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LANCASTER COUNTY  
BOARD

**JOINT MEETING  
LINCOLN BOARD OF EDUCATION  
LINCOLN CITY COUNCIL  
MAYOR  
LANCASTER COUNTY BOARD OF COMMISSIONERS**

**Monday, June 25, 2001 – 7:30 a.m.**

**Lincoln Public Schools District Offices  
Board Room (E102)  
5901 O Street**

**AGENDA**

1. Minutes of September 18, 2000 (attached)
2. Pools/Rec Centers
3. Cell Towers
4. Student Smoking – Charlotte Burk, Health Department Specialist for Youth Smoking
5. Busing
6. Scheduling of City Bus Routes/Times Coincident with Middle School Arrival and Departure
7. Infrastructure Financing
8. Capital Costs on New Development
9. School Board's Involvement in the Comprehensive Plan Process
10. Activities for Teens
11. Lincoln High School J Street Improvements
12. Plans for South 21st Street West of Beechner Stadium
13. Safety Issue on Speed Limit on Superior Street
14. Families First and Foremost (F3) – Sheryl Schrepf, County Juvenile Mental Health Director
15. New Juvenile Detention Facility – Dennis Banks, Juvenile Detention Center Director; Chris Beardslee, Sinclair Hille Architects
13. Continuing Business
14. New Business
15. Future Meeting Date

## MINUTES

### JOINT MEETING LINCOLN BOARD OF EDUCATION/ LINCOLN CITY COUNCIL MAYOR LANCASTER COUNTY BOARD

Monday, June 25, 2001  
Lincoln Public Schools District Offices  
5901 O Street, Lincoln, NE

**MEMBERS PRESENT:** **Board of Education:** Doug Evans-President, Kathy Danek, Jim Garver, Lillie Larsen, Don Mayhew, Keith Prettyman, Ed Zimmer  
**City Council:** Annette McRoy-Chair, John Camp, Jonathan Cook, Glenn Friendt, Coleen Seng, Ken Svoboda, Terry Werner  
**Mayor** Don Wesely  
**Lancaster County Board:** Kathy Campbell-chair, Bernie Heier, Ray Stevens, Bob Workman

Mr. Evans called the meeting to order at 7:30 a.m. Self-introductions were made by those in the audience.

#### MINUTES

The minutes of the September 18, 2000, joint meeting of the Lincoln Board of Education, the Lincoln City Council, the Mayor, and the Lancaster County Commissioners were approved as distributed.

#### POOLS/REC CENTERS

Mr. Cook noted that this issue is related to Item 7, Infrastructure Financing, Item 8, Capital Costs on New Development, and Item 9, School Board's Involvement in the Comprehensive Plan Process. Mr. Evans advised that these would be addressed later in the meeting.

#### CELL TOWERS

Mr. Cook reported that the city has had some applications recently for cell towers next to school sites, specifically by Qwest Wireless for Irvingdale Park. The neighbors were opposed to a cell tower in the park, and they preferred the school site of Irving Middle School. Because of the neighborhood outcry, Qwest is currently in negotiations with LPS, but has had problems in getting a deal with the schools. Another application is for

a cell site in the Sheridan Lutheran Church parking lot at South 37th and High streets. The Urban Design Committee recommended a site near South 40th Street, but because of problems with the schools, Qwest is now looking at a site outside of the Southeast campus. There is still interest, however, in finding a site on campus. Mr. Cook asked if the schools get money from these cell towers? He also asked about the kind of procedures that public entities want to have. Because there is overlapping jurisdiction between the schools and the city, there are some issues related to different areas of the city. Mr. Cook emphasized the need to have a procedure to follow no matter who owns the property on which cell towers are requested.

Mr. Garver reported that the school district has negotiated with approximately 12 different wireless providers and LPS has come up with a contract that protects the taxpayers. There are clauses in the contract having to do with maintenance and liability that some providers do not want to agree to and, therefore, they won't sign off on those provisions. LPS shares its standard contract with the city, and Mr. Garver indicated that he thinks everyone would want to have the same kind of contract. Currently, some providers are playing entities against each other, but LPS refuses to give in on the maintenance and liability issues.

Dr. Schoo stated that it comes down to one provider. LPS facilities supervisor Larry Hennings added that there are two providers, who have not signed the contract. All others have signed the contract. Dr. Schoo reported that the contract is in the best interest of the taxpayers of the community. At both Southeast and Irving, the district has agreed to a location with a provider. It is simply a matter of them signing the contract.

