

**DIRECTORS' MEETING
MONDAY, MARCH 15, 2004 - 11:00 A.M.
CONFERENCE ROOM 113**

I. MAYOR

1. *"Washington Report"* March 5, 2004
2. NEWS RELEASE - "Mayor Presents February Award of Excellence"
3. NEWS ADVISORY - RE: News Conference on Thursday, March 11th in Classroom "A" at the Lincoln Police Department - 575 South 10th Street - RE: New Automatic External Defibrillators donated to the Community; also to be discussed - StarTrans' Alternative Ride Home program.
4. NEWS RELEASE - RE: Self-Help Grants Awarded to 22 Groups (To be awarded during the Mayor's Neighborhood Roundtable Meeting of March 11th, 4:30 p.m. - Room 113)
5. NEWS RELEASE - RE: 12 New Heart Defibrillators to be Placed in Community.
6. NEWS RELEASE - StarTran Offers Free Trip Home in Case of Emergency.

II. CITY CLERK

III. CORRESPONDENCE

A. COUNCIL REQUESTS/CORRESPONDENCE

JON CAMP -

1. E-mail response - regarding correspondence from Doug Franz and Ed Caudill's response to Mr. Franz. (Topic: Student High-Risk Drinking and Party Houses)

JONATHAN COOK

1. RFI #109 - Request to Public Works RE: Rolling Hills Blvd and Old Cheney Road - Safety Issues and concerns raised by Mr. Douglas J. Wilson. (RFI #109 - 03-09-04)

TERRY WERNER

1. OUTSTANDING - RFI #123 - Request to **Chief Spadt of the Fire Department** Questions RE: IAFF Staffing Rules For Safe Operation of Fire Engines (RFI #123 - Sent 02/03/04)

ANNETTE McROY

1. OUTSTANDING Request to **Roger Tederman, Public Works & Utilities Department** - RE: The water problem they have in the drive on 25th Street entering the Tam O'Shanter (RFI#146 - 2/18/04)

B. DIRECTORS AND DEPARTMENT HEADS

FINANCE

1. Report from Finance & Treasurer's Office - Investments Purchased from March 1st - March 5, 2004 w/Resolution.

FIRE DEPARTMENT

1. Response Letter from Fire Chief Mike Spadt to Jo Bunstock, Senior Women's Administrator, Nebraska Wesleyan University - RE: The Lincoln Fire & Rescue discontinuing non-emergency service, and more specifically, our stand-by service. – (See Letter)

HEALTH

1. NEWS RELEASE - Help Keep Lincoln & Lancaster County Clean (Cleanup Mini-Grants Available)

LAW

1. Letter from Joel Pedersen to Eldon Jameson RE: Natural Gas Rates in Lincoln. (See Letter)

LIBRARY

1. NEWS RELEASE - RE: "I Love to Write" Workshop - Applications being accepted - (See Release)
2. NEWS RELEASE - RE: Lincoln City Libraries presents its annual Bookmark Contest! - Deadline: April 24, 2004. – (See Release)

PLANNING

1. Letter from Planning Department RE: Change of Zone 04014 (Proposed Text Amendment to Title 27 of the LMC relating to on-sale and off-sale Liquor Special Permits in the B-2 and B05 Zoning Districts)
2. PLANNING COMMISSION FINAL ACTION: WAIVER NO. 04003 - (Extend Time for Installation of Street Trees (N.W. 12th & W. Highland Blvd) - Resolution No. PC00849)
3. PLANNING COMMISSION FINAL ACTION: SPECIAL PERMIT NO. 04001

(Madonna Rehabilitation Hospital (S.54th Street & Normal Blvd) - Resolution No. PC00848

4. Letter from Brian Will, Planning Dept. RE: Pine Lake Plaza Addition - Final Plat #03006

POLICE

1. Interoffice Memo - From Chief Casady in response to an informal Council request for information at the 03-08-04 Council Meeting RE: Police Dispatches to Convenience Stores (See Memo)

