

**DIRECTORS' MEETING
MONDAY, OCTOBER 15, 2007
COUNTY-CITY BUILDING
ROOM 113, 11:00 A.M**

I. MAYOR

1. Corrected Copy of Water Testing for Total Coliform and E. Coli Bacteria by the Colilert® Method of Analysis.
2. NEWS RELEASE. West Haymarket Action Team Invites Public to Open Houses.
3. NEWS RELEASE. Mayor Beutler Will Announce Creation of Committee to Advise City Departments and the Mayor on Issues Affecting Women at a News Conference, October 11, 2007, 10:00 a.m., County-City Building, 555 South 10th Street, Reception Area Outside of Mayor's Office.
4. NEWS RELEASE. Mayor Forms Advisory Council on Women's Issues.
5. Washington Report, October 5, 2007.

II. DIRECTORS

PLANNING DEPARTMENT

1. Grandale Addition, Final Plat #07031. Generally Located at South 40th Street and Wilderness Hills Boulevard.

III. CITY CLERK

IV. COUNCIL REQUESTS/CORRESPONDENCE

JONATHAN COOK

1. Correspondence from Alison Stewart on StarTran Funding. (Delivered to Councilman Cook on 10/08/07 before Formal Meeting)

ROBIN ESCHLIMAN

1. Request to Public Works & Utilities Dept. - RE: Bus System (RFI#10 - 10/02/07)
See Response from Karen K. Sieckmeyer, Public Works/StarTran.

V. MISCELLANEOUS

1. Correspondence from Paula Rezek on Outcome of Time Warner Cable. (Distributed to Council Members on 10/08/07 before Formal Meeting)
2. Email from Barb Keating. Do Not Cut the StarTran System. (Distributed to Council Members on 10/08/07 before Formal Meeting)
3. Email from Aaron Dominguez. Do Not Cut Budget for StarTran. (Distributed to Council Members on 10/08/07 before Formal Meeting)
4. Email from Diane Kimble. Serious Flaws in Considering Cuts to StarTran Budget. (Distributed to Council Members on 10/08/07 before Formal Meeting)
5. Email from Troy Platt, Director of Communications, Lincoln Chamber of Commerce Regarding Audit Board Approval.
6. Press Release from Kyle Fisher, Lincoln Chamber of Commerce Applauding Council and Mayor for Audit Board Efforts.
7. Email from Sharon Miller. Do Not Eliminate Bus Stop on Southwood Drive.

8. Correspondence from Dennis F. Mohatt Regarding the Cardwell Branch Watershed Master Plan.
9. Email from Jolene Boshart. Fix City Bus Problems by Expanding, not Shrinking, the Services.
10. Email from Paul Haith with Attachment of Letter Sent to Councilwoman Eschliman on May 15, 2005 Regarding Use Taxes and Billing.
11. Email from Jacquelyn R. and Thomas J. Keller. Proposed Bus Route Changes. Reasons Given for Continued Routes.

VI. ADJOURNMENT

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**DIRECTORS' MEETING
MINUTES
MONDAY, OCTOBER 15, 2007
11:00 A.M.
COUNTY/CITY BUILDING
CONFERENCE ROOM 113**

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

Council Member Absent: Doug Emery

Others Present: Mayor Chris Beutler, Trish Owen, Denise Pearce, Lin Quenzer, Mayor's Office; City Clerk Joan Ross; Dana Roper, City Attorney; Directors and Department Heads; Tammy Grammer, City Council Staff; Deena Winter, Lincoln Journal Star Representative; Coby Mach, LIBA; and Bruce Bohrer, Lincoln Chamber of Commerce.

Meeting convened at 11:04 a.m.

Location Announcement of the Nebraska Open Meetings Act: A Copy of the Nebraska Open Meetings Act is Located on the Wall at the Rear of this Room.

I. MAYOR -

Mayor Chris Beutler announced the Killer Bunnies had 51% participation and City Council teaming up with the Finance Fighting Accountants had 67% participation rate in the United Way competition. Overall of last year the participation rate was 33%, so together we are way above that rate and if the game is as fairly contested at every level for the rest of the campaign we will do very well.

Mayor Beutler called on Directors. Nicole Tooze (Public Works & Utilities) handed out a NebGuide which is a Rain Garden Design for Homeowners and she handed out a brochure for Council to pass around and take a look at. The NebGuide is one of three that we have on our website, as you know we started our Water Quality Improvement program for Holmes Lake. We received two grants from DEQ and we have been working with UNL's Department on the contract which are also on our website. As you probably all recall, we finished up in 2005 the \$5.5 million restoration project for Holmes Lake and one of the reasons that Holmes Lake was part of the place to start with these rain gardens is its on DEQ's view list for impaired waters and sediment and phosphorus are two major difference that we are trying to address in the Holmes Lake watershed. We've received a good response to the rain garden program, we had funding set aside through the grant program for 20 rain gardens and we had interest that basically was

tripled that and we have completed 14 of them and we will finish up the others shortly. We have also applied for an Environmental Trust grant, where we are hoping to get some funding to do 90 additional rain gardens because we have that much interest out there and we would like to broaden it to be more city wide. We have a lot of information on our website that goes beyond this, so she would encourage Council to look at it when they have a chance.

