I. MINUTES
1. Director’s Meeting of March 7, 2011.
2. Organizational Meeting of March 7, 2011.

II. REPORTS ON BOARDS/COMMITTEES/COMMISSIONS/CONFERENCES
1. Railroad Transportation Safety District (RTSD) - Carroll, Emery, Hornung
2. Public Building Commission (PBC) - Carroll, Cook
3. Joint Budget Committee (JBC) - Emery, Hornung
4. Board of Health - Snyder
5. Information Services Policy Committee (ISPC) - Carroll
6. Parks and Rec Advisory Board - Cook
7. West Haymarket Joint Public Agency - Snyder
8. Multicultural Advisory Committee (MAC) - Spatz

III. APPOINTMENTS/REAPPOINTMENTS - TBA

IV. REQUESTS OF COUNCIL FROM MAYOR - TBA

V. MISCELLANEOUS
1. Gift Policy - Emery

VI. CITY COUNCIL MEMBERS

VII. MEETINGS/INVITATIONS

1. Chamber Transportation and Public Works Forum
   Lincoln Chamber of Commerce
   1135 M Street, 3rd Floor
   Speaker: Senator Campbell
   RSVP: kfischer@lcoc.com
   March 16, 2011
   Wednesday
   8:00 a.m. - 9:00 a.m.

2. “Open Books/Open Doors” Reception & Auction for the Lincoln Literacy Council
   Chez Hay, 210 N. 14th Street
   RSVP: 402.476.7323 or events@lincolnliteracy.org
   $25/Person
   March 25, 2011
   Friday
   5:00 p.m. - 8:00 p.m.
3. “Safe Kids Celebration!”
   Safe Kids-Lincoln/Lancaster County
   Location: Lincoln-Lancaster Co. Health Dept.
   Training Center
   RSVP: By 03.25.11 to 402.441.8045

4. Chamber Classic Spring Golf Tournament
   Hillcrest Country Club
   RSVP: Jaimehenning@lco.com or
   402.436.2366, $600/4-person golf team.

VIII. ADJOURNMENT
Present: Gene Carroll, Vice Chair; John Spatz, Chair (2:25 p.m.); Jon Camp; Jonathan Cook; Doug Emery; Adam Hornung; and Jayne Snyder

Others: Rick Hoppe, Chief of Staff; Denise Pearce, Mayoral Aide; Rod Confer, City Attorney; and Miki Esposito, Public Works & Utilities Compliance Administrator

Vice Chair Carroll opened the meeting at 2:09 p.m. and announced the location of the Open Meetings Act.

I. MINUTES

1. Director’s Meeting of March 7, 2011.
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II. REPORTS ON BOARDS/COMMITTEES/COMMISSIONS/CONFERENCES

1. Railroad Transportation Safety District (RTSD) - Carroll, Emery, Hornung
   Emery stated they formatted the preliminary budget, knowing at year’s end money not used is reallocated, and discussed where to reallocate the funds. He commented the RTSD is now starting at 2nd and G Streets, the first step in the south quiet zone. Possibly call a quieter zone, as things will happen but a marked improvement. Carroll added the Lancaster County Treasurer is taking over monitoring expenses, and handling the money for the RTSD, with a 2% charge.

2. Public Building Commission (PBC) - Carroll, Cook
   Cook commented the PBC voted on the bid for carpet removal and installation. Carroll stated the County bid was $20,000, the other was $25,000, we went with the County. Cook stated this was over the limit under the process filed. They redid the process, following a more formal mechanism. With new numbers the PBC voted, with both bids higher than the first time. Carroll added this will come to the Council. Cook added they approved the various standard contracts with different suppliers, and the Moot Court’s use of the District Court Room.

3. Joint Budget Committee (JBC) - Emery, Hornung
   Emery stated the JBC met with the last stakeholders. Discussed the importance of understanding the JBC will look at bids closely and how money invested saves later. Talked about not knowing what the budget will be and participants will receive a different set of grant proposals.

   Hornung stated the County Board maybe considering different aspects. We have a sincere interest in the JBC receiving appropriated money as we think they provide problem solutions and save on the back end. We want to maintain the JBC. Emery added the agencies are very good in understanding how to leverage the money. Whatever money they receive will probably be leveraged six, seven, or more, times.

