I. MAYOR

*1. NEWS RELEASE - RE: City’s Snow Removal Fund At $3.36 Million - (See Release)

*2. NEWS RELEASE - RE: Statement of Mayor Coleen J. Seng Decision on the November 4, 2004 Recommendation of the Procurement Appeals Board on the Pumper Fire Truck Bid - (See Release)

*3. Response E-Mail from Mayor Coleen Seng to Paul R. Haith - RE: Fire Truck bids - (See E-Mail)

*4. NEWS ADVISORY - RE: Mayor Coleen J. Seng and representatives of the Star City Holiday Festival will discuss this year’s December 4th parade at a news conference at 10:00 a.m., Thursday, November 18th at the parade’s float factory - (See Advisory)

**5. NEWS RELEASE - RE: Mayor Announces Plans For Star City Festival and Parade - (See Release)

**6. NEWS RELEASE - RE: Mayor Releases New Homeless Count - (See Release)

**7. NEWS RELEASE - RE: New System Helps Homeless Service Providers And Clients - (See Release)

**8. NEWS ADVISORY - RE: Mayor Seng’s Public Schedule Week of November 20 through 26, 2004 - Schedule subject to change - (See Advisory)


10. NEWS RELEASE - RE: Separation Of Grass And Leaves Ends December 1 - (See Release)

11. NEWS RELEASE - RE: Mayor’s Holiday Tree Celebrates 20 Years Of The Star City Holiday Parade - (See Release)
12. NEWS ADVISORY - RE: Mayor Coleen J. Seng will have a news conference at 10:00 a.m., Thursday, December 2 in the City Council Chambers - (See Advisory)

13. NEWS RELEASE - RE: Mayor Says Accreditation Of Emergency Services Is Recognition Of Excellence - (See Release)

II. DIRECTORS

FINANCE/BUDGET

**1. Material from Steve Hubka - RE: Sales Tax Receipts - (See Material)

FINANCE DEPARTMENT/CITY TREASURER

*1. Material from Don Herz, Finance Director & Melinda J. Jones, City Treasurer - RE: Resolution & Finance Department, Treasurer of Lincoln, Nebraska - Investments Purchased November 1 thru November 12, 2004.


4. Material from Don Herz - RE: EMS Financial Data through November 30, 2004 - (See Material)

FIRE DEPARTMENT

*1. Letter from Bonny Downing, CFAI, Program Coordinator to Fire Chief Mike Spadt-(faxed to Council Office by Fire Chief Spadt)- RE: Statement of Findings completed on your Annual Compliance Report - (See Letter)

HEALTH

*1. Health Department Report - October, 2004 - (See Report)

*2. NEWS RELEASE - RE: Flu Shots Available to High Risk Individuals - (See Release)
**3.** NEWS RELEASE - RE: Sneak Preview and Photo Opportunity With Kids, Lots Of Color & Sound! - 100+ Youth from 38 Schools Will Perform In The Clean Sweep Kids Trash Can Band Promoting The Star City Holiday Parade As A Litter Free Event - (See Release)

4. NEWS RELEASE - RE: Holiday Decorations Can Spark Danger In Homes - SAFE KIDS Simple Tips Can Help Reduce the Risk of Residential Fires - (See Release)

5. NEWS RELEASE - RE: Lancaster County AIDS Cases - (See Release)

6. NEWS RELEASE - RE: Influenza Update - (See Release)

7. NEWS RELEASE - RE: High Risk Individuals Encouraged to Get Flu Shot - (See Release)

PARKS & RECREATION DEPARTMENT

1. Community Forestry Advisory Board - 2004 Annual Report - Prepared by Community Forestry Advisory Board Members & Steve Schwab, City Forester - (See Report)

PLANNING

*1. Letter from Tom Cajka to Brian D. Carstens, Brian D. Carstens & Associates - RE: Plosky Valley 2nd Addition Final Plat #04105-Generally located at the southwest corner of N. 14th St. & Morton St. - (See Letter)