Mayor Beutler commented Diane Gonzolas (Citizen Information Center Director) was helping out the film makers who were in town wanted to give you a report. Diane Gonzolas commented actually Dave Norris was coordinating it, he worked with the University on coordinating shooting of the Jim Carrey movie called "Yes Man" so he can give Council a briefing. Dave Norris reported about two weeks ago today, right after he got out of this meeting, we got the phone call from Warner Brothers and from the Nebraska Film Office telling us that a substantial feature film was going to be shoot in Lincoln and University of Nebraska really took a lead on it. Warner Brothers wanted to shoot the Jim Carrey film at the University of Nebraska game this last weekend. We had representatives from LPD, Doug Srb; Greg Topil with Public Works; Jerry Shorney from Parks & Recreation who did things like keep the fountains on just north of "K" Street by the Capitol because they had requested it specifically. They shoot a lot at the game on Saturday, as far as in and around Lincoln they shoot a lot of exteriors, as you know it was not done with Jim Carrey, it was done with his double but places like Sunken Gardens, Uni Place, a few other places. He talked to Greg Topil today who was in direct contact along with Captain Srb when the crew came in, there were like 18 members of their crew that came in this weekend to shoot this. They got the last of their shoot according to the light around 5:00 p.m., they arrived at Duncan Aviation at 6:00 p.m. and they took off. About the only thing they did not get at the game was the balloon launch for obvious reasons, they shoot for the most part during the first half of the game. Also, City Clerk Joan Ross was there to help them get through some of the permitting process. It was really a quick adventure but very proud of the way the city government employees, Captain Srb and Greg Topil at our meeting basically told them you tell us how you want to do this, and we will get it done. So, it looks like may be we have capitalized a little off the momentum that we got from 2006 when we had ABC Extreme Makeover, Wife Swap, and a few other places that were in town shooting. The great thing as you probably already know from the newspaper articles that this was not only filmed in Lincoln that the story line was also set in Lincoln. The movie is due for release about a year from now in the fall of 2009.

Mayor Beutler stated Councilwoman Eschliman asked about the recent executive orders (EO) that they put into place with respect to professional contracts. Ms. Eschliman commented they just know what they have read in the newspaper, so she thought maybe he might want to talk about how he came to that decision to change the executive order. Mayor Beutler stated back in 2003 there was an executive order on professional contracts which define professional services contracts and defined it fairly narrowly. It has to do with engineering and architectural services basically and then when on to define pre-price categories, projects size categories and treat the requirements for bidding differently on those three categories. In the spring of 2007 this year just before Mayor Seng left office, she enacted three additional executive orders relating to the problem of the spreading of contracts, the spreading of contracts especially to minority

businesses and making contracts available to minority businesses. When that EO became generally known throughout the government and the private sector after he was in office there was a lot of opposition from the private sector and from the people who were contracting internally from our Public Works Department and other departments. On the basis that it was a lot of work to do on the smaller contracts and simply did not make sense from point of view of expediting business, expediting business procedures. Everybody had been contempt apparently with the 2003 EO and asked me to review the 2007 EO which he did, he sympathized with what was in the 2003 EO basically, except he also had sympathy with the idea that apparently was the reason for the three signed EO's. So, even though they rejected what he thinks was an useful mechanism for bringing about that, he's requiring formal bids at a lower level. They did put into place two new things which he thinks will go a lot further in helping us track and identify and figure out what's happening even with the minority businesses. They put into place a pre-qualifications system, everybody who wants these contracts will be having to register with the City. They will proceed through next year and monitor on some kind of consistent basis of what's happening but all of that will be in a data base. They will feed into the data base the contracts as they are executed and at the end of the year they will know where the business is going and where the business is going with respect to the self identified firms. He thinks overall this system they are putting into place will be much more useful than what was proposed earlier in terms of that particular objective. They repealed only one of the three EO's, the other EO's affirmed the mission of the minority contracting services task force to look into the problem further and they will continue to have them do that. Mr. Camp asked Mayor Beutler what's going to be your policy on executive orders in the future? The reason he is asking like Robin (Eschliman) said they catch some of these in the newspaper, he recognizes that some are more significant than others but does he have a particular procedure that he's going to follow in his Administration. Mayor Beutler commented do you mean whether he's going to run each EO by Council members, he does not intend to do that, not sure what you mean. Mr. Camp commented no not so much that maybe just an advance notice of what you're doing that on some issues it's a little difficult when we just read it in the newspaper. Ms. Eschliman commented so if we are asked what it was that changed basically it went back to the 2003 with the exception if you own a business and you want to be considered you go online and fill something out and asked is it set up yet. Mayor Beutler replied it's not completely set up yet but it will be by the first of the year and will be something very similar to that. Ms. Eschliman stated so first you need to register some information about your business and then you can be considered along with anyone else. Mayor Beutler replied correct in 2003 the EO did go back and copy that fairly clearly, except in the old EO in the \$50,000 category the lowest category it had \$50,000 for certain types of contracts and then \$100,000 for what it called major contracts. It tried to define that by virtual of the relationship to the CIP which he found confusing so he took those two categories and took the \$100,000 the higher number and made it one category instead of two. The same \$250,000 limitation on the second category to remain the same and the requirement or a formal RFP above \$250,000 that was the same standard and the same requirement.