4. Board of Health - Snyder
   Snyder had conflict and was unable to attend.

5. Information Services Policy Committee (ISPC) - Carroll
   Carroll stated they worked on County information regarding the new jail. The city items included building a phone droid application. When people are out, see a problem, they take a picture and send to
the Mayor’s Action System. The system lists the location and puts on a map. Carroll said the second item is working on the DSC web site, close to being done.

Camp asked if there is more information on VOIP? Carroll replied now talking to vendors to see which would be compatible and at costs. Will send an RFP on costs after system selection. Also talking to other system users, receiving input. Will present to Council at a later date.

6. Parks and Rec Advisory Board - Cook
Cook stated the Board discussed event special use permits and how to charge based on event size. Also what kind of permit fees for business on park land, and guidelines for co-sponsoring events.

Still waiting to hear on the miniature golf course. On the agenda soon is the renaming of the park around Sherman Field. Sherman Field will remain with the same name, with the park being Sampson Park.

Camp asked on fees is there administration time/effort to coordinate events? Cook replied lots of talk on this. For a shelter the Parks Department goes out to prepare before, and after. If a large event, with trash, have to maintain, and take into account all expenses. The permit fee handles basic items of the Parks Department, but we may charge for other items, the costs which would be picked up by Parks. Want to do a better job of covering costs without being too burdensome for groups using the Parks.

7. West Haymarket Joint Public Agency - Snyder
Snyder stated Council should have received all resolutions passed by the JPA. Moving fairly fast through different approvals. Work being done on environmental issues, area clean up. With the Journal article one might think the JPA is behind and going over budget. We are not, but within schedule and budget. What happened was Burlington didn’t perform in a timely manner and we had cleanup to be done, so had General Excavating take a look at the contract. Working in approving actions different than first planned, so there will be no delay.

Esposito stated they had a couple items that Burlington was to do. The demolition of the remediation building and relocating an overhead power line. The costs originally were going to Burlington. The JPA didn’t have time to wait and our contractor stepped up and absorbed the cost. Emery asked if they absorbed the cost, or are we able to go back to the Burlington and expect reimbursement? Esposito replied Burlington suggested they could do, their intentions were good, but we are contractually obligated to reimburse them for work they do on the side. Emery stated theoretically it didn’t cost. Esposito commented we didn’t reimburse Burlington but shifted the money to General Excavating. Emery thought from the article some people may have thought Burlington was not doing as they had said, but we had these costs regardless.

Esposito stated important to remember $800,000 is to go into the project from the state. We have to send the application for costs but have a credit of $800,000 that we’re working with. When reporting the cost for the diesel plumb remediation to the JPA, even though within our budget, will be $400,00 to $500,000. This is after taking into consideration the credit.

Esposito said the overall budget for this piece takes into consideration what had been budgeted, except for state money of $1.7 million. The environmental cleanup is $7.2 million. We took out the contingencies to operate with about a $6 million budget. Hornung asked if any indication we’ll be exceeding? Esposito replied no, and north of O Street have been fortunate, not running into a lot of emergencies and so reserved about $5 million for south of O street projects. Will report in May.

Snyder stated they extended days on a certain completion date. Again, may be exaggerated as the JPA
is carefully watching timelines and deadlines. May extend a few days, but not months. Still within the time range of the overall project. Esposito added a great point as we had planned for delays. We thought to have a three month window for time to manage unforeseen circumstances.

Camp stated people have told him the trucks hauling the dirt make it very dusty. Esposito replied she also is the supervisor for the Water Shed Management division. On Friday heard this and had Water Shed Management look into N and 6th Streets, taking pictures. Requested a contractor to put down more gravel.

Camp asked if the city owns the land, as he’s heard the question if working on a licensee agreement. Esposito replied it depends on the area. With Burlington did one closing, a site to the west with some stockpiles. Confer added we own the land being worked on now. The railroad would not allow us to work on land we didn’t own. Camp asked if there is anything which would cause the activities to stop? Confer replied we have a contract assistant and all contingencies are discussed with provisions allowing cancellation if we don’t do any work for 45 months. Camp said he heard the question of if the city does everything as scheduled is there anything Burlington can do to stop? Confer replied no. Snyder added it’s fair to say with our extensive Burlington negotiations all was covered.

