

**DIRECTORS' MEETING  
MONDAY, MARCH 19, 2001 - 11:00 A.M.  
CONFERENCE ROOM 113**

**I. MAYOR**

1. Letter from Mayor Wesely to Jonathan Miller - RE: Lincoln's transportation network needed to support its existing and future growth (See Letter).

**II. CITY CLERK**

**III. CORRESPONDENCE**

**A. COUNCIL REQUESTS**

**ANNETTE McROY**

1. ~~OUTSTANDING~~ Request to Law Department - RE: Cars & Trucks driving on City streets that operate hydraulics systems (RFI#45 -5/05/00) —1.) **SEE RESPONSE FROM JOHN McQUINN, LAW DEPARTMENT RECEIVED ON RFI#45-3/12/01**
2. ~~OUTSTANDING~~ Request to LPD, Chief Casady/ **Law Department** - RE: To have bikes picked up by Police given to them for repairs and give away if no one claims them (RFI#62 - 11/16/00) — 1.) **SEE RESPONSE FROM ASSISTANT CHIEF JIM PESCHONG, LPD RECEIVED ON RFI#62-11/20/00**

**JON CAMP**

1. ~~OUTSTANDING~~ Request to **Dana Roper, City Attorney** - RE: EMS Outside Consultants/Attorneys (RFI#51 - 9/28/00)

**JEFF FORTENBERRY**

1. ~~OUTSTANDING~~ Request to the **Law Department** - RE: Inquiries re: Women's Commission advocacy against Defense of Marriage Amendment (RFI#21-1/29/01)
2. Request to the Planning Department - RE: Reference and use of B.I.D. concept in implementing entryway plans (RFI#22-3/12/01)

## **JONATHAN COOK**

1. Request to the Public Works & Utilities Department, Allan Abbott - RE: Snow Removal (RFI#33 - 3/05/01)
2. Request to the Public Works & Utilities Department, Allan Abbott - RE: Crosswalk at 13<sup>th</sup> & Saratoga (RFI#34 - 3/05/01)
3. Request to the Public Works & Utilities Department - RE: The railroad crossing on the 700 block of Old Cheney Street (RFI#35-3/12/01)

## **B. DIRECTORS AND DEPARTMENT HEADS**

### **FINANCE/CITY TREASURER**

1. Material from Don Herz and Melinda Jones - RE: Resolution & Finance Department Treasurer Of Lincoln, Nebraska - Investments Purchased between March 5 and 9, 2001.

### **PLANNING**

1. Letter from Kathleen Sellman to Alene Anderson-Swinehart, Irvingdale Neighborhood Association President - RE: Her support for the "Southeast Lincoln/Highway 2 Subarea Plan" (See Letter).
2. Letter brought down by Jean Walker - letter from J. Greg Schwinn, Vice Chair, Lincoln/Lancaster County Planning Commission to Steve Henrichsen - RE: Infrastructure Financing Study (See Letter).
3. Material from Jean Walker - RE: Street Vacation No. 01003 (Bill No. 01-39) (No. 9<sup>th</sup> & X Street) (See Material).

### **PLANNING COMMISSION FINAL ACTION . . . . .**

1. Final Plat No. 00016 - Landmark Corporate Center Addition (No. 33<sup>rd</sup> & Folkways Blvd.) Resolution No. PC-00660.
2. Special Permit No. 1884 (Personal wireless facility - So. 17<sup>th</sup> & Garfield Streets) Resolution No. PC-00661.
3. Special Permit No. 1891 ( Wireless communications facility - 17<sup>th</sup> & Garfield) Resolution No. PC-00662 - **DENIED.**

## **PUBLIC WORKS & UTILITIES DEPARTMENT**

1. Public Works & Utilities Advisory - RE: A public information meeting regarding the rehabilitation of South Street from 55<sup>th</sup> to 70<sup>th</sup> and 56<sup>th</sup> Street from South to Saylor Streets on Monday, March 26, 2001 from 4:00 p.m. to 5:00 p.m. at Gere Library (See Material).

## **WEED CONTROL AUTHORITY**

1. Combined Weed Program - City Of Lincoln - February 2001 Monthly Report - Noxious Weed Control Authority.

## **C. MISCELLANEOUS**

1. E-Mail from Carlos M. Terron - RE: The packet of material that he sent to them and in regards to the Sister City Program - Also Joan Ray responded back - (See E-Mail).
2. Letter from Stan Quy, Acting Secretary's Representative, U.S. Department of Housing and Urban Development Secretary's Representative, Great Plains - Kansas City - RE: HUD's Secretary Mel Martinez announced the availability of \$2.75 billion dollars in grants to fund HUD programs in communities across this nation for fiscal year 2001 (See Material).
3. Material from James L. Wilson, President, Laser Inc. - RE: The Lincoln Skywalk West Link Project (See Material).
4. E-Mail from Lynn Robeson - RE: Mobile home association answer to Rick Peo (See E-Mail).
5. E-Mail from Lynn Robeson - RE: High Utility Bills (See E-Mail).
6. E-Mail from Sherri Haber - RE: Lancaster Event Center - liquor license (See E-Mail).
7. E-Mail from Ed Caudill - RE: Opposed - The proposed salvage yard to be placed next Northwest Lincoln's largest park, Oak Lake (See E-Mail).
8. E-Mail from Jerrie - RE: He is glad that the Amigos is going in at 27<sup>th</sup> & Capitol Parkway (See E-Mail).
9. E-Mail - RE: The Lincoln's New Children's Museum (See E-Mail).

10. E-Mail from Lynn Robeson - RE: LMC 21.56 (See E-Mail).
11. E-Mail from Karen Blessen - RE: Carstens Salvage Lot, 1<sup>st</sup> & Charleston (See E-Mail).
12. E-Mail from Kelly Nash - RE: Carstens Salvage Lot, 1<sup>st</sup> & Charleston (See E-Mail).
13. E-Mail from Frank L. Vogt - RE: Beltway to the East and South of Lincoln (See E-Mail).