Mr. Prettyman indicated that he is uncomfortable with public conversations of negotiations. He added that LPS staff is not necessarily addressing Mr. Cook's question, which was more of a procedural question.

Mr. Cook stated that the second part of his questions had to do with procedures. He asked if LPS is able to take advantage of the income from cell towers? Dr. Schoo responded that the district is, and it works closely with city staff, adding that LPS has always had a good relationship with the city. Mr. Friendt stated that this helps clear up some of the issues. He asked if the state aid formula is affected when LPS receives the financial rewards of cell towers? Dr. Schoo responded that it is not.

Mr. Werner asked if city contracts with cell providers also contain maintenance and liability clauses, and an audience participant advised that they do.

Mrs. Seng encouraged the school district and city and county staffs, and their attorneys, to share contract information so that everyone is on the same page.

Mr. Evans suggested that Lincoln Board of Education attorney Jim Gessford contact the city and county attorneys, with the goal of coming up with a common contract.

Mr. Cook noted that the cell tower in the Sheridan Lutheran parking lot at South 37th and High streets in on the city council's agenda for this week. He asked if it would make sense for the council to act on this at its meeting, or if it should be delayed? LPS associate superintendent for business Cliff Dale reported that LPS staff has met with all parties at Southeast and there is an agreement prepared for a cell tower site at Southeast. The contract is now in the hands of the wireless provider. Dr. Schoo suggested that the city deny the request at Sheridan Lutheran Church and request that the provider continue to work with the school district to locate the cell tower on the Southeast site.

Dr. Zimmer reported that school finance does not allow the district to lease property, receive funds, and offset taxes. The district can make use of the funds, but not as a property tax offset.

Mr. Cook stated that this comes back to what kind of procedure cell towers should go through, so the different entities don't get into the providers playing one against another. If a cell provider wants to move into a location, Mr. Cook indicated that he would like to see a meeting required with all landowners in the area to find out the possible locations. Then notices could be sent to homeowners, followed by a site selection going to the Urban Design Committee.

Mr. Evans suggested that the Planning Department put together such a structure and meet with the county and the school district.

Mrs. Larsen cautioned that residents need to be kept informed of any possible site changes of requested cell towers. Mr. Cook asked if the Southeast site should go back to the Urban Design Committee, which has already recommended a site at Southeast High School? Dr. Zimmer advised that the Planning Department is short-handed in this area, but noted that the recommendation on the Southeast site included a recommendation that a more internal location on the site would be better. This recommendation still stands; therefore, it would not have to go back to the Urban Design Committee. Dr. Zimmer added that there would be a public hearing at the school board meeting when it comes before the board. Mr. Cook observed that cell tower sites are in a transitional phase now, although the city does have guidelines in place currently for placement of towers in parks.

Ms. McRoy noted that cellular companies have technical requirements. She cautioned everyone to remember that they choose neighborhoods and locations that will fulfill those requirements, and federal law prohibits the denial of all of the requests. The companies have to be accommodated to a certain level.

If schools get cell tower income, Mr. Camp asked if this impacts the school budget? Dr. Zimmer replied that a direct receipt would be an offset to the state aid formula. However, there are appropriate, legal ways to use the funds within activity funds or other uses that do not affect the state formula.

## STUDENT SMOKING

Mr. Camp reported that he has received some constituent concerns regarding smoking around schools and the enforcement of youth smoking in neighborhoods.

Charlotte Burk and Lynn Jones of the Health Department provided information regarding tobacco use, including:

Nationally, tobacco use is still the number one preventable cause of death.

2,700 in Nebraska die annually from tobacco use.

\$500 million is spent on tobacco-related diseases annually.

In Nebraska, 23-24 percent of adults smoke.

In Nebraska, 37 percent of teens smoke.

90 percent of all smokers started as teenagers.

Ms. Burk provided a copy of the 1999 Youth Risk Behavior Survey, noting that Lancaster County is the only county that does such a survey. From 1991 to 1999, there has been a decrease in youth who have smoked in the last 30 days from 35 percent to 34 percent. There is more tobacco usage by older youth. Smoking is equally common among boys and girls. The average age for starting to smoke is 14 years.

Ms. Burk congratulated the school district because, according to statistics, there is a decrease in tobacco use at the schools. All schools have smoke-free policies, but there is still the issue of youth going off campus to use tobacco.

Ms. Burk reported on the progress that has been made, including smoke-free schools, more businesses being smoke-free, Pinewood Bowl and the Antelope Band Shelter are smoke-free during performances, and smoke-free city, county and state buildings. She noted that a change in public attitudes is critical to the issue. Some parents are thankful that their children only use tobacco.