*2. Letter from Becky Horner to Lyle Loth - RE: Hartland’s Cardinal Heights 7th Addition Final Plat #04086-Generally located at NW 56th and W. Thatcher Lane - (See Letter)

*3. Letter from Becky Horner to Jason Theillen, EDC - RE: North Creek Business Park 1st Addition Final Plat #04083 - Generally located at 20th and Fletcher Avenue - (See Letter)

*4. Letter from Jean Walker to Interested Parties: - RE: Change of Zone No. 04068 and Special Permit No. 04057 (Text Amendment and Motocross-201 W. South Street) - (See Letter)
**5.** Letter from Tom Cajka to Paula Dicero, Associated Engineering - RE: Brandt Heights 2nd Addition Final Plat #04043 - Generally located at S. 84th St. & Norval Rd. - (See Letter)

**6.** Annexation by Ordinance - Ordinance No. 18459 - Effective: November 9, 2004 - 11.8 Acres - (See Map)

7. Letter from Tom Cajka to J. Michael Rierden - RE: Hanson-Jordan Addition Final Plat #03081-Generally located at N. 40th Street and Superior Street - (See Letter)


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

*1. Waiver No. 04013 (S. 70th St. & Sterling Place) Resolution No. PC-00893.

2. Waiver No. 04015 (Eastwood Drive and S. 83rd Street) Resolution No. PC-00894.

**PUBLIC WORKS & UTILITIES DEPARTMENT**

*1. Material from Kris Humphrey - RE: Harris Overpass AG notice to mayor and Council - FYI (See Material)

*2. Memo & Material from Steve Masters - RE: Wastewater Capital Improvements Program - (See Material)

**3.** Public Works & Utilities ADVISORY - RE: The intersection of South 14th Street and Highway 2 - Project 701908 - (See Advisory)

**4.** Material - RE: Impact Fee Administrator Response For Continued Hearing on 11/29/04 - Impact Fee Appeal and Attachments - (See Material)

**5.** Public Works & Utilities ADVISORY - RE: Water District No. 1193 - (See Advisory)

**6.** Memo from Steve Masters, Public Works & Utilities & Stephen Henrichsen, Planning - RE: Proposed Temporary Lift Station Policy - (See Memo)
**7. Material - RE: Impact Fee Administrator Response To Appellant’s Amendment - (See Material)

8. Presentation Materials for Pre-Council, December 6, 2004 from Steve Masters - RE: Water Quality and Quantity Issues - (See Material)

**STARTRAN**

*1. Memo from Larry Worth - RE: Low-Income Passport Program-October, 2004 Report - (See Memo)*

**III. CITY CLERK**

**1. CERTIFIED MAIL - Letter from City Clerk Joan Ross to David Heffelbower; and Richard Douglas McClain - RE: 04R-294–Assessing demolition & utility abandonment expense-Notice Letter - (See Letter)**


**IV. COUNCIL**

**A. COUNCIL REQUESTS/CORRESPONDENCE**

**GLENN FRIENDT**


2. Request to Don Taute, Personnel Director - RE: Veterans in the City workforce (RFI#40 - 11/15/04).

**PATTE NEWMAN**

1. Request to Marc Wullschleger, Urban Development; Don Herz and Steve Hubka, Finance; Allan Abbott and W. Telen, Public Works; Dana Roper, City Attorney; Marvin Krout, Planning - RE: Antelope Valley Project, Tax Increment Financing (in relationship to non-profit organizations and the
current Michigan and Connecticut court cases on eminent domain and their effects on T.I.F funding here) and Consultants and Consulting fee funding. (RFI #27 - 10-01-04). — 1.) SEE RESPONSE FROM MARVIN KROUT, PLANNING DIRECTOR RECEIVED ON RFI#27-10/06/04. – 2.) SEE RESPONSE FROM JOEL PEDERSEN, CITY LAW DEPARTMENT RECEIVED ON RFI#27 - 10/18/04.