#### **IV. DIRECTORS**

#### **V. CITY COUNCIL MEMBERS**

#### **VI. ADJOURNMENT**

**DIRECTORS' MEETING  
MINUTES  
MONDAY, MARCH 19, 2001  
CONFERENCE ROOM 113**

**Council Members Present:** Jerry Shoecraft, Chair; Jeff Fortenberry, Vice-Chair; Coleen Seng, Jon Camp, Jonathan Cook, Annette McRoy, Cindy Johnson.

**Others Present:** Mayor Don Wesely, Mark Bowen, Ann Harrell, Jennifer Brinkman, Mayor's Office; Joan Ross, City Clerk; Dana Roper, City Attorney; Directors and Department Heads; Darrell Podany, Aide to Council Member Camp & Council Member Johnson; Karen Shinn, Aide to Council Member Fortenberry; Tammy Bogenreif, City Council Staff, and Chris Hain, *Lincoln Journal Star* Representative.

**I. MAYOR**

Mayor Don Wesely stated to Council that Kent Morgan has put together a summary of some of the figures they initially received on the Census, which are very exciting. Mayor Wesely stated that he was very pleased with the results and the City of Lincoln will now increase to 225,000 and the County to 250,000. Mayor Wesely stated to Council that these are very significant figures and substantial growth in addition to what they had anticipated. Mayor Wesely stated to Council that the figures they were anticipating would have been more like 217,000 or 218,000 so they had underestimated the growth for the last 10 years.

Mayor Wesely stated that this is important, as they look at the next 10 years and beyond as the Comprehensive Plan is put together they need to now use figures that they are seeing of higher growth rate than they have been anticipating. Mayor Wesely stated to Council that it shows a comparison with Omaha and again they impair favorably, although Omaha is doing very well as Lincoln.

Mayor Wesely stated to Council that then it goes back in time and shows over a period of time what the figures have been for the County and the City and some of the Metro Area comparisons that Kent Morgan has put together for them. Mayor Wesely stated that on the last page of the hand-out is some ethnic changes. Mayor Wesely indicated to Council that he thinks they all sensed rapid growth in the last 10 years, but they didn't realize just quite how significant it was going to be. Mayor Wesely stated to Council that he thought this would be handy for them to use. Mayor Wesely stated to Council that if they have any questions about it, he highly recommends Kent Morgan as their resource, that Mr. Morgan does a terrific job monitoring the Census for them.

Mr. Shoecraft stated to Mayor Wesely that on the back of the Race and Ethnic Comparisons and he was wondering what they mean by "Other". Kent Morgan stated to Mr. Shoecraft that actually they changed it a little bit, that before there was another

category, but this year they allowed multiple racial categories so that they could say they're this race and that race, so that's why now they have two or more. Mr. Shoecraft asked Mr. Morgan so if they have any type of blood line in them they can register as "Other" and it will fall into these categories. Mr. Morgan stated to Mr. Shoecraft that they can make it "Other" a single one if they felt like they didn't have their category on it. or if they felt that they were two of them they could indicate those two, three or four and he thinks it is up to five different ones. Mr. Morgan stated to Mr. Shoecraft that it is a self-selection, so it's what you feel your racial background is.

Mr. Shoecraft asked how does this tie into Urban Development and the funding and the different things they can potentially get into. Marc Wullschleger stated to Mr. Shoecraft that it will definitely impact them, that they would hope that their neighborhood would increase and they will have more low modern income [inaudible]. Mayor Wesely stated to Mr. Shoecraft that a lot of Federal formulas are based on these numbers and that means more Federal aide. Mr. Wullschleger indicated to Mr. Shoecraft that most of their funds are based on low modern income, so race really doesn't effect it that much. Mr. Shoecraft stated to Mr. Wullschleger okay. Mayor Wesely stated to Council that he thinks this is really terrific news for Lincoln and Lancaster County. [Copy of the hand-out is on file in the City Council Office - "Year 2000 Census Tabulations"].

Mayor Wesely stated to Council that as he mentioned earlier he was going to talk to them about the Keno situation. Mayor Wesely stated to Council that they have had a formal appeal to his decision to terminate the contract they had approved with Lincoln Keno and he doesn't know if they have received their copy of it. Mayor Wesely stated to Council that the appeal goes to the Council and so they need to be aware of it. Mayor Wesely stated to Council that they have also appealed the decision by the State Revenue Department to not issue the license, so the issue is back on the table as to the future of Lincoln Keno. Mayor Wesely stated to Council that he wanted to lay out for them a potential strategy that he thinks makes some sense. [Council received a hand out - copy of hand-out is on file in the City Council Office] Mayor Wesely stated to Council that if they look at the article about Omaha that they'll see that their situation is [inaudible] in Bellevue, who picked the same group a couple of years ago to do their second Keno operation and they're looking at background information. But they seemed to be satisfied with the way they have handled themselves in Bellevue, than you'll see Omaha like wise is satisfied with the relationship they have had with the same operator, which was the reason why when they came to Lincoln they thought they seemed to be doing okay in Bellevue and in Omaha. Mayor Wesely stated to Council that when they came forward with the information it was different then what had been presented prior to the other cities and so that led to the background information that wasn't forth coming. Mayor Wesely stated to Council that now they are arguing otherwise and they'll be back before them on this issue. Mayor Wesely indicated to Council that they have talked about it and he wants to bring something to them for them to think about and consider. Mayor Wesely stated to Council that their interested in being a second operator and wants another chance.

Mayor Wesely stated that he knows Denton has contacted some of them and they're interested in having a chance to be the second operator and Big Red Keno is interested in starting up the second game, as he understands it they can add satellites to their current beam and that's their option, but to add a second game he thinks it requires some approval from him and the Council. Mayor Wesely stated to Council that perhaps the route to take now since they know there's multiple of interest and when the first provider was selected it was through a RFP process and when Lincoln Keno came to them that nobody else had approached them about it. So when they went forward, it was based on the fact that no one else had been interested in it and they also were the second provider so they went forward with it. But, now that they know there's multiple of interest, perhaps three or maybe more that he thinks the route to take is for them to deal with the appeal question forth right and for the second process look at a similar type of RFP process, so that before them would be perhaps three or more possibilities and then make a choice. Mayor Wesely commented to Council that he is having a hard time right now on knowing what would be the best course of action and who would do the best job. Mayor Wesely stated to Council so if they're interested, he thinks that's the way to do it, which is to have a RFP process and see who has an interest in it. Ms. Seng stated to Mayor Wesely that she is glad to hear him say that because she would recommend to do it that way too. Ms. Seng stated to Mayor Wesely that she thinks this is the best way to do it.