Ms. Burk talked about the need to focus on youth tobacco use and the exposure to environmental tobacco smoke, noting that education is only one piece of the answer. There is a need for more aggressive anti-smoking marketing campaigns, cessation programs for adults and youth—including quit lines, and clean air policies. Ms. Burk encouraged everyone to work with businesses to promote more smoke-free environments and to talk to youth regarding tobacco policies. She also stated that a price increase in tobacco products is very important.

Ms. Burk reported that recent tobacco settlement funds would be used for implementing policies, adding that schools are partners in this. She cautioned that it takes everyone working together to eliminate smoking and it takes time to have an impact. Ms. Burk advised that many citizens are concerned about this issue, and there is a need for people to challenge restaurants and ask for smoke-free sections, and parents need to talk to their kids about tobacco.

Mr. Camp asked what more could be done? Ms. Burk suggested some ideas, including not having as much billboard advertising of tobacco products near schools, and working with retailers to not sell tobacco products to youth. She reported that it is legal for youth to purchase tobacco, and it is legal for youth to hold tobacco in their hands, but it is illegal for them to use tobacco. Enforcement for youth smokers outside of schools puts police officers in a difficult situation because it is a non-citable offense, unless an officer actually sees a youth using tobacco. LPD has, however, done a lot of citing of youth for use of tobacco.

Mr. Camp asked what types of ramifications there are for students who smoke in LPS? Ms. Burk advised that schools might have different policies. At Southeast there are discipline policies in effect. Dr. Schoo reported that if students smoke on school grounds, there are discipline actions. Off-campus smoking would require the actions of LPD.

Mr. Camp asked if there were any thoughts on how to control youth smoking off of school property, but close to schools? Dr. Schoo noted that this would be more easily done if the school district and the Police Department had enough resources. He stated that youths smoking off of a school site can be cited, but that takes manpower. It is very frustrating to the schools, to the Police Department, and to the neighbors. Long-term prevention is still the best. Dr. Schoo acknowledged that there are still too many kids smoking, but he added that this would not disappear because others want it to. He noted that there are some pretty inconsistent messages in society regarding this issue. Dr. Schoo indicated that he doesn't have a good answer, but he doesn't feel it is worthy of a police officer standing near schools all of the time—it would just drive the kids further from the schools. Police officers are present in the neighborhoods, near smoking areas, when they can be.

Ms. Burk reported that schools and police officers are put in a difficult situation, and there is a need to address the issue aggressively in other areas for everybody to work toward the same goal for drastic decrease in tobacco use. These efforts include product placement in stores, and legislation to increase tobacco taxes. Ms. Burk stated that the more adults there are working on the issue, the better chance there is to decrease smoking. She added that efforts are extremely expensive.

Ms. Danek observed that the message of "don't start" is important. She also observed that LPS wants the schools to be good stewards in the neighborhoods. Ms. Danek noted that when students leave class, they often don't come back. She talked about the efforts at Northeast High School, where students were smoking on the public right-of-way and garbage cans, etc., were placed in the vicinity in order to keep students close to schools and keep the neighborhoods clean. Ms. Danek also talked about the importance of the city attorney's office following through with fines for youth smokers, noting that some parents complain about this.

Dr. Schoo reported that when the school district went smoke-free, it made a significant difference in the schools' ability to enforce smoking policies, but it drove smokers off

campus. He noted that it's important, as educators, to send a consistent message that they oppose smoking. Dr. Schoo pledged that LPS would work cooperatively with others when student smokers move off-site. He added that this is a small group of kids.

When citations are issued to students for smoking, Mrs. Larsen stated that it would be helpful if schools could be notified so that they can offer help to students. She also indicated that it would be helpful if neighbors could report smoking activity anonymously on the "quit line."

## **BUSING**

Mayor Wesely reported that StarTran would be closing its mid-town route, but it would retain the booster routes to schools on that route.

## **PARKING FINES**

Mayor Wesely reported that there are proposals before the city council that would reduce the amount of money schools receive from parking fines. One proposal would double a parking fine from \$5 to \$10, with the additional money going to the city. The City's proposal is not to reduce the money to schools and there are some proposed amendments to ensure this.

Mr. Camp advised that his proposal for non-moving violations is for the first two tickets to be \$5 tickets, and after that each ticket would be \$10. He reported that the city has tried to keep its administrative costs for non-moving violations at an even level, but the costs have gone up. Mr. Camp expressed concern that state aid to the school district would be revised, if it received increased parking fines, and he asked if, then, the city would be just raising taxes for the state treasury?