1. Corrected Copy of Water Testing for Total Coliform and E. Coli Bacteria by the Colilert® Method of Analysis. — NO COMMENTS

2. NEWS RELEASE - RE: West Haymarket Action Team Invites Public to Open Houses. — NO COMMENTS
3. NEWS RELEASE - RE: Mayor Beutler Will Announce Creation of Committee to Advise City Departments and the Mayor on Issues Affecting Women at a News Conference on 10/11/07 at 10:00 a.m. — NO COMMENTS
4. NEWS RELEASE - RE: Mayor Forms Advisory Council on Women's Issues. — NO COMMENTS
5. Washington Report, October 5, 2007. — NO COMMENTS

II. DIRECTORS -

PLANNING -

1. Grandale Addition, Final Plat #07031 - Generally located at South 40th Street & Wilderness Hills Boulevard. — NO COMMENTS

III. CITY CLERK -

City Clerk Joan Ross stated on their Agenda today, Items 1 & 2 will be called together. *[#1, Application of Carmela's Bistro and Wine Bar LLC dba Carmela's Bistro and Wine Bar for a Class C liquor license at 4141 Pioneer Woods Drive, Suite 110.; and #2, Manager application of Marci Ranae Davison for Carmela's Bistro and Wine Bar LLC dba Carmela's Bistro and Wine Bar at 4141 Pioneer Woods Drive, Suite 110.]*

Items 4, 5, & 6 will be called together. *[#4, 07R-206, Approving the 9th to 10th Streets, south of South Street Development and Conditional Zoning Agreement between the City and Red Cloud Development relating to the redevelopment of property generally located at 9th and South Streets for commercial and retail uses.; #5, 07-156, Change of Zone 07027-Application of RJJ&T, LLC and Red Cloud Development for a change of zone from R-4 Residential District to B-3 Commercial District on property generally located south of South Street between 9th and 10th Streets.; and #6, 07-157, Vacation 07003-Vacating the east-west alley and a portion of the north-south alley between 9th Street and 10th Street south of South Street.]*

Items 7 & 8 will be called together. *[#7, 07-158, Amending Section 6.08.060 License Fee to increase fees for licensing dogs effective January 1, 2008.; and #8, 07-159, Amending Section 6.12.120 License Fee to increase fees for licensing cats effective January 1, 2008.]*

She mentioned to Council that she does have which is a little unusual for the 'Miscellaneous Referral Sheet' but they did it so they could get the hearing date of 'Crabby Bill's Seafood Shack' for their sidewalk café on the agenda. They submitted their application and everything is matched up and so they felt like they could go ahead with it.

Also, on the 'Miscellaneous Referral' is the Clerk's Letter and Mayors Approval of Ordinances and Resolutions passed by Council on October 8, 2007 which are pretty routine. She did not make copies, but if Council wants a copy of it, please let her know and she will get a copy for them.

IV. COUNCIL REQUESTS/CORRESPONDENCE -

JON CAMP - NO COMMENTS

JONATHAN COOK - NO COMMENTS

1. Correspondence from Alison Stewart on StarTran Funding (Delivered to Councilman Cook on 10/08/07 before Formal Meeting). — NO COMMENTS

DOUG EMERY - ABSENT

ROBIN ESCHLIMAN -

Ms. Eschliman stated to Dave Landis (Urban Development Director) that she has a packet for him from the auction of "TGI Friday's" last week and it has the map with pictures of the roads. That she was trying to explain over the phone to him, he can have it after this meeting.