Mr. Shoecraft stated to Mayor Wesely that a RFP would not only legitimize the process, but they would be sure of the numbers, accuracy and prevention and things of that nature and he was wondering if this was correct. Ms. Seng stated to Mr. Shoecraft that's correct. Mr. Shoecraft stated that he just came on when they were dealing with the 1<sup>st</sup> process that took place back in 1992 or 1993 and he thought it was a good process that they did back in 1992 or whenever they did it.

Mr. Camp stated that originally he had asked for a Pre-Council Meeting on this issue today and he would still like to have it, so they can review what has happened and get a number of questions answered. Mr. Camp asked Mayor Wesely if there was anything being done on the \$5,000 a day bond. Mayor Wesely stated to Mr. Camp that because the City cancelled the contractor, there was no point in doing that and that the penalty was because they wanted them to move forward and implement the contract and so that's not an issue. Mayor Wesely stated to Council the question now is how they go forward, that it is not a question of whether there's interest in a second game because there would be two potential new operators that want to add the second game; and a current operator wants to start a second game, which they could lay out on the table so they could have choices and somebody else may come forward. Mr. Shoecraft commented to Mayor Wesely so they could potentially have three to four different operators interested in the RFP process. Mayor Wesely stated that one thing he did gather from this whole issue was if they have too many operators that none of them succeed and indicated that they are not big enough to handle three or four. Mayor Wesely stated to Council that it would be ideal to have a second operator and be able to choose that second operator and have no more than that.

Ms. Johnson asked Mayor Wesely if they have any kind of legal obligations if these people formally appeal. Ms. Johnson stated to Mayor Wesely that she personally likes the RFP process, so they can see some of the things that are occurring. Mayor Wesely commented to Council that he is jumping ahead because they first have to make a decision on the appeal and on his recommendation there are two routes to take. Mayor Wesely stated to Council that they have also appealed to the State level, but there's information that would take perhaps months for them to review and make a decision on the appeal or if they could act more quickly. Mayor Wesely stated to Council that once they resolve it and they would grant them the contract back again overriding his decision, that the issue is mute because they can go forward and then they would go to the State to try to get their license, but if they should decide "no" to the contract then the issue again is over. Ms. Johnson asked Mayor Wesely would they have legal problems if they were to say "no" that they didn't come in the first time and they're going to act on the RFP process, that there's no ramifications on it. Mayor Wesely stated to Ms. Johnson that "no" from what they can tell they have that right, but they have to change it Interlocal to do it.

Dana Roper stated to Ms. Johnson that he would have expected that they would have an appeal from their decision to court, but that's probably true in any decision that they make. Ms. Johnson commented to Dana Roper then that would stop them from going forward. Mr. Roper stated that they could go forward, but they would have to view the possibility that they could end up with multiple operators. Mr. Roper stated to Ms. Johnson that they could end up in a mess, but he doesn't think so. Mr. Roper indicated to Council that he thinks the chances of that happening depends on if they decide that "no" there was a misunderstanding and they want them to have it, then they could go and see if they could get a license from the State then they would be up and running. Mr. Roper stated to Council if they decide that "no" they don't think they would be appropriate for Lincoln, than he would guess like anyone they would have an appeal to deport, but he thinks it would be a tough road for them to hurdle. Mr. Shoecraft asked Mr. Roper when does this appeal get to them and how does it get to them. Mr. Roper indicated to Mr. Shoecraft when they have filed and it is a matter of when Council wants to sit it down. Mr. Shoecraft asked Mr. Roper if it is like an actual hearing at a City Council Hearing or is it something different. Mr. Roper stated to Mr. Shoecraft that "yes", that they could do it after their regular Council Meeting. Mr. Shoecraft asked Mr. Roper if this is sort of like when they do the Show Cause, that they have it after the Council Agenda, then they come forward and state their case and they make a decision. Mr. Shoecraft asked Mr. Roper if they make a decision on that very same day or is it something they say they'll get back with them next week. Mr. Roper stated to Mr. Shoecraft that they can do either, there is no time specified in it and as the Mayor said it looks like their appeal to the State will not be heard until June or July, that this is when they're setting their appeals down now. Mr. Shoecraft stated to Mr. Roper that they determine the time table on when they want to hear it, then if they say "no" they can give direction to start a RFP process towards a second provider and he was wondering if this was correct. Mr. Roper stated to Mr. Shoecraft that's correct. Mr. Roper stated to Mr. Shoecraft that they have to have



Council's approval and they have to have the State's approval, so they can continue to go forward if they choose to. Ms. McRoy asked if they would be eligible to reapply under the RFP. Mr. Roper stated to Ms. McRoy that the RFP process would be opened to anybody. Mayor Wesely indicated to Council that one of the things they would do is an intensive background check before any final decision were made, so they wouldn't have this problem again. Ms. McRoy stated to Mayor Wesely okay.