Mr. Garver noted that this is a constitutional issue, adding that the State Constitution indicates that fines are to go to the benefit of the school district. He stated that it's an open question at this time whether it would affect the school finance formula, but he emphasized that it is a constitutional question. Mr. Garver questioned why all fines are not going to the schools, and the right of any jurisdiction to judicial costs. He noted that some state senators also want to reduce the state aid formula for gifts received by a school district. All of these intricacies have to be worked out. Mr. Garver suggested that the school district and the city attorneys work together to reach consensus on what should happen.

Mr. Camp indicated that if there is a concern from the school board, he would like to hear it, but he noted that if there is a constitution question, the attorneys getting together wouldn't help. Mr. Camp stated that he also has a concern about the economic development in downtown, and added that he doesn't want to impair this.

Mayor Wesely asked if the issues raised by Mr. Garver could mean a reduction in receipts to the school district? Mr. Garver responded that there is a need to first

change the school finance issue, prior to reviewing the judicial issues of the city. Mayor Wesely stated that if the city holds the school district harmless and recoups its costs, he feels this is okay. Mr. Evans observed that the school district is trying to work within the rules of the State Legislature, and there are several avenues to pursue.

## **FUTURE MEETING DATE**

There was discussion about future meeting possibilities with the three entities, as well as items that needed to be discussed yet today and the carry-over agenda items. After much discussion, it was determined that the school board, the city council, the mayor, and the county board would again meet on Wednesday, July 18, 4:30-6:00 p.m., at the Lincoln Public Schools District Offices. At that time, any agenda items dealing with the county would be placed first on the agenda.

Mr. Werner asked about the possibility of televising the joint meetings, noting that this is a positive thing that the three entities do. Mayor Wesely indicated that he feels this would change the dynamics of the meetings. Mr. Evans suggested that the school district's media staff look into how they could organize televising the meetings. He stated that this could be a report at the next joint meeting, then a decision could be made whether or not to do it.

## **LINCOLN HIGH SCHOOL J STREET IMPROVEMENTS**

Mr. Garver reported that the school board would act on a bid at its meeting tomorrow regarding work at Lincoln High School. He talked about gunfire that occurred at a near-by apartment in the past, and reported that the board has since acquired this property. Mr. Hennings has been working with the Public Works Department on this issue.

Mr. Hennings pointed out the area of the new parking lot and the newly acquired property near Lincoln High School. He advised that the school district is asking for vacation of South 22nd Street, from the alley south to J Street. The plans are for LPS to create a cul-de-sac on J Street and create parking in this area. Public access would be through the alley and the remaining part of South 22nd Street. The plans have been discussed with the city.

Attorney for LPS Jeanette Stull reported that the school district has filed a petition to vacate the south portion of South 22nd Street, as pointed out by Mr. Hennings. The City was very reluctant to be involved in vacating on the north side of South 22nd Street because of a resident still living there and a concern about who pays for the vacation, etc. It is much cleaner to vacate just the southern portion, with a long-range plan once the resident in this area leaves. Public Works would prefer to vacate the entire street, but it is willing to vacate only the south portion.

Mr. Hennings provided a handout of the plan for the cul-de-sac and the parking lot.

Mr. Camp asked why there would be no access to the existing large parking lot at Lincoln High from the proposed cul-de-sac? Mr. Hennings advised that doing so would create a non-desirable traffic pattern around the school. Mr. Garver indicated that one of the big things around high schools is to separate bus and student parking from the parent drop-off area. He noted that there is a tight situation at Lincoln High School and the school district is trying to make the best use of the land.

Mr. Werner asked if there would be Lincoln High parking west of Capitol Parkway? Mr. Hennings replied that this is in the long-range plan for the area. He added that the plans are for the current large parking lot to remain at Lincoln High School.

### **SAFETY ISSUE ON SPEED LIMIT ON SUPERIOR STREET**

Mrs. Danek reported that a 7-year-old Campbell Elementary student was struck by a car at North 20th and Superior streets near the end of the school year. She indicated that the child's parent, Dave Meysenburg, was present in the audience.

Mr. Meysenburg talked about the safety issue of North 20th Street being the main road off of Superior. It is a 40-mile-per-hour, limited access road. It was at the intersection of North 20th and Superior streets where someone ran a red light and struck his child. Mr. Meysenburg noted that there is much enforcement of the school speed limit zone, but added that the problem is that people are used to driving fast in this area. He reported that one-half of the Campbell students have to cross Superior to get to school, and this number is likely to increase with the continued growth in this area. Mr. Meysenburg requested an overpass for students to use to get to Campbell, similar to the overpass at South 27th Street and Highway 2, or an alteration of the traffic lights in this area. He noted that many cars are turning left onto Superior, competing with children walking to school.