TERRY WERNER

1. Request to Law Department - RE: ‘Big John’s Billiards, Inc.’ asking about possibilities of the City Council creating a special license that a business can purchase to allow smoking within the perimeter of the licensed establishment (RFI#140 - 11/29/04).

2. Request to Law Department - RE: 45th & “O” Streets (RFI#141-11/30/04).

3. Request to Bruce Dart, Health Director/Dana Roper, Law Department - RE: The total smoke ban (RFI#142-11/30/04).

B. COUNCIL COMMENTS

V. MISCELLANEOUS

*1. E-Mail from Doc Mullet - RE: Vote NO on the Motocross race track - (See E-Mail)

*2. E-Mail from George & Irene Alexander - RE: Opposed to the proposed motocross track - (See E-Mail)

*3. E-Mail from Jeanette Nakada - RE: Will Motocross contribute to the community? - (See E-Mail)

*4. E-Mail from David Spinar - RE: Say “NO” to motorcycle race track development - (See E-Mail)

*5. E-Mail from Jason Smith - RE: Use Permit 04005-NW 1st & Barons Road - (See E-Mail)

*6. E-Mail from Steve Guittar - RE: Smoking Ban - (See E-Mail)
*7. Letter from Donald Deal - RE: Smoking Ban - (See Letter)

*8. Letter from Ron Davis - RE: StarTran-Potential Future Litigation- (See Letter)

*9. E-Mail from Mark Hunzeker - RE: Lattimer’s Addition - #23 on 11/15/04 Agenda (Council received their copies of this E-Mail on 11/15/04) (See E-Mail)

*10. E-Mail from Sara Friedman - RE: motocross track - (See E-Mail)

**11. Letter from Thomas Lorenz, Chairperson, Lay Leadership Board Christ Lutheran Church - RE: The Lay Leadership Board of Christ Lutheran Church has been advised of certain allegations regarding actions taken by Pastor ST Williams in his pastoral capacity that, upon initial review, require investigation by the LLB and the Director of Ministries Pastor Luke Schnake. It is our understanding that these allegations are also being investigated by President Russell Sommerfeld of The Nebraska District of the Lutheran Church Missouri Synod - (See Letter)

**12. Letter from Louis Pernicek - RE: A City Ordinance -egress windows-basement fire escape- (See Letter)

**13. E-Mail from Michael Von Busch - RE: Smoking Ban - (See E-Mail)

**14. E-Mail from Jim - RE: Complaint about cars parked on the front lawns - (See E-Mail)

**15. E-Mail from Nancy Vala - RE: Constituent/84th Street Opening Delayed for 3rd time - (See E-Mail)

**16. Response E-Mail from Thomas Shafer, Public Works & Utilities Department to Nancy Vala - RE: Constituent/S. 84th widening - (See E-Mail)

**17. Response Letter from Terry Bundy, LES to Lincoln City Council - RE: Response to LES Budget Pre-Council - (See Letter)

**18. E-Mail from Barb Johnson - RE: Capital Improvement Programs-(forwarded to the Planning Dept. for a response) (See E-Mail)
19. Letters from Will Prout, “Big John’s Billiards, Inc.” - RE: A year ago I wrote you a letter asking about the possibilities of the City Council creating a special license that a business can purchase to allow smoking within the perimeter of the licensed establishment - (See Letters)

20. Faxed Letter from Scott Miller, Telesis, Inc. - RE: In Opposition to the street vacation requests by B & J Partnership, Ltd. for the former Salvation Army Building at 8th & P Streets - (Council & City Clerk Joan Ross received copies of this Letter on 11/29/04 before Council Meeting)(See Letter)

21. E-Mail from Peggy Struwe - RE: Elliott Community Learning Center November Report - (See E-Mail)

22. E-Mail from Joseph W. Johnson, Jr. - RE: Lincoln’s Smoking Ban and Use of Eminent Domain - (See E-Mail)

VI. ADJOURNMENT

FOR IMMEDIATE RELEASE: November 30, 2004
FOR MORE INFORMATION: Gene Hanlon, Recycling Coordinator, 441-7043
Steve Hatten, Lincoln Solid Waste Management Association, 475-8630

SEPARATION OF GRASS AND LEAVES ENDS DECEMBER 1

Beginning Wednesday, December 1, Lincoln and Lancaster County residents no longer need to separate grass and leaves from their household trash.