Mr. Camp stated that Council should schedule a Pre-Council Meeting on this issue. Mr. Shoecraft asked the rest of the Council and Administration if there was a need for a Pre-Council Meeting on this issue. Mr. Roper stated to Council that the only Pre-Council Meeting they would want is on the procedures, that he doesn't think it is necessary to have an entire Pre-Council Meeting on it. Mr. Roper indicated to Council as far as the appeal goes. Ms. McRoy stated that if they are going to open up the RFP process to look for a second Keno operator, then they would probably want a Pre-Council Meeting on the Policy Procedures and what the criteria is going to be because it is like starting over again. Mayor Wesely stated to Council that he really thinks they need to take the action on this appeal separate from any other Pre-Council Meeting and than at the appropriate time come back in and they can have the information for them. Mr. Shoecraft stated to Council that he was thinking about this, that if they file an appeal which they have the right to do and if they have to make that decision they might want to be careful with a Pre-Council Meeting before they make a decision and then they can get their questions answered after they deal with the appeal. Mr. Shoecraft commented that obviously they are forced to deal with this right now. Mr. Shoecraft asked Mr. Roper on a legal stand point what does he recommend to them. Mr. Roper stated to Council that they have a choice, they can wait until after the State, but if they do that [inaudible]. Mr. Shoecraft asked Mr. Roper what specific legal advice in regards to them as a Council dealing with an appeal and at the end having a Pre-Council Meeting prior to that. Mr. Roper stated to Mr. Shoecraft that he would just assume that they deal with the appeal first and keep the Pre-Council Meeting separate. Mr. Roper stated to Council that he recommends that they deal with the appeal and do what they want with it, and then move on to discuss in detail whether there's a need for a second operator or not. [Mr. Camp's comments inaudible - needs to speak up]. Mr. Roper stated to Mr. Camp that they have to be careful what is said and done in the Pre-Council Meeting because they haven't had the hearing on the appeal yet. Mr. Shoecraft stated that what he is hearing as he is getting reaction from his colleagues that the RFP process sounds great. Mr. Shoecraft stated that it sounds great to him and stated that Ms. Johnson, Ms. Seng and Mr. Fortenberry indicated that too. Mr. Shoecraft stated that then he is looking at the particular legal advice consideration, if they get turned down that's fine, then they get back into it and present information and then move forward. [Mr. Camp's comments inaudible - needs to speak up]. Mr. Shoecraft stated that just maybe they should let them have their appeal and listen to what they have to say, then make a decision and gather some more information about the process as a whole. Mayor Wesely indicated to Council what they are ready to do is once they make a decision on the appeal, which ever way it goes, is to come back and work with them on what other options follow.

Mayor Wesely stated to Council that also he thinks it was last week when the Amigo's issue came up and since that time he knows a lot of people are up set about it. Mayor Wesely stated to Council one of the things that has come up is that people seem to think there are other options. Mayor Wesely stated to Council that he wants to re-emphasize that first this Eminent Domain that people are saying why doesn't the City invoke on a Domain and buy the property and not allow this to happen. Mayor Wesely stated to Council that Mr. Roper can following up on it, but Mayor Wesely indicated to Council that they sold it to them. Mayor Wesely indicated to Council for them to come back in and say they have to have that property back after just a few years when they sold the property to them that he doesn't think they are going to do very well on it. Mayor Wesely stated to Council that as people talk they were asking why don't they do it and hat this is the reason they didn't take that step. Mr. Shoecraft stated to Mayor Wesely if they made as what they would call a generous offer and asked him if they would have ever considered it, if the City would have offered them more for it. Mayor Wesely indicated to Mr. Shoecraft a lot more. Mr. Shoecraft stated to Mayor Wesely so then the question would be is it worth it to the community and to them as a Council and Administration to preserve that Quality of Life that exists today in regards to the Sunken Gardens to pay for that. Mr. Shoecraft stated that this is what he would throw back to them, if it is worth the cost are they willing to pay to preserve that Quality of Life that exists in that area in regards to Sunken Gardens vs. not. Mayor Wesely stated to Mr. Shoecraft that they had to ask the same question and the amount that they asked for was beyond what they thought was reasonable. Mayor Wesely stated that they also had a private annuity that was willing to help them with the cost, but when they reached a figure that our appraisals came back with and what the private annuity was willing to pay, they reached a maxium they thought the community could tolerate and what that private partner was willing to be a part of and they basically said if they offer them more than they would not be a part of it. Mayor Wesely stated to Council so they went as high as they could and it was still not good enough, so the answer is that they tried to find that balance between what was reasonable and what was beyond reasonable in price.

Lynn Johnson stated to Council that he meet with Amigo's twice last week and they are working on upgrading the appearance of the building. Mr. Johnson stated to Council that they are looking at the building that is being built out in the Highlands on Northwest 1<sup>st</sup> Street where it will be brick and he thinks that will help. Mr. Johnson stated to Council that they have also come to an agreement that they're going to do some very significant landscaping. Mr. Johnson stated that they are supportive of them providing street trees and doing some landscaping along the channel and they are going to put a landscape bed in the median. Mr. Johnson stated to Council that they specifically said to him that they feel like may be if they can do something to enhance the appearance of the building that they need to do it.

Ms. Johnson stated the Amigo's that is going to be out in the Highlands is beautiful and she thinks it would be better for them to have more of a clean and pleasing place to provide to their business. Mr. Johnson indicated to Council that they are planning to begin the construction of it the first of April. Mr. Shoecraft commented

that's good news. Mr. Cook stated to Mr. Johnson that regardless of how the building looks, he wants to address the traffic nightmare which will start and will interfere with the other businesses there. Mr. Cook stated that may be after the Director's Meeting today he could talk to the Mayor about a few issues in regards to this problem. Mr. Shoecraft thanked them for this information.

1. Letter from Mayor Wesely to Jonathan Miller - RE: Lincoln's transportation network needed to support its existing and future growth. — NO COMMENTS

## **II. CITY CLERK**

City Clerk Joan Ross stated to Council that in regards to Items 1 & 2 [App. of Pastime Pub, Inc. dba Pastime Pub for a Class C liquor license at 5601 N.W. 1<sup>st</sup> St. & Manager's application for Pastime Pub, Inc. dba Pastime Pub at 5601 N.W. 1<sup>st</sup> Street] she would like to call these items together.

City Clerk Joan Ross stated to Council that they have "no" Public Hearing Ordinances.

City Clerk Joan Ross stated to Council that in regards to Item 7, they need to set a hearing date for Monday, March 26, 2001 at 5:30 p.m. on the Manager's application for Namreh Inc. dba "D & D Distributor" at 5840 N. 70<sup>th</sup> Street.