Mr. Evans observed that overpasses have been explored before. Two problems associated with them are the costs and getting students to use them. He indicated that LPS staff would work with the city to determine the cost and whether or not there has been a study done on the usage of overpasses. He recommended that this be an agenda item at the next joint meeting.

Mrs. Seng talked about the need to have a comparison of traffic on a variety of other roadways, and the need to take an overview of all areas.

Mrs. Larsen noted that there was a similar concern at East High School along South 70th Street, with the result of a traffic light being installed. She noted that this has worked, but it is a big intersection. Mrs. Larsen also expressed concern about the Folkways Boulevard intersection near North Star High School.

Scott Opfer, Public Works, advised that the cost of an overpass is a big issue because of the requirement to have any overpass ADA accessible, which requires more room. He noted that the city has tried to address the safety issue in the Campbell area with a

25-mile-per-hour speed zone, with enforcement. Mr. Opfer also advised that the city has put together a School Crossing Protection Manual, with recommended working routes to each school. He advised that the city would continue to work with schools on walking routes.

Mrs. Danek suggested another pedestrian light to the east of North 20th and Superior streets, where pedestrians could push a button for a crossing light where traffic is not turning. Mr. Opfer advised that the biggest problem is the access into the school, but the city can look at an additional light. He added that traffic signals need to meet specific requirements of a certain number of students crossing the intersection.

Ms. McRoy reported that she has done some work on this intersection, which was prompted by a constituent's contact. She indicated that a homeowner had to cut bushes and move a retaining wall to provide more visibility along Superior. Ms. McRoy stated that, hopefully, with all of this input, some solutions could be developed.

#### **SCHEDULING OF CITY BUS ROUTES/TIMES COINCIDENT WITH MIDDLE SCHOOL ARRIVAL AND DEPARTURE**

Larry Worth, StarTran, noted that LPS is deleting middle school busing at some schools. He provided copies of two memorandums, noting that StarTran already has service within two-three blocks of all middle schools and routes that run within 30 minutes of middle school start and end times. StarTran fares for LPS students will be increased from 50 cents to \$1.00. Regarding replacement services for discontinued LPS middle school transportation, Mr. Worth noted that it would cost approximately \$500,000 to provide that.

Mr. Opfer provided a copy of a memorandum regarding the School Crossing Protection Manual and a summary of all schools. He advised that city staff would continue to work with principals on these issues.

Mr. Cook noted on one of the hand-outs that it states that LPS staff have indicated that the estimated number of students actually utilizing the LPS school bus services, either in total or by route/school, is not available, and LPS is also unable to provide the actual routes utilized by the school buses. He asked why this information is not available? Mr. Evans advised that this information is available and the school district will provide it to the city.

Mr. Werner asked if LPS would subsidize bus passes for students, and Mr. Evans replied that it would not.

Mr. Friendt reported that he learned on a recent trip to Europe that nearly all children use public transportation to get to school. He indicated that he thinks there may be some positive things to come out of reduced school-provided transportation and he is interested to see what happens.

## **AGENDA MAKEUP**

Mr. Workman noted that many items on today's agenda did not pertain to all three entities. He suggested keeping future agendas to a minimum. Mr. Evans agreed, and apologized for the agenda. The agenda in July will begin with county items.

Mrs. Campbell indicated that there is need for the three entities to spend time on the Comprehensive Plan because of the growth of the city and the inter-relationships of the three entities. She added that there is a need for big-picture items on the agenda.

Mrs. Seng observed that cell towers are relevant to all three entities because there are also tower applications for the county.

Mr. Cook suggested that it be noted on the agenda the importance of addressing any items on the meeting day because of upcoming decisions required by one of the three entities.

Mr. Evans advised that on the July 18 agenda, the first two items would be Families First and Foremost (F3) and the New Juvenile Detention Facility. Following that will be the 21st Century Grant and Community Learning Center, which is perhaps the biggest shift in education in 40 years.

## **CONTINUING BUSINESS**

There were no items discussed at this portion of the meeting.

## **NEW BUSINESS**

There were no items discussed at this portion of the meeting.

## **ADJOURNMENT OF JOINT MEETING**

There being no further business, the meeting was adjourned at 9:05 a.m.