I. MINUTES
   1. Director’s Meeting of August 22, 2011.
   2. Organizational Meeting of August 22, 2011.

II. REPORTS ON BOARDS/COMMITTEES/COMMISSIONS/CONFERENCES
   1. Downtown Lincoln Association (DLA) - Carroll
   2. Problem Resolution Team (PRT) - Emery
   3. Lancaster County Correctional Facility Joint Public Agency - Carroll
   4. Internal Liquor Committee (ILC) - Eskridge, Hornung, Snyder
   5. West Haymarket Joint Public Agency - Snyder
   6. Railroad Transportation Safety District (RTSD) - Carroll, Emery, Hornung
   7. Information Services Policy Committee (ISPC) - Carroll
   8. Parks and Recreation Advisory Board - Cook

III. APPOINTMENTS/REAPPOINTMENTS

IV. REQUESTS OF COUNCIL FROM MAYOR - TBA

V. MISCELLANEOUS
   1. Letter of resignation from City Councilwoman Jayne Snyder.

VI. CITY COUNCIL MEMBERS

VII. MEETINGS/INVITATIONS

   1. Chamber Ribbon Cutting for Neebo  
      2801 Pine Lake Road, Suite J  
      RSVP: Kathy Hale khale@LCOC.com  
      September 16, 2011  
      Friday  
      11:00 a.m.

   2. Capital Humane Society 25th Annual  
      Benefit Dinner and Auctions  
      Cornhusker Marriott Hotel, 333 S. 13th Street  
      RSVP: Reservation card, $35/Person  
      September 29, 2011  
      Thursday  
      5:45 p.m. - Silent Auction  
      6:30 p.m. - Dinner

   3. The Madonna Chairman’s 2011 Goal Awards  
      Cornhusker Marriott Hotel, 333 S. 13th Street  
      RSVP: By September 16th - Response Card  
      October 4, 2011  
      Tuesday  
      11:30 a.m. to 1:00 p.m.  
      $40/Person
4. Steamfitters & Plumbers Local 464 Annual “Heats On” Project
   Meet: Center for People in Need
   3901 N. 27th Street
   RSVP: To Omaha Office: fax: 402.333.0858

   October 15, 2011
   Saturday
   Breakfast Buffet - 8:00 a.m.
   Kick-Off Ceremony

VIII. ADJOURNMENT
Present: Gene Carroll, Chair; Adam Hornung, Vice Chair; Carl Eskridge; Doug Emery; Jonathan Cook; and Jon Camp

Others: Rod Confer, City Attorney; Denise Pearce, Senior Policy Counsel; Trish Owen, Deputy Chief of Staff; and Mary Meyer, Council Secretary

Chair Carroll opened the meeting at 2:37 p.m. and announced the location of the Open Meetings Act.

I. MINUTES
   1. Director’s Meeting of August 22, 2011.
   2. Organizational Meeting of August 22, 2011.
      With no corrections the above minutes were approved.

II. REPORTS ON BOARDS/COMMITTEES/COMMISSIONS/CONFERENCES

   1. Downtown Lincoln Association (DLA) - Carroll
      Carroll reported on discussion of updating the Downtown Master Plan. Associates were in from Seattle to review, and to have interviews with the DLA and public entities to update the master plan.

   2. Problem Resolution Team (PRT) - Emery
      Emery shared a typical PRT agenda, explaining the open cases which have multiple issues, the monitor cases which have not quite risen to the level of having multiple agencies work with them, or they started as open cases and now they’re almost under control. The pending cases ones brought to the PRT in the last year, and we make the determination of whether to put them on monitor or open.

      Camp asked Emery if he received a constituent’s notice of a property. Emery replied he has sent it to the PRT, who will send agencies for violation inspections, and if so will put on pending.

      Hornung asked if the PRT is getting more, or less, reports? Emery replied there was an article saying the PRT is looking at more options to possibly help neighborhoods. Probably seeing more as before many neighborhoods gave up but trying again now. Believe foreclosures are driving the numbers up as the banks are not putting a lot of money into the properties to fix them.

   3. Lancaster County Correctional Facility Joint Public Agency - Carroll
      Carroll stated they approved the budget, $4,947,000, for the coming year, with the tax levy being .029045 per hundred evaluation. Then discussed how Black Hills Energy is receiving a tax refund as they negotiated a better settlement with the State of Nebraska.

      Camp asked if the levy went down? Carroll said it remained the same. Camp inquired if any change with savings? Carroll replied this is the last year of construction costs and then they’ll re-evaluate once the jail is built.
4. **Internal Liquor Committee (ILC) - Eskridge, Hornung, Snyder**

Eskridge stated they pursued the idea of utilizing bus stops for taxi stations, and looking at the N. 14th Zoo Bar location. This will be the 14th and O taxi station point, and bar patrons will know there is a place to get a taxi. There have been problems with bars calling and cabs not arriving, or they come and other people get in. Eskridge added they’re also trying to find a similar area at 8th and P Streets, in the Haymarket area. Also, training events are coming up.

5. **West Haymarket Joint Public Agency - Snyder**

No report.