C. MISCELLANEOUS

1. 2 E-Mails from Joseph W. Cherner - RE: Buena Vista (GA) Votes Unanimously for Smokefree Workplace Law; Smokefree Workplace Bill Advances in Minnesota - (See E-Mails)
2. E-mail from Peggy Struwe, President of Hawley Area Neighborhood Association, RE Liquor License for Convenience Store - Special Permit No. 04006
3. 3 - E-Mail's from Josh & Julie Sovereign; Jorja Brazda-Witters; Fred Freytag; - RE: Change of Zone 04003-(Council received their copies of these E-Mail's on 3/08/04)) (See E-Mail's)
4. Letter & Material from Kent Seacrest, For the Firm, Seacrest & Kalkowski, P.C. - RE: Revised Text Amendments to Section 27.31 (B-2 Zone) and Section 27.37 (B-5 Zone) of the Lincoln Municipal Code - (Council received their copies of this Material on 3/08/04) - (See Material)
5. E-Mail from Kelly Nash & Karen Blessen - RE: Support - Change of Zone #04003 - (See E-Mail)
6. 2 E-mails in support of COZ 04003 from: Claudia Lindley and Pat Anderson
7. E-mail from a rather angry Rob Shirley RE: 48th & Randolph Liquor Permit.
8. E-mail from Ed Caudill in response to a message from Craig Dickerson RE: Sterling University Housing.
9. E-Mail from Ms. Delores Lintel RE: Protection of Neighborhoods against attempts by convenience stores, service stations, etc. to secure special permits to sell liquor.
10. E-mail from Lisa Koch RE: Archived Ordinances access. {Forwarded to City Clerk for a Response} (See e-mail attached).
11. Letter from Rachel Dean RE: The Right of a Smokefree Workplace (See Letter)

12. NOTE from phone message: DeWayne Roberts of Roberts Plumbing & Heating RE: Increased Cost of Materials/No Increased Contract Payments. He is concerned that many small contractors may be forced out of business if something isn't done to help.
13. E-mail from Bob Hampton RE: 100 Feet Regulation on Liquor Sales.
14. E-mail from Dave Shoemaker RE: Changes to Smoking Laws.

IV. DIRECTORS

V. CITY COUNCIL MEMBERS

VI. ADJOURNMENT

da031504/tjg/jvr

**DIRECTORS' MEETING
MINUTES
MONDAY, MARCH 15, 2004
CONFERENCE ROOM 113**

Council Members Present: Jon Camp, Chair; Terry Werner, Vice-Chair; Jonathan Cook, Ken Svoboda, Patte Newman, Annette McRoy, Glenn Friendt.

Others Present: Mayor Coleen Seng, Mark Bowen, Ann Harrell, Corrie Kielty, Lin Quenzer, Darl Naumann, Mayor's Office; Deputy City Clerk, Teresa Meier-Brock; Dana Roper, City Attorney; Directors and Department Heads; Darrell Podany, Aide to Council Members Camp, Friendt, & Svoboda and Tammy Grammer, City Council Staff.

I. MAYOR

Mayor Coleen Seng stated to Council that she wants to talk about Sewer Infrastructure. She said it's a terrible problem for everybody because money is needed for expansion to the Northeast, Southwest and straight South. The real answer is not whether anybody is holding it up or where they are. The real answer is they need sewer extension, they are just so far behind.

Mr. Camp asked if the Streamlining recommendations would help or is it just pure financial. Mayor Seng said they'll hear about it.

Mayor Seng stated that Bonnie Coffey's little 1 year old grand-daughter has had a stroke, so Bonnie is out of town. Mayor Seng said it is really serious, so be thinking about them.

Mayor Seng stated that Jim Mallon's funeral is this morning at 11:00 a.m., so some Directors who worked with him are gone. He was a Finance Director for nearly 40 year's for the City, he was on the LES Board and did a lot of volunteer work for this community.

Mayor Seng stated that Ron [Peery] received an award from the Home Builders last week.

Mayor Seng stated that Lincoln received a very nice award from the Updowntowners last week.

Mayor Seng stated the SRT met this morning at 7:30 a.m. and they're coming closer to recommendations. They are scheduling another workshop in a couple of weeks and they're trying to get ready for it.