City Clerk Joan Ross stated to Council that in regards to Item 8, under Miscellaneous Referrals, they also have two items they need to set a hearing date, one is for Monday, March 26, 2001 at 5:30 p.m. on the Manager's application for Salem Oil Company dba as South Street Amoco at 1648 South Street; and the other is for Monday, April 2, 2001 at 1:30 p.m. on the Application of Levy Premium Foodservice Limited Partnership dba as Levy Restaurants Haymarket Park at 999 North Sixth Street. City Clerk Joan Ross stated to Council that she would like to do this under one motion and one meeting. Mr. Shoecraft stated to City Clerk Joan Ross okay.

City Clerk Joan Ross stated to Council that in regards to Item 13 [Approving a Lease Agrmt. between the City, AT&T, & Touch America for the placement of telecommunications conduits at the City's Ashland wellfield property] there was a request to have 2<sup>nd</sup> & 3<sup>rd</sup> Reading on Monday, March 26, 2001. So, she would like to bring this up during the voting session to see if there would be a motion to allow it.

Mr. Shoecraft stated to City Clerk Joan Ross that for example on Item 5 [Special Permit 1899- App. of the C.D.H. Investors to permit the sale of alcoholic beverages for consumption on the premises on property generally located at 4947 Holdrege Street] which is not listed in the Liquor Resolutions, when he sees things like this one that he is

wondering what these are in regards too. Ray Hill stated to Mr. Shoecraft that these are the State permits for the sale by Special Permit in the building districts that it is part of their zoning regulations and they have to go through this step before they can apply for the liquor license.

Ms. Seng stated to Mr. Shoecraft that there was a letter from The Homestead Monument saying that they would come under Miscellaneous and she was wondering if they could deal with them at the beginning of the Council Meeting on Monday, March 26, 2001 at 5:30 p.m. Mr. Shoecraft asked City Clerk Joan Ross to move them up to the beginning of the meeting and they can do their deal at that time. City Clerk Joan Ross stated to Mr. Shoecraft okay.

### **III. CORRESPONDENCE**

#### **A. COUNCIL REQUESTS**

##### **ANNETTE McROY**

1. ~~OUTSTANDING~~ Request to Law Department - RE: Cars & Trucks driving on City streets that operate hydraulics systems (RFI#45 -5/05/00) —**1.) SEE RESPONSE FROM JOHN McQUINN, LAW DEPARTMENT RECEIVED ON RFI#45-3/12/01. — NO COMMENTS**
2. ~~OUTSTANDING~~ Request to LPD, Chief Casady/ **Law Department** - RE: To have bikes picked up by Police given to them for repairs and give away if no one claims them (RFI#62 - 11/16/00) — **1.) SEE RESPONSE FROM ASSISTANT CHIEF JIM PESCHONG, LPD RECEIVED ON RFI#62-11/20/00. --- NO COMMENTS**

##### **JON CAMP**

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2. Request to the Planning Department - RE: Reference and use of B.I.D. concept in implementing entryway plans (RFI#22-3/12/01). — NO COMMENTS

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1. Request to the Public Works & Utilities Department, Allan Abbott - RE: Snow Removal (RFI#33 - 3/05/01). — Mr. Cook stated that he is waiting for a response to this Request For Information and indicated that it should be listed as “Outstanding” at this point.
2. Request to the Public Works & Utilities Department, Allan Abbott - RE: Crosswalk at 13<sup>th</sup> & Saratoga (RFI#34 - 3/05/01). — Mr. Cook stated that he is waiting for a response to this Request For Information and indicated that it should be listed as “Outstanding” at this point.
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1. Letter from Kathleen Sellman to Alene Anderson-Swinehart, Irvingdale Neighborhood Association President - RE: Her support for the “Southeast Lincoln/Highway 2 Subarea Plan”. — NOTED WITHOUT COMMENTS
2. Letter brought down by Jean Walker - letter from J. Greg Schwinn, Vice Chair, Lincoln/Lancaster County Planning Commission to Steve Henrichsen - RE: Infrastructure Financing Study. — NOTED WITHOUT COMMENTS
3. Material from Jean Walker - RE: Street Vacation No. 01003 (Bill No. 01-39) (No. 9<sup>th</sup> & X Street). — NOTED WITHOUT COMMENTS

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1. Final Plat No. 00016 - Landmark Corporate Center Addition (No. 33<sup>rd</sup> & Folkways Blvd.) Resolution No. PC-00660. — NOTED WITHOUT COMMENTS
2. Special Permit No. 1884 (Personal wireless facility - So. 17<sup>th</sup> & Garfield Streets) Resolution No. PC-00661. — NOTED WITHOUT COMMENTS
3. Special Permit No. 1891 ( Wireless communications facility - 17<sup>th</sup> & Garfield) Resolution No. PC-00662 - **DENIED.** — NOTED WITHOUT COMMENTS

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## **WEED CONTROL AUTHORITY**

1. Combined Weed Program - City Of Lincoln - February 2001 Monthly Report - Noxious Weed Control Authority. — NOTED WITHOUT COMMENTS

## **C. MISCELLANEOUS**

1. E-Mail from Carlos M. Terron - RE: The packet of material that he sent to them and in regards to the Sister City Program - Also Joan Ray responded back. — Mr. Shoecraft stated that Joan Ray responded back to this E-Mail.
2. Letter from Stan Quy, Acting Secretary's Representative, U.S. Department of Housing and Urban Development Secretary's Representative, Great Plains - Kansas City - RE: HUD's Secretary Mel Martinez announced the availability of \$2.75 billion dollars in grants to fund HUD programs in communities across this nation for fiscal year 2001. — Mr. Shoecraft asked the Urban Development Department if they could give him a little bit more information on this issue.

Marc Wullschleger stated to Mr. Shoecraft that this is their SuperNOFA, that they have had every year for the past two years and they changed the process several years ago. Mr. Wullschleger stated to Mr. Shoecraft that at this time, he can not tell them which ones they will be applying for because there are so many

of them. Mr. Wullschleger stated to Mr. Shoecraft that they are very thankful that they haven't shut it down or decreased the amount. Mr. Wullschleger stated to Mr. Shoecraft that they are on top of it. Mr. Shoecraft stated to Mr. Wullschleger alright and thanked him.

