategies to boost contributions going into next year. The total amount of money, into the Check-Off Program, since inception is approximately \$650,000. There is a match from corporate sponsors totaling approximately \$325,000 and \$300,000 from public response. Camp asked how many years for the accumulation of the \$600,000? Marvin replied it was enacted five or six years ago. Camp stated then possibly \$100,000 a year.

5. Federal Fly-In Camp/Marvin/Svoboda

Eschliman asked for report on the Federal Fly-In to Washington, D.C. Camp stated they met with Congressmen and Senators. The Omaha delegation also attended and his perspective was issues pertained more towards Lincoln and therefore we met more on that basis. They jointly met with Congressional people and had lunches. Worked some on transportation of the Beltway and Antelope Valley, along with other concerns.

Marvin stated we read about money which is going to evaporate , with his feeling being there was some strategy to put a band-aid on, and felt with the election next year they'll turn a big problem over to a new Congress and President on transportation issues. But doesn't think the money will dry up prior and believes there were stop gap measures. Camp commented the Highway Trust. Marvin stated he learned one dollar in lost Federal money is actually four dollars at the State level because the way the money is extended over three or four years. If short \$4,000 at the Federal level would translate to \$16,000 short at the State level, and is where we get big multipliers. Doesn't think it's in anyone's interest to see this happen and there were a couple mandated approaches he thought they put together.

Marvin stated the EPA group was very interesting, focusing on the City of Lincoln and what could be done in terms of re-education over the proposed arena for the blighted area, and thinks those efforts might be followed through. Camp said they talked about a \$200,000 limit on grants in the Country, and some of us thought to receive \$200,000 you had to go through quite a bit of work, which points out, as Marvin stated, some funds at federal level aren't as rich as what they may have been at another time. Thinks one out of three receive \$200,000 and therefore someone could spend a lot of money applying. May have to look inward, to ourselves, and figure out other financing tools, as money could be spent lobbying the EPA, just to receive \$200,000. They also have revolving loans which has a responsibility.

Svoboda added at that particular meeting they were quite impressed that three City Council members, and a Mayor, came to their office to discuss this issue, as apparently this is not done regularly. Plus the fact the railroad is working with the City of Lincoln is something they found never to have happened before in the years any of them, as individuals, have been there. One deputy chief made comment that typically you don't even get them to return your call, and in fact they're calling you. Svoboda stated he felt an indication that if this was mentioned in a grant proposal they may look at with a little bit more favor than others.

Cook asked on the Highway Trust Fund Issue, if there were specific discussions on the South Beltway funding? The timelines have changed and now don't know when it will happen, but wonder where we are with the South Beltway? Marvin replied he doesn't expect the 4 to 1 match to dry up prior to 2009, if then. They specifically calculate and it seems fairly worked out, but this would get us through 2009. Then someone would have to address, or the State of Nebraska goes to a position where it's maintenance own budget. If we go to a maintenance own budget there will be projects lost, but this would happen throughout the country.

Camp had two observations, one Blair wanting a by-pass and the South Beltway our large concern. Did discuss and the 4 to 1 isn't really a 4 to 1 match, but essentially taking 4 years from conception through completion of a project. When money is granted is for 3 to 4 years for one project, with the understanding it is for multi-years. If they make grant for a dollar, really committing four dollars. Marvin agreed, adding when you reduce this number then it results in catastrophic reductions in project numbers, which would happen across the whole country.

OTHER MEETINGS REPORTS:

III. APPOINTMENTS/REAPPOINTMENTS

Pearce pointed out some names taken off the agenda for the Pedestrian Bicycle Committee, with legal advising them that we do not need to do through resolution.

IV. REQUESTS OF COUNCIL FROM MAYOR

Owen stated Nicole Tooze wondered if Council was interested in a Pre-Council on the 22nd regarding the Cardwell Branch Watershed Master Plan? They went through Planning Commission and could present in a half hour if Council is interested. This comes before Council for public hearing on November 5th.

Marvin asked Council if they would want this Pre-Council? Cook responded Council does not want to get mixed up in a law suit issue with Svoboda's opinion being Council wanted Pre-Councils held to those which were informative and not necessarily going to be on our agenda. In this case would be within a week or two. He stated if they would have the briefing it would be the same report, and he would want the public to have the same presentation. Marvin stated the Council would decline the offer of a Pre-Council.

V. MISCELLANEOUS

LES Pre-Council - Marvin

Marvin committed to a Pre-Council with LES, as in the past have had an annual meeting. LES has an amount of issues to bring before Council, along with their annual report, and agreed Council would schedule a Pre-Council on November 5, 2007, the same day as the first reading. November 19th would be the hearing day with LES, and on December 3rd would come to Council as a resolution and the day of the vote regarding LES.

Camp stated to maybe rethink re-broadcasting Pre-Councils, as this particular one would affect every homeowner in the City. Pre-Councils are not replayed, and are held in the morning when people work and cannot view. Possibly put more value in Pre-Councils, having them more informative with people having questions answered. Marvin replied if we go ahead it would give the public an opportunity. Svoboda stated it is available on Video On Demand, and most Pre-Councils are available for several months through this access. Svoboda said this LES Pre-Council is one where direction is given as to what kind of questions we may have from their annual report, and they can fine tune their report to Council before we vote. Believe this has always been a good discussion.

#5 Turbine Flats Open House - Marvin

Marvin stated this was voted on last week and believe it was on the agenda before, but put back on. If anyone wants information on the open house or ribbon cutting the dates are listed in Item 5.

Madison, WI - Marvin

Received call from Madison, WI Council wanting to know how our Council researcher is working out. Gave history and stated the budget didn't particularly work out for a researcher. Madison, WI has twenty members on their Council, who meet at night, every two weeks. Appears to be a huge Council and then they have sub-committees with Council members serving on the committees, which may call for more meetings. The City has a population of

213,000.

VI. CITY COUNCIL MEMBERS

Svoboda - No comments

Cook - Regarding the calendar for next year would like to see if anyone has thoughts on having more night meetings. Have discussed for years, and often have had trouble because of the issue of scheduling Pre-Councils, but believe they are under control. Always interested in traditional, could do two a month. Eschliman thought it may be hard on City staff. Svoboda commented a possibility. Cook stated Council has saved staff a lot of time by not having as many Pre-Councils. When first elected had Pre-Councils every week, starting at nine am and staff appeared, telling us every detail. With this savings may not be unreasonable to think we could take that time in the evening, with most staff not inconvenienced. Marvin stated Cook has always been good about preparing the calendar, and think we'll talk and have a vote.

Eschliman - No comments

Spatz - No comments

Camp - No comments

Marvin - No comments

VII. MEETINGS/INVITATIONS

See invitation list.

VIII. ADJOURNMENT

Meeting adjourned at 12:12 pm by acclamation.

Mary Meyer
Clerk

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