Mayor Seng commented to Council because they had a 7:30 a.m. meeting in their office they gave out parking ticket coupons for the garage across the street. She's been told the offices should all have the coupons ready to hand out.

Mr. Camp commented that he thinks the internal staff needs to meet with the County Board because their offices being right there on the 1st floor may create a natural intendency for people to stop in there and get coupons. His long term concern is from a budget stand point. Mr. Camp said immediately they will not bill it directly, but in a month or so they want to refine the process so there's a cost of accountability. Mayor Seng agrees that Camp and Jonathan [Cook] would have to refine it on that information. Mr. Camp indicated that he just wants her to be aware of it at this point they don't want to alarm any citizens who come in, so he thinks the policy will err on the side of granting parking validations. He would welcome any suggestions because they want the City to be friendly to constituents that come here.

Mayor Seng commented to keep hoping that the snow stays north by Omaha. Mayor Seng stated just before she came down she listened to the weather channel and they were saying just north of Omaha it was coming down an inch an hour.

Mayor Seng stated she's really been trying to get to a number of groups in the last couple of weeks and do some listening and she's met with several department personnel at various settings. At a Multicultural Task Force Meeting last week the number one topic was the fallout of the Norman Leach affair. She thinks the City will probably need to address some concerns with the Vietnamese community since Norman had done a lot for the Vietnamese communities and it is very difficult for them to understand what's going on. Mayor Seng indicated they've talked about this with Directors starting back about three weeks ago and wants them to know the concerns there to be ready to address them.

Mayor Seng passed around a newspaper article for Council to take a look at March 1st issue about the Urban Design Conference that she attended.

1. *"Washington Report"* March 5, 2004. — NO COMMENTS
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3. NEWS ADVISORY - RE: News Conference on Thursday, March 11th in Classroom "A" at the Lincoln Police Department - 575 South 10th Street - RE: New Automatic External Defibrillators donated to the Community; also to be discussed - StarTrans' Alternative Ride Home program. — NO COMMENTS
4. NEWS RELEASE - RE: Self-Help Grants Awarded to 22 Groups (To be awarded during the Mayor's Neighborhood Roundtable Meeting of March 11th, 4:30 p.m. - Room 113). — NO COMMENTS
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6. NEWS RELEASE - StarTran Offers Free Trip Home in Case of Emergency. —
NO COMMENTS

II. CITY CLERK

Deputy City Clerk Teresa Meier-Brock stated that Joan [Ross] is attending Jim Mallon's funeral, she's hoping to be back by the 1:30 p.m. meeting, but if not, she will cover for her.

Deputy City Clerk Teresa Meier-Brock stated that she would like to call-Items 1 & 2 [*Application of Mesal Enterprises dba On the Go for a Class B (Beer off-sale) liquor license at 5240 South 48th Street; and Manager application of Matthew D. Alesio for Mesal Enterprises dba On the Go at 5240 South 48th Street*] together and Items 3 & 4 [*Application of Peking Palace Lincoln, Inc. dba Peking Palace for a Class J (Beer, Wine, on-sale) liquor license at 8341 "O" Street; and Manager application of Nghi Trieu for Peking Palace Lincoln, Inc. dba Peking Palace at 8341 "O" Street*] together.

Deputy City Clerk Teresa Meier-Brock stated they would like to call-Items 9 & 10 [*Reappointing Joy E. Patten to the StarTran Advisory Board for a three-year term expiring October 20, 2006; and Appointing Susan Epps to the StarTran Advisory Board to fill an unexpired term expiring October 20, 2005*] together, since they're both for the StarTran Advisory Board.

Deputy City Clerk Teresa Meier-Brock stated that in regards to Item 13 [*Amending Chapter 4.62 of the Lincoln Municipal Code to establish a Police and Fire Pension Plan Board of Trustees to provide oversight and direction with regard to the investment of the assets of the Police and Fire Pension Plans*] she passed out a Motion-To-Amend on the Substitute Ordinance.