3. Material from James L. Wilson, President, Laser Inc. - RE: The Lincoln Skywalk West Link Project. — Ms. Johnson asked what are they doing with Hawkins Construction and asked if they have had any trouble with them. Mayor Wesely stated to Council that there was a rebidding of the proposal and Hawkins came in low on it and he thinks this is what has prompted this letter. Mayor Wesely stated that it just happened a few weeks ago and he doesn't know if they have actually finalized it yet.

Marc Wullschleger stated to Ms. Johnson that it also goes to the Senior Center and he doesn't believe it has been signed. Ms. Johnson stated to Mr. Wullschleger that she was going to follow up on this issue because they received a lot of stuff at home and she did some research on Friday and they did respond to some of those acquisitions. Ms. Johnson asked Mayor Wesely to let her know if there was something Administration was going to do or does she need to bring it in. Ms. Seng asked Mayor Wesely if they received the material from Hawkins. Mayor Wesely stated to Ms. Seng that they have received the material and they have talked to Dana Roper about the response because this is really a legal matter regarding their qualifications and he would rather have Mr. Roper handle it. Ms. Johnson commented to Mayor Wesely that's fine, she was just curious if they were doing anything because she was kind of hung up on it and she didn't know where they were at on it. Mayor Wesely stated that it was news to him and he hadn't seen it before, so they are going to respond to it. Mayor Wesely stated to Council that Hawkins has done a lot of work for the University, but he doesn't think they have done anything for the City before.

Mr. Camp stated to Mayor Wesely that he thought since Hawkins has done a lot of work for the University that they send a copy of this letter to somebody at the University. Mr. Camp commented to Mayor Wesely for kind of a courtesy letter. Mayor Wesely stated to Mr. Camp okay.

4. E-Mail from Lynn Robeson - RE: Mobile home association answer to Rick Peo. — Ms. Johnson stated to Mike Merwick that maybe at some point at one of the "Noon" Meetings they should talk about where he is at on this issue because they keep getting these E-Mail's. Ms. Johnson stated to Mr. Merwick that she saw a lot of work over at Mark IV going on, so their obviously doing some things.

Mr. Merwick stated to Ms. Johnson that he gave them a report about a month and a half ago and indicated that he can update them again, but there is not a whole lot. Ms. Johnson stated to Mr. Merwick that would be fine.

5. E-Mail from Lynn Robeson - RE: High Utility Bills. — NOTED WITHOUT COMMENTS
6. E-Mail from Sherri Haber - RE: Lancaster Event Center - liquor license. — NOTED WITHOUT COMMENTS
7. E-Mail from Ed Caudill - RE: Opposed - The proposed salvage yard to be placed next Northwest Lincoln's largest park, Oak Lake. — Mr. Shoecraft stated to the Planning Department that he was told there was something in the works regarding this issue and that they're going to potentially ask them to delay it for another week because there is some communication going on between them. Kathleen Sellman stated to Mr. Shoecraft that's correct and there will be a request to delay it. Mr. Shoecraft stated to Ms. Sellman okay.
8. E-Mail from Jerrie - RE: He is glad that the Amigos is going in at 27<sup>th</sup> & Capitol Parkway. — Mayor Don Wesely discussed this issue with Council under "I. Mayor" (See that discussion)
9. E-Mail - RE: The Lincoln's New Children's Museum. — NOTED WITHOUT COMMENTS
10. E-Mail from Lynn Robeson - RE: LMC 21.56. — NOTED WITHOUT COMMENTS
11. E-Mail from Karen Blessen - RE: Carstens Salvage Lot, 1<sup>st</sup> & Charleston. — NOTED WITHOUT COMMENTS
12. E-Mail from Kelly Nash - RE: Carstens Salvage Lot, 1<sup>st</sup> & Charleston. — NOTED WITHOUT COMMENTS
13. E-Mail from Frank L. Vogt - RE: Beltway to the East and South of Lincoln. --- Ms. Seng asked Mr. Shoecraft if they could have somebody respond to this E-Mail. Allan Abbott stated to Ms. Seng that they will respond to it.

## **ADDENDUM**

- I. MAYOR - NONE**
- II. CITY CLERK - NONE**
- III. CORRESPONDENCE**
  - A. COUNCIL REQUESTS - NONE**



## **B. DIRECTORS AND DEPARTMENT HEADS**

### **WEED CONTROL AUTHORITY**

1. **FYI** - from Russell Shultz - RE: TECHNO 2100: Invasive Plants: Impact and Prevention - iTV Special premieres on March 24 on CNBC. — NOTED WITHOUT COMMENTS

## **C. MISCELLANEOUS**

1. Material from Paula S. Barrera, Development Coordinator, The Dinerstein Companies - RE: Proposed 120 Unit, \$11,000,000 Charleston Street Apartment Complex to be located at approximately 300 W. Charleston, Lincoln, NE. — NOTED WITHOUT COMMENTS
2. Faxed Letter from Rich Wiese, Chair, West “O” Area Business Association and Gary Nicholson - RE: The Heartland Insurance Pool wanting to do business at 1<sup>st</sup> & Charleston Street. — NOTED WITHOUT COMMENTS
3. E-Mail from Keith Spilker - RE: Zoning change at 7th & Fletcher — Mr. Cook asked if there was any follow up information on this issue and if they ever submitted anything to the Planning Department that was useful. Mr. Cook asked the Planning Department what is their position on this issue. Mr. Shoecraft stated to Kathleen Sellman that this is in regards to Qwest on the cell towers that they delayed. Mr. Shoecraft asked Ms. Sellman if they still recommend denial. Ms. Johnson stated to Ms. Sellman that from her understanding when she talked to the Vice President last week, he said they submitted some stuff to them and some of them were on vacation and that’s why they put it off. Ms. Sellman stated to Ms. Johnson that she thinks Ray Hill can address this issue.

Ray Hill stated to Council that Jennifer Dam was gone last week, but they called him up he thinks on Thursday and he explained to them the information wasn’t complete on the application that did come to the Planning Commission. Mr. Hill stated to Council that this information was passed onto the City Attorney’s Office and it has not been passed on to them. Ms. Johnson asked Mr. Hill, but they did received it and they did respond to it. Mr. Hill stated to Ms. Johnson that he thinks they responded to the City Attorney’s Office, but they haven’t seen it.