Camp stated on drawings the JPA dips into the Haymarket, when will this be? Confer stated they’ve entered into agreements approved at the last JPA meeting where the N Street property owners have given up their right to rail access as part of the acquisition process. Camp stated we don’t want to tear up the streets. Esposito responded south of O Street will address this property but they have to move off first. Confer stated the reason for private closings is the phasing. We need to certain things to occur before the project can proceed.

Snyder commented there is a very complicated Master Schedule. The JPA has to approve items ahead of the actions. Probably the best way to follow is with television, if you’re not able to attend.

8. Multicultural Advisory Committee (MAC) - Spatz
Spatz was not able to attend. Pearce stated they discussed immigration legislative bills.

III. APPOINTMENTS/REAPPOINTMENTS - Pearce
Pearce had sent a memo in February, regarding the LES Board, and Libby Raetz. Have not heard from anyone in terms of having a meeting. Will have on the agenda, with the public hearing on the 3rd.

IV. REQUESTS OF COUNCIL FROM MAYOR - None

V. MISCELLANEOUS
1. Gift Policy - Emery
Emery stated when the Mayor came forward with his proclamation did ask that Council also consider adopting the ground rules for gifts. Asking for a result. Hornung commented this is a very good idea. With elections coming think important to explain to newly elected officials how this might interact with situations where they could, or not, be gifts. Really nothing to do with the Council but the same people who gave a gift on the other job might come before us. Emery said he would want to go forward, this would also give time to work out any concerns on receiving gifts. Hornung said the guideline state we have to disclose gifts but doesn’t mean we can’t receive gifts, and this would make a little easier. Emery stated he wants to send a message that we don’t hold our employees responsible. Spatz thought appropriate, but should wait until new Council is elected. The difference between us, the Mayor, and city employees is being an employee. Should address a couple of these items. Emery stated this would not be insurmountable, with Spatz agreeing. Hornung said to put on schedule after elections.
Confer stated he was asked to do research on questions pertaining to the political accountability, the disclosure statutes, this proposal, and constitutionality. Hornung said to discuss now. Emery stated he feels it would be relevant if told it’s unconstitutional at which point it becomes a mute question.

Confer stated he looked at whether the state statutes preempt the accountability statutes, and your adoption of this policy. In his opinion it would not. There is nothing in the political and accountability disclosure act where the state says localities can’t legislate in this area. We looked at whether there is an implied actual conflict or an implied preemption. Did not find anything in the state statute in preempts in this policy. We are not allowing anything state statute prohibits. As Hornung pointed out, there are two different systems of how treated. In the state statute you’re required to disclose gifts received, but not prohibited from receiving gifts unless a bribe, agreeing to take an action where you commit a violation. You have to report gifts over $100, unless received from a relative. A different way to proceed than what is kind of the out right prohibition in the policy for State employees.

Confer stated on constitutionality considered when drafted. There are 3 or 4 U. S. Supreme Court decisions expressing and describing violating freedom of speech or association to prohibit people from making political contributions. However we’re not prohibiting giving of gifts, or receiving. As Hornung said it is not speech, but action. This does not violate any requirement as long as you tie to the Conflict of Interest type of requirements. In this policy saying you’re prohibited from receiving gifts from people doing business with the City Council, or asking for something from the City Council, or a department. In these instances haven’t found any cases which would be a violation. It’s a due process analysis. Do not believe with the way drafted there would be any problem with the document constitutionality. Spatz stated would put on agenda after elections.

**MISCELLANEOUS**

Snyder stated when we have time available would like Attorney Confer to go over the law on when one should recluse themselves, or when it isn’t necessary. Bring up today as there was a motion before us last week which personally related to me. Snyder said she reclused herself, being trained if it personally involves you, should recluse yourself and not be involved in any discussion or debate. Believe it would be good to clear up so all are on the same page. Confer stated there are different variations of the rules and depends on whether there’s a financial interest, a personal interest, and whether there’s a contract.

**VI. CITY COUNCIL MEMBERS**

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**VII. MEETINGS/INVITATIONS**

See invitation list.

**VIII. ADJOURNMENT**

Chair Spatz adjourned the meeting at 2:43 p.m.