Deputy City Clerk Teresa Meier-Brock stated in regards to Item 20 [*Amending Chapter 3.20 of the Lincoln Municipal Code relating to Street Improvement Vehicle Tax to create the Residential Rehabilitation Fund to be used only for the purpose of rehabilitating existing residential streets*] there's two Motions-To-Amend and Motion-To-Amend #2 actually replaces Motion-To-Amend #1.

Deputy City Clerk Teresa Meier-Brock reminded Council that for Items 29 & 30 [*Approving Appian Way II Conditional Annexation and Zoning Agreement between Andermatt, L.L.C. and the City of Lincoln outlining certain conditions and understandings with regards to the annexation of approximately 53.52 acres of property generally located at South 91st Street and Highway 2; and Special Permit 2046 - Application of Eiger Corporation to develop a Planned Service Commercial area in the H-4 General Commercial District consisting of 73, 200 sq. ft. of commercial and retail*

floor with waivers to the required preliminary plat process, to allow a cul-de-sac in excess of 1,000 feet; to reduce setbacks from 20 feet to zero feet adjacent to outlots, to not require a sidewalk along Highway 2 and South 87th Street, and to allow the transfer of sewage from one drainage basin to another, on property generally located southeast of the intersection of South 84th Street and Highway 2] they have Motions-To-Amend.

III. CORRESPONDENCE

A. COUNCIL REQUESTS/CORRESPONDENCE

JON CAMP

1. E-mail response - regarding correspondence from Doug Franz and Ed Caudill's response to Mr. Franz. (Topic: Student High-Risk Drinking and Party Houses). — NO COMMENTS

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B. DIRECTORS AND DEPARTMENT HEADS

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1. Report from Finance & Treasurer's Office - Investments Purchased from March 1st - March 5, 2004 w/Resolution. — NO COMMENTS

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1. Response Letter from Fire Chief Mike Spadt to Jo Bunstock, Senior Women's Administrator, Nebraska Wesleyan University - RE: The Lincoln Fire & Rescue discontinuing non-emergency service, and more specifically, our stand-by service. — NO COMMENTS

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1. NEWS RELEASE - Help Keep Lincoln & Lancaster County Clean (Cleanup Mini-Grants Available). — NO COMMENTS

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1. Letter from Joel Pedersen to Eldon Jameson RE: Natural Gas Rates in Lincoln. — NO COMMENTS

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1. NEWS RELEASE - RE: "I Love to Write" Workshop - Applications being accepted. — NO COMMENTS
2. NEWS RELEASE - RE: Lincoln City Libraries presents its annual Bookmark Contest! - Deadline: April 24, 2004. — NO COMMENTS

PLANNING -

PLANNING DEPARTMENT - Marvin Krout stated in regards to Items 27 through 31 on Council Agenda they met with a representative after the Public Hearing last week about the potential loss of egress into the Cheney area. Mr. Krout stated the developers engineer had done some drawings and laid out a plan for a revised connection to Old Cheney-91st Street. The problem is in the short term as development occurs out there and they realign 91st Street, it will connect to Yankee Hill. The realigned 91st Street to Old Cheney is not a good location for left turn access in or out after the connection is made in the future between 91st Street & Yankee Hill, but it works for now. When traffic increases it will need to be revised. The question is could they find a place where they could locate access further south, but short of the railroad tracks to permit the left turn in and out without creating other traffic problems. The answer that came back at the meeting was they can create a new right-of-way and a new roadway and the Public Works Director indicated he would be willing to include that as part of a future package of 91st Street to Yankee Hill connection. Mr. Krout stated that Highwood is not in the CIP and he wouldn't expect it to happen for at least 7 years at some point when that connection is made they basically need to move down this left turn access and the connection back to the Cheney SID. Mr. Krout said that Public Works agreed to do that and the Planning Department will bring

forward a Comprehensive Plan Amendment to the Southeast Sub-Area Plan to outline this clearly. Cheney can then point to it in the future when it is time to build that road connection, he thinks Cheney was satisfied with it. There were some more discussions about an entry sign for Cheney south of Highway 2 at 91st Street. Allan [Abbott] needs to look into it, but felt there were opportunities in that right-of-way. The revised alignment will create a triangular right-of-way to create an opportunity to work with Cheney for that entry way sign. He thinks they've resolved their problems and indicated they did promise that they would send them an advised copy of the Comprehensive Plan Amendment, which will debate the issue of those revised alignment and give them their left turn access in the future.

