Omaha Municipal Land Bank Board

MINUTES

Monday, December 8, 2014

Regular Meeting:
2:00 PM, Farnam Level South Cafeteria
Omaha/Douglas Civic Center
1819 Farnam Street

Meeting Minutes: This document states the minutes before the Omaha Municipal Land Bank Board at their Public Hearing and Administrative meeting held on Monday, December 8, 2014.

Certification of Publication: Omaha Municipal Land Bank Board Administrator certifies publication of this agenda in the Daily Record, the official newspaper of the City of Omaha on December 2, 2014.

Members Present: Tom McLeay, Chairman
Jamie Berglund, Vice Chair
Ken Johnson
Spencer Danner
Randy Lenhoff
Scott Semrad
Cathy Lang
Julie Stavneak
Julia Plucker
John Heine
Diane Battiato

Members Not Present: Mike Riedmann

Staff Present: James Thele, Director, Omaha Planning Department
Alan Thelen, City Law Department
Debbie Hightower, Recording Secretary
PUBLIC MEETING:

James Thele, Director, Omaha Planning Department, called the meeting to order at 2:10pm, introduced the board members, as well as the staff, and explained the procedures for hearing the cases. Thele informed the public that the meeting was published on December 2, 2014 and a copy of the Open Meetings Law was available for review on the north wall of the room.

Mayor Stothert appeared before the board to welcome the new board members. The Land Bank will be a redevelopment tool that will create more affordable housing and safe neighborhoods. Many properties in Omaha are vacant and dangerous. The Mayor stated that it is important for the Land Bank to ask for input and listen to community feedback. The Omaha Land Bank is the first in the state and the actions of the Land Bank will be watched.

Roll call was taken and 11 members were present. (Mike Riedmann was absent)

Each member of the board introduced themselves and briefly explained what they would like to accomplish with the Land Bank.

Alan Thelen, attorney with the City of Omaha, stated that he would be working with the Land Bank. Thelen suggested that the seven voting members of the board nominate and vote on a Chairperson, Vice Chairperson and Treasurer.

Motion by Jamie Berglund to nominate Tom McLeay as Chairperson. Spencer Danner seconded the motion.

AYES: Johnson, Berglund, Danner, Lenhoff, Semrad, Lang, McLeay
MOTION CARRIED: 7-0

Thele handed the gavel over to McLeay.

Motion by Cathy Lang to nominate Jamie Berglund as Vice Chairperson. Scott Semrad seconded the motion.

AYES: Berglund, Danner, Lenhoff, Semrad, Lang, McLeay, Johnson
MOTION CARRIED: 7-0

Motion by McLeay to nominate Spencer Danner as Treasurer. Randy Lenhoff seconded the motion.

AYES: Lenhoff, Semrad, Lang, McLeay, Johnson, Berglund, Danner
MOTION CARRIED: 7-0
McLeay indicated that the board would need to seek nominations for a Secretary. Thelen stated that State law does not require the election of a Secretary but the board may use someone from the City staff and in the future the board will hire someone for that position. Thele suggested that it would be appropriate to appoint Debbie Hightower as a temporary Recording Secretary. McLeay agreed.

McLeay opened the meeting up for public comment.

Ben Gray, 5425 Fort Street, City Council member for District #2, appeared before the board. Gray pointed out that his district is where a lot of the work with the Land Bank will take place. Some of the issues in his district are very critical; crimes occur in abandoned lots and empty buildings where people are living along with the homelessness issues in the community.

Pete Festersen, President of the Omaha City Council, appeared before the board. Festersen pointed out that one of the strengths of the board is the partnerships that the board can bring to bear with the other entities already engaged in this process. Festersen encouraged the board to get under way expediently and reminded the board of the upcoming tax sale in March. He also pointed out that a very important part of the board is to engage the neighborhoods involved when going through the process.