1. Request to Public Works & Utilities Dept. - RE: Bus System (RFI#10 - 10/02/07). — **1.) See Response from Karen K. Sieckmeyer, Public Works/StarTran.** — NO COMMENTS

JOHN SPATZ -

Mr. Spatz commented to Police Chief Casady and Dana Roper last week they talked about the false alarms and the fine which is a small amount. When we fine people that money essentially goes to the schools which off sets what the State gives to the schools. Is there a way to restructure this into a fee or contractual agreement with these entities so if we are called on a false alarm that they are not paying a fine but a fee to the City and the money could stay with the City and/or Police Department if that's possible. Chief Casady responded yes, right now it's a violation of the municipal ordinance so its essentially a citation or/and a fine and the fine by State Law goes to the school district part. He's familiar with all the cities in the Omaha Metro area and they have a fee system instead, so what happens in Omaha you are assessed a fee after your first free false alarm and the fee is \$100. When you hit four the fee is \$250, and if you've had 37 it is \$250 per each subsequent alarm. Mr. Spatz commented we need to make this a fee. So, nobody thinks we are taking money away from the schools, its just every dollar they get from

a fine that is one less dollar they get through State Aide. Chief Casady stated the Omaha ordinance also has a registration fee for the alarm. The alarm has to be registered, we do not charge a fee in Lincoln but in Omaha it's an annual fee, \$25 to register a residential alarm, \$50 to register a commercial alarm per year and they out source that through a private firm that does the accounts receivable operation. If you don't register your alarm or don't pay your fee, we'll quite responding to your alarm. Mr. Spatz commented the amount of the fees or fines is something we can discuss but he is interested in trying to restructure this so the City can generate or keep that revenue if that's possible.

Don Herz (Finance Director) noted just a follow up, the fee portion would have to be equal to or less than, you would have to go through some kind of cost analysis to make sure that fee is going towards cost that you're allowed to recover. Mr. Marvin commented obviously if they're charging \$250 now they have done the cost analysis. Mr. Herz commented such as our parking tickets it's \$10, we have done an analysis and we keep \$8 of it because we have gone through a cost analysis and that's what it cost us to administer it, so there is only \$2 that's going to the schools. Mr. Spatz stated he will probably follow up with Dana Roper and Police Chief Casady on this issue to just kind of see if this is something they can do because it's something that he is interested in.

KEN SVOBODA - NO COMMENTS

DAN MARVIN - NO COMMENTS

V. MISCELLANEOUS -

1. E-Mail from Paula Reek - RE: Outcome of Time Warner Cable (Distributed to Council Members on 10/08/07 before Formal Meeting). — NO COMMENTS
2. E-Mail from Barb Keating - RE: Do Not Cut the StarTran System (Distributed to Council Members on 10/08/07 before Formal Meeting). — NO COMMENTS
3. E-Mail from Aaron Dominguez - RE: Do Not Cut Budget for StarTran (Distributed to Council Members on 10/08/07 before Formal Meeting). — NO COMMENTS
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5. E-Mail from Troy Platt, Lincoln Chamber of Commerce - RE: Audit Board Approval. — NO COMMENTS
6. Press Release from Kyle Fisher, Lincoln Chamber of Commerce Applauding Council and Mayor for Audit Board Efforts. — NO COMMENTS

7. E-Mail from Sharon Miller - RE: Do Not Eliminate Bus Stop on Southwood Drive. — NO COMMENTS
8. Letter from Dennis F. Mohatt - RE: The Cardwell Branch Watershed Master Plan. — NO COMMENTS
9. E-Mail from Jolene Boshart - RE: Fix City Bus Problems by Expanding, not Shrinking, the Services. — NO COMMENTS
10. E-Mail from Paul Haith with Attachment of Letter Sent to Councilwoman Eschliman on May 15, 2005 - RE: Use Taxes and Billing. — NO COMMENTS
11. E-Mail from Jacquelyn & Thomas Keller - RE: Proposed Bus Route Changes-Reasons Given for Continued Routes. — NO COMMENTS

ADDENDUM - (For October 15th)

I. MAYOR -

1. NEWS ADVISORY - RE: Mayor Beutler's Public Schedule Week of October 13 through October 19, 2007 - Schedule subject to change. — NO COMMENTS

II. CITY CLERK - NONE

III. CORRESPONDENCE -

A. COUNCIL REQUESTS/CORRESPONDENCE - NONE

B. DIRECTORS AND DEPARTMENT HEADS -

HEALTH

1. News Release - RE: High Risk Persons Should Get A Flu Shot. — NO COMMENTS
2. Physician Advisory - RE: Flu Immunization Update. — NO COMMENTS

C. MISCELLANEOUS -

1. E-Mail from Terry Bundy, LES - RE: End of Rate Surcharge. — NO COMMENTS
2. E-Mails & Letters sent by Gregory B. Tyrrell, DeCamp Legal Services, PC - RE: Item 9, 07R-207, Our client Mr. Sean Divers, for the review of his claim on 10/15/07. — NO COMMENTS

[End of Addendum]

VI. MEETING ADJOURNED - Approximately at 11:33 a.m.

dm101507/tjg