PUBLIC WORKS & UTILITIES DEPARTMENT - Roger Figard stated to Council that letters went out last Friday to the property owners in Lazy Acres. There had been a request for Special Assessment Paving, Water and Sewer Districts in that rural sub-division. Mr. Figard stated that it will be introduced for 1st Reading on March 22nd and the Public Hearings on March 29th. Mr. Figard stated they're scheduling an additional open house for Monday, March 22nd from 4:00 p.m. to 6:00 p.m. and are sending a separate letter to all the property owners allowing them an opportunity to come in and ask questions or they can also call. He hopes those impacted will be informed when they get to the Public Hearing the following week.

Mr. Figard stated to Council that he's passing out copies of an updated Fact Sheet on the Block Party Permits and Scott Opfer will be at the meeting this afternoon in case there are any questions. [Mr. Figard handed out the updated memo to Council.] Mr. Figard stated a question was raised whether the total City cost estimated at \$140.00 had some double accounting, they found it did and it was reduced to \$113.22 by removing office costs that were recovered in the salary overhead. They suggest that the permit fee stay at \$90.00, but they've removed the damage deposit. Mr. Figard went over the memo with Council. Mr. Cook asked why the barricade truck and rental were deleted. Mr. Figard thought some of those things were included in the salary or cost of labor or hadn't been charged before, but he will have Scott [Opfer] check that specifically and let him know before the 1:30 p.m. meeting. [Copy of this Memo is on file in the City Council Office.]

Nicole Fleck-Tooze stated regarding Item 5 [*Amending the Lincoln Municipal Code by repealing Section 24.50.050, Permits and Inspections for private water and sewer main installation*] a question has arisen as to whether there might need to be more repeal than just the individual section in order to achieve what they're trying to do. Ms. Fleck-Tooze asked that they place this item on Pending, Public Works and Law will review it with that question in mind. They may have another one for them and they will let them know when they're ready. Mr. Camp suggested if one of his colleagues could make that motion for indefinite Pending and asked Deputy City Clerk Teresa Meier-Brock to remind them.

1. Letter from Planning Department RE: Change of Zone 04014 (Proposed Text Amendment to Title 27 of the LMC relating to on-sale and off-sale Liquor Special Permits in the B-2 and B05 Zoning Districts. — NO COMMENTS

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14. E-mail from Dave Shoemaker RE: Changes to Smoking Laws. — NO COMMENTS

IV. DIRECTORS - NO FURTHER COMMENTS

V. CITY COUNCIL MEMBERS

PATTE NEWMAN

Ms. Newman stated that a week ago she heard what Councilman Cook said to Bruce Dart about the Smoke-free Ordinance and she doesn't know what Bruce heard, but apparently it was different than what she heard. She asked Bruce Dart if he could clarify what the Health Department is doing. Mr. Dart stated that they just came forward with some recommendations to what was passed last year, they're looking at some of the definitions and trying to make them equal to the State's Clean Indoor Air Act to apply to what's fair across the board and make definitions equal to what they use for other laws already here in the City and County. Mr. Dart commented as he said it was recommendations, Council could choose to look at them or not. Ms. Newman asked are you rewriting this ordinance in accordance with what a super majority of the Council passed or are you doing your own thing? Mr. Dart replied 'no', as he said, they checked what was passed and they're talking about a recommendation applying what was passed,