The Nebraska Integrated Solid Waste Management Act requires that grass and leaves be separated from household trash from April 1 through November 30 of each year. During these months, the grass and leaves are diverted to the City’s compost facility, and local waste haulers charge a separate fee for the yard waste collection.

Residents can place their grass and leaves with their household trash from December 1 through March 31 with no additional fees charged for their regular waste collection.

-30-
FOR IMMEDIATE RELEASE: November 30, 2004
FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 441-7831
Sharon Griess, Heritage League, 420-6075

MAYOR’S HOLIDAY TREE CELEBRATES 20 YEARS OF THE STAR CITY HOLIDAY PARADE

Mayor Coleen J. Seng’s tree for the Heritage League’s annual “Holiday of Trees” event this week will share the theme of this year’s Star City Holiday Parade, “Our Lasting Treasure.” The parade marks its 20th anniversary this year, and the Mayor’s tree will be decorated with ornaments representing two decades of parade magic.

The “Holiday of Trees” event is from 10 a.m. to 8 p.m., December 2nd and 3rd at Lincoln’s Unitarian Church, 6300 “A” Street. The Mayor’s tree is one of 26 that will be on display. The event includes a boutique, refreshments and entertainment. Admission is $1, and proceeds will benefit the People’s City Mission.

The 20th annual Star City Holiday Parade begins at 11 a.m. Saturday, December 4, in downtown Lincoln. More information is available at www.starcityholidayfestival.org.

The Mayor’s tree will be on display during regular business hours from December 6th through 31st outside her office at the County-City Building, 555 South 10th Street.

- 30 -

OFFICE OF THE MAYOR
555 South 10th Street, Lincoln, NE 68508, 441-7511, fax 441-7120
OFFICE OF THE MAYOR
555 South 10th Street, Lincoln, NE 68508, 441-7511, fax 441-7120

DATE: December 1, 2004
FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 441-7831

Mayor Coleen J. Seng will have a news conference at 10 a.m. Thursday, December 2 in the City Council Chambers, 555 South 10th Street.

Topics for the news conference will include:

• The 20th annual Star City Holiday Parade December 4.
• Accreditation of the City’s emergency service departments.
• An update on the re-bidding process for new firetrucks.
MAYOR SAYS ACCREDITATION OF EMERGENCY SERVICES IS RECOGNITION OF EXCELLENCE

Mayor Coleen J. Seng today said that national accreditation of the City’s major emergency service providers recognizes the excellent service provided to the citizens of Lincoln. Lincoln is the only city in Nebraska to have its police and fire departments and 911/emergency communications center all nationally accredited.

“We know of only one other city in the nation that has its three major emergency service providers nationally accredited,” said Mayor Seng. “This is a tribute to the dedication and hard work of these Lincoln public safety employees. It is also reassuring for citizens to know that when they need emergency help, they will have professional responders providing excellent service.”

Lincoln Fire and Rescue was recently notified that its annual compliance report was approved and it was reaccredited by the Commission on Fire Accreditation International, Inc. (CFAI). CFAI has accredited only about 50 other fire departments in the world. The reaccreditation process included an on-site visit by CFAI representatives. The Department was one of the first five in the world to receive CFAI accreditation in August 1997, and it has maintained its accreditation since then.

The Lincoln Police Department was awarded state accreditation by the Police Chiefs Association of Nebraska in September 2003. In 1989, the Lincoln Police Department became the first agency in Nebraska to be nationally accredited through the Commission on Accreditation for Law Enforcement Agencies (CALEA).

