

**CITY COUNCIL ORGANIZATIONAL MEETING
APRIL 20, 2015
BILL LUXFORD STUDIO
555 S. 10TH STREET
IMMEDIATELY FOLLOWING DIRECTORS' MEETING**

I. MINUTES

1. Directors' and Organizational meeting minutes of April 13, 2015.

II. BOARDS/COMMITTEES/COMMISSIONS/CONFERENCE REPORTS

1. Public Building Commission (PBC) - Camp, Cook
2. Board of Health - Emery
3. Multicultural Advisory Committee (MAC) - Eskridge

III. REQUESTS FROM MAYOR

IV. MISCELLANEOUS

V. CITY COUNCIL MEMBERS

VI. MEETINGS/INVITATIONS

See invitation list.

VII. ADJOURNMENT

**MINUTES
CITY COUNCIL ORGANIZATIONAL MEETING
APRIL 20, 2015**

Present: Doug Emery, Chair; Trent Fellers, Vice Chair; Jon Camp; Roy Christensen; Carl Eskridge; and Leirion Gaylor Baird

Absent: Jonathan Cook

Others Present: Denise Pearce, Senior Policy Counsel; Lynn Johnson, Parks & Recreation Director; Jocelyn Golden, Assistant City Attorney; and Mary Meyer, Council Secretary

Chair Emery opened the meeting at 2:10 p.m. and announced the location of the Open Meetings Act.

I. MINUTES

1. Directors' and Organizational meeting minutes of April 13, 2015.
With no corrections the above minutes placed on file in the City Council Office.

II. BOARDS/COMMITTEES/COMMISSIONS/CONFERENCE REPORTS

1. Public Building Commission (PBC) - Camp, Cook

Camp stated the PBC discussed jail building status, with the interior demo taking longer. Extended the time line, causing extra expense. Looking to fall to start the interior construction.

The building across the street on 9th Street will become the Mental Health facility. Great plans and will be very functional for the County.

Within the County tornadoes have been discussed with numerous people not knowing the procedure. Will work on employee location plans within the building in case of a tornado.

The Food Bank discussed and the date for the building picnic announced.

Worked on door systems. With the retirement of Security Manager Richard Diegel, who had taken care of all swipe cards to enter the building and parking lots, we need to have someone trained for in-house security.

The PBC also reviewed and signed vouchers.

2. Board of Health - Emery

Emery stated the Board of Health discussed Legislative action and how it may affect some of the items the Board is working on.

Emery commented they also discussed the possible location for a hazardous waste disposal permanent site. Among different locations looked at is the transfer area on North 48th Street, the old City dump.

3. Multicultural Advisory Committee (MAC) - Eskridge

Eskridge stated they mainly discussed two topics: First was Diane Gonzolas presenting on the Community Access Channels and what may be available to different minority groups who would

want their programming, especially religious and cultural subjects. Secondly, a LES representative from their human resources office discussed the LES increased need for staff. Sent to numerous organizations, and talked about how to employ people from minority communities.

III. REQUESTS FROM MAYOR

Pearce replied no correspondence from the Mayor.

IV. MISCELLANEOUS

None

V. CITY COUNCIL MEMBERS

Jon Camp. Councilman Emery asked that the email sent to Camp and Gaylor Baird from Epp Concrete regarding the Bench Craft Company, be shared with all Council Members. Camp stated apparently there were concerns, with Epp engaging in advertising with Bench Craft, and the challenges he faced.

Lynn Johnson, Director of Parks and Recreation and Jocelyn Golden, Assistant City Attorney

Johnson stated he spoke with Mr. Epp and the Bench Craft Company, hearing both sides of the story. Both agreed there was a financial refund at the end, but the stories were a bit different.

Johnson followed up by contacting Mr. Epp letting him know the Bench Craft Company thoughts. Christensen asked if a private matter between an advertiser and Bench Craft? Johnson replied yes. Christensen commented then wouldn't know what impact it would have on the City Council.

Emery assumed they're speaking about the fact they're doing advertising with the golf courses and wanted us to know they were not a reputable advertiser. Johnson stated a portion of the advertising, the agreement Epp Concrete has with Bench Craft, were for city courses and think the reason Mr. Epp contacted us.

Christensen feels while doing business in the real world, there's disagreements, misunderstandings. Probably can find 95%, or more, of Bench Craft customers satisfied.

Johnson stated interesting is that the company of Bench Craft is based out of Portland, Oregon. Going on the Better Business Bureau site you'll find they have a rate of three. Also, they have approximately 50 cleared claims a year. When you hear a company has about 50 cleared claims a year it seems significant.

Johnson added Bench Craft is a company approximately 32 years old, doing about \$30 million of business a year. They have advertising agreements with between 3,500 and 4,000 U. S. courses a year and more than 500 Canadian courses. They employ 250 sales agents in 9 locations across the country. Inquired about the number of claims against them. The reply received was they do try to see they get all cleared. They have a customer relations department who only works on claims. Bench Craft stated it was less than 1% of contact volume a year. The number looks like a large number but the percentage base seems small.

Johnson stated he did want to discuss process to understand exactly how they operate. A sales person reaches out to a company, and determines interest in any of the advertising products. If the company expresses interest then a written contract is sent out. The contract contains what it would be advertising, where, the rate. When the company signs they provide credit card information. Wanted to verify when the credit card information is in the file.

Johnson added obviously they go back and forth to finalize the artwork, which is published in Portland, then sent the information. Asked when they reach a settlement with someone who has a concern or a claim, if they do a settlement agreement. The reply was they typically don't do settlement agreements, but do try to get all of their concerns resolved.

Spoke with Mr. Epp and Bench Craft. Found some similarities in what they said. Both agreed there had been a refund, with a little discrepancy on what they both agreed to do.

Gaylor Baird asked do they see this happening in contracts with people wanting to advertise on golf courses? Golden stated there's general contract terms that require a form, services in a professional manner, and to perform the services in a lawful manner. We look at everything on a case by case basis to see if there may be problems. She added Johnson will be sending a letter to Bench Craft to let them know we've received this citizens' complaint, and we're looking into the issue.

Johnson added we'll reach out to all the people, all businesses, who are advertising on the City courses to let them know we appreciate their sponsorship and their advertising. And if they have questions or concerns to contact our office. One item of concern is believing there was a dropped contact. Mr. Epp indicated he reached out to the Parks and Recreation Department and did not get a reply at that time. Johnson added he was completely unaware of this contact. This is the first time hearing of a concern with an advertiser in Lincoln having a bad experience. But we want to make sure if people have concerns that they can contact us.

Fellers asked if these are business to business contractual issues, if they have a report with the Better Business Bureau or if they've taken to court, civilly? Seems to be an escalation issue, the Better Business Bureau is really a resolution service for consumers. Are there any criminal matters we should be concerned with? Johnson replied he asked. We're able to review on line the involved case. Camp asked if he checked with the Better Business Bureau? Johnson answered he didn't call, but reviewed information on their site, and asked Bench Craft.

Christensen stated if we were made aware of every complaint or dispute between private citizens and companies who have contracts with the City we would spend numerous hours on this topic every year. There's a lot occurring out in the public, so unless this is raised to the level of a lawsuit, or something really serious, do not believe business wants to display two private parties' dirty laundry in public.

Emery said Council now knows there's a concern and will watch. Due diligence at this point.

VI. MEETINGS/INVITATIONS

See invitation list.

VII. ADJOURNMENT

Chair Emery adjourned the meeting at 2:25 p.m.