Dana Roper stated to Council what they have identified was that they’re pointing to material in their original submittal as answering the questions that had been raised. Mr. Roper indicated to Council that what they are basically saying is that their structural enigneer says that this tower can not support them both and the City has a structural enigneer and he thinks they were checking to see

if they could get a quick response. Mr. Roper stated to Council that as he understands it their proposal was to cover a portion of it. Mr. Roper stated to Council that he guesses that would be a decision they would have to make. Mr. Roper stated to Council that he would understand if they had submitted everything they needed to submit. Mr. Shoecraft stated to Mr. Hill that this issue is on the Agenda for today, so they probably should delay this issue again. Mr. Hill stated to Mr. Shoecraft that would be their recommendation because they now have seen the information, but he doubts it if the City's Structural Engineer would have had an opportunity to review it and respond to it yet. Mr. Shoecraft stated to Mr. Hill okay.

Mr. Cook commented that he didn't think it was a structural problem, that maybe the case was with the AllTel Towers, but the issue with the Western Wireless Towers was that the coverage area was not exactly what they wanted, although it would hold their antenna for the Western Wireless Tower. Mr. Cook stated that what the Planning Department was saying last week was that they did not have the maps that they felt justified the conclusion that the Western Wireless Tower would not cover I-80 dwelling and they didn't provide a map that had the various zones [inaudible] going out. Mr. Cook indicated that this is what he thought they might provide to the Planning Department to help justify the decision not to locate on the Western Wireless Tower. Mr. Cook asked what would the City Structural Engineer be looking at on the AllTel Tower and asked what second opinion would they need on it. Mr. Cook asked if they are now questioning their conclusion that they also can't locate on the AllTel tower. Mr. Roper stated to Mr. Cook that he is right, that there are a few issues on the structural and the coverage and he thinks that they are saying that they can't locate on the one tower that they wanted them too. Mr. Roper stated that as he understands it the Planning Department was going to take a look at it. Mr. Shoecraft stated to Mr. Roper okay.

#### **IV. DIRECTORS**

**PLANNING DEPARTMENT** - Kathleen Sellman stated to Council that she has a follow up memo for them from Jason Reynolds regarding Special Permit #1896 - Heartland Insurance Pool. Ms. Sellman stated to Council that at the Council Meeting last week during the public testimony that it had generated a number of questions regarding the proposals to develop the student housing on Dr. White's property west of the proposed salvage operation. Ms. Sellman stated to Council that they do not have specific proposals from anyone at this time and so a detailed review is not possible. Ms. Sellman indicated to Council that this is a generalized response in terms of the Regulatory Basis that they regular use for reviewing such proposals. [Copy of this hand-out is on file in the City Council Office] Ms. Sellman stated to Council that if they have any additional questions that they would be glad to put it together. Mr. Shoecraft stated to Ms. Sellman okay.

Kathleen Sellman stated to Council that in regards to the Cell Tower proposals they are having difficulty getting timely complete information from the applicants, which she is afraid is leading to the kind of situation that they have with Qwest at this time. Ms. Sellman stated to Council what they will be doing is returning those submittals that don't provide adequate information. Mr. Shoecraft commented to Ms. Sellman so these items don't get on the schedule and in the process and create more controversy. Ms. Sellman stated to Mr. Shoecraft that is exactly right.

**URBAN DEVELOPMENT DEPARTMENT** -Marc Wullschleger stated to Council that in their effort to provide more affordable housing lots in the City of Lincoln that they are having a meeting this Thursday at 7:00 p.m. in Tierra Park at the Recreation Center. Mr. Wullschleger stated to Council what they are proposing is to sell some lots they have out there that were taken back on foreclosures from Register of Deeds that is surplus land and work with the Nebraska Housing Resources to provide affordable housing out there. Mr. Wullschleger indicated to Council that they are talking with the neighborhood right now and they will be meeting with them on Thursday.

**BUILDING & SAFETY DEPARTMENT** - Mike Merwick stated to Council that he would like to share with them a project that they under took with the Homebuilders Association. Mr. Merwick stated to Council that the Public Works & Utilities Department has a person that has had some very serious health problems and he had problems entering his home. So, about a week ago this last Saturday two of their people worked with the Homebuilders Association to get a ramp for him so he would have access to his house. Mr. Merwick stated to Council that the Homebuilders located a ramp and their people hauled it and installed it for him. Mr. Merwick commented to Council that one good thing about the ramp is that it is something they can use, that it is made out of metal and it is an adjustable ramp. Mr. Merwick stated to Council that these individuals spent their Saturday locating it to give this gentleman access to his house. Mr. Merwick indicated to Council that he wanted to share a little information to them of good tytings.

## **V. CITY COUNCIL MEMBERS**

### **JONATHAN COOK**

Mr. Cook stated that he has a question for the Planning Department in regards to the Antelope Commons Development that went to the Planning Commission and then was pulled back and so he was wondering where it was at now. Ray Hill stated to Mr. Cook that it is now referred to as the Preserved and it has received a review and recommendation of approval from the Planning Commission. Mr. Hill indicated to Mr.

Cook that the applicants have not resubmitted revised drawings in order for it to be presented to the City Council. Mr. Cook asked Mr. Hill if there was any time frame on it. Mr. Hill indicated to Mr. Cook that it is their project. Mr. Cook stated to Mr. Hill okay.

Mr. Cook stated that he wants to ask about detours off of Highway 2 when there are accidents. Mr. Cook stated that maybe some time he could meet with Allan Abbott to discuss this issue a little bit more in detail.

Mr. Cook stated that he would like to talk to the Mayor after the Director's Meeting today.