In July 2002, the Lincoln Emergency Communications Center became only the 14th center in the country to be accredited by CALEA’s Public Safety Communications Accreditation. The Center will seek to be reaccredited in July 2005, and CALEA assessors will conduct an on-site visit next April. CALEA has accredited only 25 emergency communications agencies in the U.S.
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<td><strong>FY 2000-02 Total</strong></td>
<td>9,858</td>
<td>5,179,634</td>
<td>967,560</td>
<td>4,212,274</td>
<td>3,410,835</td>
<td>65.85%</td>
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<td>3,284,235</td>
<td>63.91%</td>
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<td>941,889</td>
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<td>22.55%</td>
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<td><strong>FY 2002-03 Total</strong></td>
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FY 2002-03

September 978 481,124 100,023 381,101 312,908 65.04% 82.11% 68,193 - 0.00% October 1,043 511,654 108,734 402,920 325,599 63.64% 80.81% 77,321 - 0.00% November 993 506,824 109,650 397,174 323,119 63.75% 81.35% 74,055 - 0.00% December 1,030 510,768 110,317 400,451 340,686 66.70% 85.08% 59,765 - 0.00% January 998 494,122 120,598 373,524 314,403 63.63% 84.17% 59,121 - 0.00% February 964 478,136 108,718 369,418 309,966 64.83% 83.91% 59,452 - 0.00% March 1,046 509,294 118,707 390,587 321,827 63.19% 82.40% 68,760 - 0.00% April 996 491,637 99,169 392,468 309,457 62.94% 78.85% 83,011 - 0.00% May 1,011 498,197 101,725 396,472 308,553 61.93% 77.82% 87,919 0.00% June 913 443,171 94,801 348,370 276,321 62.35% 79.32% 2,551 69,488 15.68% July 967 478,273 103,423 374,850 285,312 59.65% 76.11% 5,433 84,105 17.59% August 1,036 519,928 114,452 405,476 325,714 62.65% 80.33% 2,666 77,096 14.83%

FY2002-03 Total 11,975 5,923,128 1,290,317 4,632,811 3,753,875 63.38% 81.03% 648,941 - 0.00%

FY 2003-04

September 931 457,881 102,673 355,208 291,368 63.63% 82.03% 4,297 59,543 13.00% October 1,023 504,383 106,784 400,759 317,584 62.96% 79.88% 3,068 76,947 15.26% November 959 478,950 99,848 379,102 283,290 61.24% 77.36% 4,521 81,291 16.97% December 1,054 523,125 114,485 408,640 320,336 61.24% 78.39% 5,002 82,602 15.79% January 974 497,749 119,640 378,109 286,872 57.63% 75.87% 4,158 87,079 17.49% February 839 443,778 111,181 332,597 254,805 57.42% 76.61% 3,252 74,540 16.80% March 722 388,592 91,760 296,832 220,788 56.82% 74.38% 2,535 73,599 18.92% April 762 400,449 90,566 309,883 222,623 55.59% 71.84% 735 86,525 21.61% May 852 443,411 90,722 352,689 234,991 53.00% 66.63% 592 117,106 26.41% June 857 456,015 94,500 361,515 226,236 49.55% 62.48% 1,451 134,428 29.44% July 898 477,301 86,978 390,323 228,763 47.63% 58.61% 1,546 160,014 33.52% August 869 465,759 90,302 375,457 192,876 41.14% 51.37% 1,814 180,767 38.81%

FY2003-04 Total 10,740 5,537,993 1,199,439 4,338,554 3,090,532 65.81% 71.23% 33,671 1,214,351 21.93%

FY 2004-05

September 898 498,340 86,082 412,258 156,446 31.40% 37.95% 2,330 253,464 50.86% October 840 456,186 73,231 382,955 55,911 12.16% 14.60% - 327,044 71.69% November 310 172,279 25,603 146,676 - 0.00% 0.00% - 146,676 85.14% December - - - - - - - - - -

January - - - - - - - - - -

February - - - - - - - - - -

March - - - - - - - - - -

April - - - - - - - - - -

May - - - - - - - - - -

June - - - - - - - - - -

July - - - - - - - - - -

August - - - - - - - - - -

FY2004-05 Total 2,048 1,128,805 184,916 941,889 212,375 18.85% 22.05% 2,330 727,184 64.54%