McLeay stated that a concept for the by-laws was provided by the City Attorney’s office and was drafted for review. Thelen stated that there are several existing rules that already apply to the Land Bank. The top level is the State law that was passed by the State Legislature a couple of years ago and includes the description of the Land Bank. The City Council wrote the ordinance to create the Land Bank. Thelen further explained that the by-laws will be a set of rules written by the board to govern activities. The by-laws include things that are mandated by State law or by the City Council’s ordinance but there are other by-laws (i.e. attendance policy, meeting schedule, publication of meetings) that will need to be discussed today. Thelen suggested that a subcommittee get together before the next meeting to draft a set of by-laws and the City’s law department would be willing to assist with the process. Thelen offered to answer any questions.

Motion by McLeay to authorize the City to provide a sketch of the by-laws. Lang seconded the motion.

AYES: McLeay, Johnson, Berglund, Danner, Lenhoff, Semrad, Lang
MOTION CARRIED: 7-0

Lang questioned if there would be a potential conflict of interest policy or a way of addressing if there would be a conflict of interest. Thelen answered that State law does state that the board will need to pass a set of Policy and Procedures dealing with ethical guidelines and conflicts of interest. He further stated that the Policies and Procedures will be a separate set of policy documents as required by State law.

Johnson questioned if it would be more efficient to have the City law department draft the policies and procedures. Danner suggested that the policies and procedures be developed and written by the board with the assistance of the law department.
McLeay suggested that a four person subcommittee be appointed to take on the task of the by-laws and policies and procedures. Berglund agreed and also suggested that there be ad hoc committees so everyone can be engaged without being overwhelmed.

McLeay (inaudible)

Johnson was concerned that board members could be overwhelmed with too many meetings and suggested that the board use the law department staff.

McLeay (inaudible)

In response to Diane Battiato, Thelen answered that non-voting members are allowed to participate in discussion. Battiato suggested having two or three board members work in conjunction with the City Attorney to draft an outline of the by-laws before bringing it to the board.

(inaudible)

In response to Lang, Thelen stated that the by-laws will be easy to draft but the policies and procedures will be a creative process with more discussion. He confirmed that the City law department is willing to work with the Land Bank board. Lang volunteered to work on the by-laws and a policies and procedures subcommittee with the City Attorney’s office. Thelen stated a rough draft of the by-laws could be available for the subcommittee within 10 days to two weeks.

Berglund added that there are other organizations from other communities who can assist with policies and procedures and be used as another technical assistance resource as the board moves forward.

Julia Plucker also volunteered.

Thelen suggested that the law department could easily draft the by-laws but the policies and procedures are integral to the goals of the Land Bank and could be accomplished with a subcommittee.

Battiato stated that the Land Bank will be under a microscope and agreed that the policies and procedures are what will make or break the board.

Motion by McLeay to create a by-law subcommittee to include Berglund, Lang, Plucker, and Danner. Lang seconded the motion.

AYES: McLeay, Johnson, Berglund, Danner, Lenhoff, Semrad, Lang
MOTION CARRIED: 7-0

McLeay: (inaudible)

Johnson suggested proposing a timeline for the development of the policies and procedures.
In response to McLeay, Thelen answered that there are no requirements on how often the board meets but most City boards meet once a month. He stated that State law requires reasonable advance notice to the public regarding the meeting. The City’s standard procedure is to submit a written notice to the Daily Record that is usually published 7 to 10 days in advance of the meeting.

Thele suggested a set time for a monthly meeting (i.e. the second Monday of each month) and at the same time and location (i.e. the Civic Center).

Danner suggested meeting twice per month. Battiato agreed that the board would need to meet more than once a month if the target of the board is to be ready for the tax sale in March. Berglund explained that the Land Bank would need three critical items in place: 1) appoint a Director, 2) have funding in place, and 3) policies and procedures completed. Battiato agreed that it would be too aggressive to be ready for the tax sale in March. Berglund pointed out that the bargain sale in May would be a more realistic goal.