### **ANNETTE McROY**

Ms. McRoy stated that she spent the weekend in Minneapolis at a Community Leadership Institute that was with Neighborhoods Inc. working with Community Yearbook Leaders and Activists with their neighborhoods. Ms. McRoy stated that she meet a lady from Chicago who was a Planner from the Planning Department and she came with one of the Neighborhood Groups. Ms. McRoy stated that it was very interesting because a couple of other groups as she went around and talked to them were people who worked with Neighborhood Groups (kind of like cross training) that came down to the Conference to see what was going on in neighborhoods around the Country. Ms. McRoy stated that she thought it was a very interesting Conference and stated that Chicago sent a lot of City staff down along with Neighborhood Leaders. Ms. McRoy stated that she just wanted to share this information with them and commented that she knows they are on a tight budget and they might not be able to spare a Planner to attend one of these Neighborhood Institute Conference. But, she thought it was a good concept that they could "cross-train" some of the City's staff that belonged to the Neighborhood Institute.

Mr. Shoecraft stated that he knows when he attended the conference in Madison, Wisconsin called "The Neighborhoods, USA Conference" that those neighborhoods were happy to see elected officials there. Mr. Shoecraft indicated that they also have people who are on the Community Development Task Force because when he served on this Task Force prior to Mr. Cook that they were there, so it is happening and they do find some great ideas. Mr. Shoecraft stated like the Traffic Calming that they have brought back and things that they're going to try at 33<sup>rd</sup> & Sheridan.

### **CINDY JOHNSON - NO COMMENTS**

## **JERRY SHOECRAFT**

Mr. Shoecraft stated to Mayor Wesely that he has a couple of questions about the East and South Beltway Concept and he was wondering when are they going to start back on it or revisiting those issues. Mayor Wesely stated to Mr. Shoecraft that they will get back on it in about two weeks because there is a Public Information Meeting on March 27<sup>th</sup>. Allan Abbott stated to Mr. Shoecraft that the Draft Environmental Impact Statement is being printed and it should be distributed by March 23<sup>rd</sup>. Mr. Abbott stated to Mr. Shoecraft that they will have the Public Hearings in April, then the next step will be how they come back to the Council and how they come back to the County. Mr. Shoecraft asked Mr. Abbott when it comes back to the Council or the County is it in a legislative form such as an ordinance form or a resolution form. Mr. Abbott indicated to Mr. Shoecraft that is some of the questions that have been coming up as to exactly how it is presented to them or are they going to have all three on the East come forward or are they going to have one come forward as it goes to the Planning Commission. Mr. Abbott stated to Mr. Shoecraft that these are all issues that they need to discuss, but they would like to get more information when the Public Hearing comes up, so they have the information as well as to how they are going to proceed forward from this point. Mr. Shoecraft indicated to Mr. Abbott the other question he wanted to know is about the separation of the project South vs. East. Mr. Shoecraft stated to Mr. Abbott that he thinks there is consensus on the South and so he was wondering about the separation of the project. Mr. Abbott stated to Mr. Shoecraft that they want to get the information and have the Public Hearing on it. Mr. Abbott indicated to Mr. Shoecraft that he doesn't want to be quoted that "yes" they are going to break it a part and stated that it is a possibility that it could be, but they will not know that until after the Public Hearing when they get all of the comments. Mr. Abbott commented to Mr. Shoecraft the Public Hearing on the Environmental Document, not the Public Hearing before the City Council. Mr. Abbott stated that right now the best thing to do is wait until after the Public Hearing on it. Mr. Shoecraft commented to Mr. Abbott "yes" on the Environmental Impact Analysis, but what about revisiting the past County and City decisions. Mr. Abbott stated to Mr. Shoecraft that's what he is saying that as they go to the document that is going towards the Public Hearing, all three alternates on the East are equal, they're all alike there is no preferred alternative. Mr. Abbott indicated that once that is done, the Selection preferred alternative can occur after that happens rather than before. Mr. Shoecraft stated to Mr. Abbott okay.

## **JEFF FORTENBERRY**

Mr. Fortenberry stated to Allan Abbott and Nicole Fleck-Tooze that he received a call from a constituent about Capitol Way, that they are starting the process on cleaning it up and dredging it. Mr. Fortenberry stated that the constituent was potentially interested in how the City might be able to participate or at least tell the [inaudible] if there is some

Federal grant available if they created additional wetlands or something like that. Mr. Fortenberry stated to Mr. Abbott and Ms. Tooze that he will give them the name of the constituent.

Mr. Fortenberry asked Mike Merwick if it would be possible for him to send a nice letter reminding are candidates about the sign regulations. Mr. Shoecraft stated that the Police called all of them to remind them about signage in public right-of-ways, etc. Mr. Shoecraft stated that in his particular phone call he said that they had no issue, that he was just calling all Council candidates and School Board candidates about where they should place signs or where they shouldn't place the signs. Mr. Shoecraft stated to Mr. Fortenberry the Police Officer told him that he was contacting all candidates about it, so he thinks it is happening. Mr. Fortenberry commented that some people are obviously doing a very good job and it is not fair to them that the other ones are between the sidewalk and the street, that he thinks on the main arterials that is where the issue is at.

Ms. McRoy commented that she had a call about a month ago from a gentleman who was upset with Real Estate signs in public right-of-ways. Mike Merwick stated to Ms. McRoy that they all know the rules about the signs and where to place them, that it is just some people take a little bit of advantage of it once in a while and if she gets them an address they will go out and visit with the Real Estate Company that is doing it to get it corrected and talk to the agent too. Mr. Merwick stated to Ms. McRoy that they just need that address, but like he said some just take a little advantage of it from time to time. Mr. Fortenberry stated that he is sure that it is nobody trying to take advantage of it, that it is volunteers who don't understand where they're allowed and not allowed, but it's not fair to the others.

Mr. Fortenberry commented to Allan Abbott that he saw some people fishing in a pothole [laughter] right there where Wal-mart is on 27<sup>th</sup> & Superior by the exit.

#### **COLEEN SENG**

Ms. Seng stated that she was just wondering if the Public Works & Utilities Department wanted to share anything about the Ashland wells. Allan Abbott stated that things are really good right now. Mr. Abbott stated to Council that Wednesday night he got a phone call that the water was arising and that's never a good sign, but the ice jams did break up and they have good flow in there now, so there isn't any problem.

#### **JON CAMP - NO COMMENTS**

### **VI. MEETING ADJOURNED AT 12:11 P.M.**

DM31901/tjb