6. **Railroad Transportation Safety District (RTSD) - Carroll, Emery, Hornung**

Emery stated they discussed the audit, with no major findings, and have a copy for anyone to read. Also did several interlocal agreements, one with Hickman in regard to the overpass, and with the potential we’ll do a quiet zone in Waverly.

7. **Information Services Policy Committee (ISPC) - Carroll**

Canceled.

8. **Parks and Recreation Advisory Board - Cook**

Cook stated they discussed the $1 million funding for maintenance, with the Board approving a list of projects which will come before us for amendment in the CIP. A recommendation made regarding bricks and pavers, now the backs are worn and the letters do not show well. Also approved change in language in the Comprehensive Plan/Parks section, particularly regarding updating neighborhood pools. Cook commented they did receive a golf report, and the grounds have diminished over the years. There are private courses and golf may be less popular as young people aren’t taking it up, which could be a future problem for golf revenue.

Hornung stated he joined in a discussion on golfing where they inquired about future plans. One question was do we have too many golf courses, and is there a way to use them for parks, or some function, a better use for citizens? Hornung thought it was hard to back away from current activities and commit to providing a different service. Cook answered the Board did not discuss at this time.

III. **APPOINTMENTS/REAPPOINTMENTS**

Pearce distributed list, opening in Building and Safety and on the reverse side an upcoming list.

IV. **REQUESTS OF COUNCIL FROM MAYOR**

Hoppe suggested discussing the appointment process. Confer stated the basic principles are that the State passed the Election Act, as it applies to reelection in the State. However, the City can change Election Act procedures by enacting provisions in their charters, if there are Home Charters. If the Home Charter doesn’t provide a process or a reason, then you follow the Election Act. Confer stated Lincoln does have a charter provision saying the Council will elect a council member to fill a vacancy by a vote of Council, with four votes. It does not prescribe the procedure. The Council has adopted a procedure, in the Council rules, but it is at variance with the procedure in the Election Act. With these circumstances the opinion is the Election Act controls as there is not a charter provision supplying the procedure and the City procedure, as Council rules are contrary to the Election Act. The statute controls and the Mayor and/or the Council Chair, can make a nomination. Then Council votes on the nominee. If not elected then at the next regular Council meeting, or a special called meeting, vote on a second nominee. If the nominee is not elected the Council can vote on a third, and so forth until a member is selected by four votes.
Camp stated in the Home Rule Charter we have delegates to the Council. Constitutional charters. Have talked with several attorneys and they’re in agreement with the process the City Council then enacted. As the City Attorney you read an opinion, and would say this is your opinion. The City rules – collectively, versus a lot of people applying, versus the Election Act, which isn’t appropriate here. Confer stated it is the law. Camp stated we have a difference. The Home Rule Charter is clear saying Council Members, and also has the power section.

Hornung asked for City Charter examples where we’re governed by State law but responsibilities are delegated to the City Council. Is this the only case where we’re delegating responsibility to make or pass a decision, discussed in the City Charter, but not fully discussed, and delegated to the City Council? The only case where this happens? Confer stated the Election Act is a little unusual in saying the Election Act applies but the Home Rule Charter can enact something that’s contrary to the Election Act, and then it controls. Not aware of situations, within statutes, where this occurred. Generally if a charter is at variance with State statute, on a matter of Statewide importance, the charter provision is not valid. Hornung said it would very hard to say the City Charter is in opposition to the State statute. The State statute doesn’t say one thing with the City Charter saying the complete opposite. It’s delegating responsibility maybe to the Council, or the City, without putting in the charter or allowing the decision to be made by City Council? Confer stated the City Charter states Council will elect a member. Hornung asked if anything about the procedure is in opposition to Nebraska’s State statute? Confer replied in the State statute it says the Mayor can vote to break a tie, and do not think it is changed by City Charter. Hornung asked if Confer agrees there are several examples, between Federal/State law, where actions are allowed to be made by the legislative body, or some body, and then that constitution delegates responsibility for the decision making onto a body? A fairly common way of doing business. So, why in this situation have we come to the conclusion this delegation of responsibility is not prevented by State law? Confer replied there’s no delegation. The nomination procedure is different than the provision which says you need four votes of Council members. Hornung asked if nominees come from two gentlemen? Carroll replied the nominee source comes from Council members to the Chair. Do advise to have done by Thursday noon.

Camp stated that’s not in the State Election Act. Carroll stated he has read 1.6. A benefit for Council to be involved and send names to the chair, by Thursday noon. The names will be announced that day, then one week to interview candidates, and on September 22nd the Mayor and the Chair will discuss and one name will be brought forward for election on the 26th.

Camp asked who will do the interviews? Carroll replied any Council Member who would like to. Camp asked how can they interview if not letting them decide who they can vote on? Carroll stated Council gets to vote on the person nominated, per State law.

V. MISCELLANEOUS
1. Letter of resignation from City Councilwoman Jayne Snyder.

VI. CITY COUNCIL MEMBERS
No comments

VII. MEETINGS/INVITATIONS
See invitation list.

VIII. ADJOURNMENT
Chair Carroll adjourned the meeting at 2:58 p.m.