McLeay: (inaudible)

Gray suggested concentrating on the policies and procedures because the Land Reutilization Commission (LRC) can participate in the tax sale in March. In response to McLeay, Gray stated that the funds for the LRC come from the Omaha Public School District, Douglas County Board and the City of Omaha at $25,000.00 each. McLeay pointed out that any funds from the Land Bank could not be passed through the LRC.

Berglund stated there are two separate organizations that are willing to spend time with the board to provide technical assistance and give a true and solid understanding of the Land Bank. One group is based out of Atlanta and the other group is from Ohio. Battiato suggested that the board slow down the process, therefore making better decisions in formulating the policies and procedures. Berglund explained that the Center for Community Progress in Atlanta could provide support and assistance for one day and then on-going assistance. The Cuyahoga County Land Bank from Ohio, which is very successful, will provide at least a one day workshop. Cuyahoga took the first six to twelve months to actually formulate all policies and procedures, secure funding sources, build relationships with communities, and hire staff before acquiring property. Lang suggested finding a time early in January and/or February for the opportunity to be involved with a workshop with both groups.

Danner added that the board and the Executive Director will still need to be involved when there are decisions to be made.

Motion by Berglund to hold the Land Bank meetings on the 2nd Wednesday of the month from 9:00 to 10:30 and the next meeting to be January 14th, 2015. Danner seconded the motion.

AYES: McLeay, Johnson, Berglund, Danner, Lenhoff, Semrad, Lang
MOTION CARRIED: 7-0
McLeay asked for a motion to appoint someone to be in charge of publication and the procedure for publications. Thelen added that the Planning staff could provide administrative services to include publication of notices.

Motion by McLeay to appoint Debbie Hightower, City Planning staff, as the designated person to provide publication of meetings. Lang seconded the motion.

Thelen asked to add to the motion that the notification of meetings would need to be published 7 to 10 days in advance. He also stated that a link on the City website would be provided.

McLeay amended his motion to include publication of meetings 7 to 10 days in advance. Lang seconded the motion.

Berglund requested that the notifications go beyond the Daily Record in the future.

AYES: McLeay, Johnson, Berglund, Danner, Lenhoff, Semrad, Lang
MOTION CARRIED: 7-0

Thelen stated that all board decisions should be made in open public hearings and advised that discussions of upcoming cases and items among more than three board members would be a violation of the Open Meetings Act if that occurs without publication. In response to Thele, Thelen answered that it would include voting and non-voting members. Battato asked if it was a percentage of the whole body. Thelen responded that a quorum would be seven therefore more than three members would be a violation. There was a question raised regarding subcommittee meetings. Thelen agreed to review the Open Meetings Laws regarding subcommittee meetings and workshops but asked that the board members avoid e-mails amongst themselves especially when formulating policies.

Battiato added that future meetings could be advertised on community calendars, local TV stations as well as PSA’s on local radio. Thele agreed but stated that the advertising could be included as a policy. Thele further pointed out that State law requires a monthly report including a financial statement to the City Council and suggested that for now the minutes would be sufficient.

McLeay discussed the Executive Director search and suggested that a subcommittee be formed to formulate a job description, outline for search, salary/compensation package and possible fundraising qualifications. Thelen stated that there may be certain qualities regarding an Executive Director that may be more important after establishing the policies and procedures. He further stated that an Executive Director would need to be familiar with the tax certificate process and redevelopment.

McLeay motioned to establish a four person subcommittee for an Executive Director search and volunteered to be on the subcommittee. Stavnak, Semrad, Berglund and Johnson also volunteered.

(inaudible)
McLeay withdrew from the subcommittee and amended his motion to include Stavneak, Semrad, Berglund and Johnson as members of the Executive Director search subcommittee. Danner seconded the motion.

AYES: McLeay, Johnson, Berglund, Danner, Lenhoff, Semrad, Lang
MOTION CARRIED: 7-0

Berglund stated she would follow up with donors to secure dollars for funding and schedule a date for a workshop.

Hightower agreed to send the minutes to all board members when completed.

It was the consensus of the Board to adjourn the meeting at 3:30 p.m.

Debbie Hightower, Planning Department
Recording Secretary