so they can apply, as he said, using different definitions of bars and the issue with 18 and under so they can apply it fairly evenly across the board. That's all they're trying to do. Mr. Dart said as he told several of the Council after the vote, they were going to look at it to make sure there wouldn't be any issues with implementation so that they could apply it fairly and if they found some problems they'd bring that back to them. Mr. Dart stated they have interpretation of what they think might be misused they want to try to avoid this and thought it was best to discuss it before the ordinance is enacted. Ms. Newman asked if they're contacting communities like Chandler, Arizona that has a 50% split to see how they enforce it. Mr. Dart said they've talked to Chandler; Kansas; San Antonio, Texas and Vermont and basically there's no enforcement on the split, they're using sales tax. He thinks in San Antonio they have a CPA Certification and just take everybody's word for it based on information sent. Mr. Dart commented that they don't really know if there's going to be an issue until down the road and if they choose to take people's word for it, that's fine. If not, he doesn't know how they're going to really know. Discussion continued with Council and Bruce Dart on this issue with comments and questions from the Council. Mr. Camp stated that he knows his colleagues have questions on this and they will also have a report on the Health Board from Ken [Svoboda] at the "Noon" Meeting today and so they'll be discussing it again. Mr. Camp asked Bruce Dart to attend the "Noon" Meeting today. Mr. Friendt commented he appreciates it, a Pre-Council Meeting may be in order. Mr. Camp commented that first they'll see what happens at the "Noon" Meeting today.

JONATHAN COOK

Mr. Cook said Council received the draft ordinance banning traffic signal triggers and it seems fine. Dana Roper said someone needs to introduce it to put it on and Mr. Cook said that he would be happy to do it.

Mr. Cook noted that they did something a little different on the denial claims and asked if Dana Roper will bring them back on one of their regular claims Resolutions. Mr. Roper replied 'yes'.

Mr. Cook noted the website attachment for Item 04R-50 the 'Fact Sheet' is wrong.

GLENN FRIENDT

Mr. Friendt asked Don Taute if he will be at the meeting this afternoon regarding the Pension Fund. Don Taute said yes and added that he received a call from Bob Valentine this morning and discussed some of the terms and applications of the ordinance. Mr. Valentine informed him that he would probably be attending in opposition. Mr. Taute indicated that he's a little concerned with some of Mr. Valentine's

comments because he referred to a 50% pension, which they haven't had for a long time. Since Jonathan's [Cook] point on another item on the website with the wrong attachment could apply to a Substitute Ordinance that Mr. Valentine was reading on the website. The original ordinance that's on Pending is what's going to be on the website rather than what they will be considering today. It should be made clear that what is being considered by Council today is not the Pending ordinance. Mr. Taute stated that he will give Mr. Valentine a copy of the correct one.

JON CAMP

Mr. Camp asked Public Works what are all the poles around town with traffic boxes on them for. Mr. Camp asked if they're going to have signage on them as he's seeing them all over the place. Mr. Svoboda stated he thinks they're the directional signs for emergency purposes. Mr. Cook stated they're going to put them up around town for traffic messages like fixed versions of the mobile sign boards that says there's an accident ahead. Roger Figard stated that in conjunction with the State Patrol, the County Sheriff and LPD they have come up with a plan for the City of Lincoln that in any of these selected emergency routes, if there's an incident all Law Enforcement and folks involved from public ways know where the traffic is to be detoured. So, when an incident happens they can let the public know there's something going on and where they can go to get around. Mr. Camp asked if he could get them a map of where they're located when available.

TERRY WERNER - NO COMMENTS

ANNETTE McROY - NO COMMENTS

KEN SVOBODA - NO COMMENTS

ADDENDUM - (For March 15th)

I. MAYOR - NONE

II. CITY CLERK - NONE

III. CORRESPONDENCE

A. COUNCIL REQUESTS - NONE

B. DIRECTORS AND DEPARTMENT HEADS - NONE

C. MISCELLANEOUS

1. Letter & Material from Kent Seacrest, For the Firm, Seacrest & Kalkowski, P.C. to Marvin Krout, Planning Director - RE: Submittal of Revised Text Amendments to Section 27.31 (B-2 Zone) and Section 27.37 (B-5 Zone) of the Lincoln Municipal Code - (See Material). — NO COMMENTS
2. E-Mail from Jerry Loos - RE: Liquor Licenses and the Use of Mitigation. — NO COMMENTS
3. E-Mail from Landons Neighborhood Association, John Brown, President - RE: Block party permits. — NO COMMENTS
4. E-Mail from Lisa Good - RE: Block Party Pricing nets Community Value. — NO COMMENTS

VI. MEETING ADJOURNED - Approximately at 11:47 a.m.