Note: The Amount collected for the first twenty months (1-1-2001 to 8-31-2002) does not reflect a reduction of the $100,000 refunded to Medicare as result of the compliance audit. If that amount were included, the net collections will approximate 63.5% for the first twenty months.
# City of Lincoln

## EMS Cash Receipts/Expenditure Data

**FY 2004-05**

### Emergency:

<table>
<thead>
<tr>
<th>Month</th>
<th>Total Month Receipts</th>
<th>Total Month Expenditures</th>
<th>Net Receipts (Expenditures)</th>
<th>Cumulative Receipts</th>
<th>Cumulative Expenditures</th>
<th>Cumulative Net</th>
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</thead>
<tbody>
<tr>
<td>FY 2003-04 Balance Forward</td>
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<td></td>
<td></td>
<td>11,333,698</td>
<td>11,862,645</td>
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<td>76,549</td>
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<td>103,852</td>
<td>11,931,962</td>
<td>12,433,606</td>
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<td>November</td>
<td>285,137</td>
<td>241,005</td>
<td>44,132</td>
<td>12,217,099</td>
<td>12,674,611</td>
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### Non-Emergency:

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<th>Total Month Expenditures</th>
<th>Net Receipts (Expenditures)</th>
<th>Cumulative Receipts</th>
<th>Cumulative Expenditures</th>
<th>Cumulative Net</th>
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<td>1,490,522</td>
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<td>2,366</td>
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<td>1,958</td>
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<td>875</td>
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<td>1,555</td>
<td>114</td>
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<td>1,992,345</td>
<td>(496,843)</td>
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</tbody>
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### Total:

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<tr>
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<th>Total Month Receipts</th>
<th>Total Month Expenditures</th>
<th>Net Receipts (Expenditures)</th>
<th>Cumulative Receipts</th>
<th>Cumulative Expenditures</th>
<th>Cumulative Net</th>
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</thead>
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<td>12,824,220</td>
<td>13,854,284</td>
<td>(1,030,064)</td>
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<td>September</td>
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<td>13,084,466</td>
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<td>104,727</td>
<td>13,425,909</td>
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</tbody>
</table>

**SOURCE:** Finance Department General Ledger

**NOTE:** Amount Pending in JDE: $0

**NOTE:** Amount Received in Lock Box not posted: $0.00
HOLIDAY DECORATIONS CAN SPARK DANGER IN HOMES

SAFE KIDS  Simple Tips Can Help Reduce the Risk of Residential Fires

For many families, decorating is an important part of traditional holiday celebrations. Lights, Christmas trees, and candles increase the holiday cheer, but if not used properly, these items can also increase the risk of residential fires, according to the Fire & Burn Prevention Task Force of the Lincoln-Lancaster County SAFE KIDS Coalition.

The U.S. Fire Administration estimates that candles will be the source of approximately 1,600 home fires during the holiday season. If improperly maintained or ignored, Christmas trees also pose a fire risk, causing about 200 fires during the holidays every year.

Whether it's Hanukkah, Kwanzaa or Christmas, parents are focused on creating that special holiday experience, but when important safety measures are overlooked, parents unknowingly put their children at risk during this season, said Brian Baker, Coalition Co-Chair. Decorations are often the biggest culprits. By taking a few simple precautions with Christmas trees, candles and other decorations, parents can help keep holiday celebrations safe for the entire family.

The Lincoln-Lancaster County SAFE KIDS Coalition recommends that parents take the following safety precautions while decorating their home:

- Inspect lights for exposed or frayed wires, loose connections or sockets;
- Use no more than three strings of lights on one cord;
- Never run an electrical cord under carpet;
- Select a fresh pine. It is less likely to catch fire, and all trees should be kept away from heat sources such as fireplaces, radiators and heating vents;
- To prevent an accidental tip-over or electrical burns, parents must always make sure the tree's lights are hung out of the reach of young children;
- Burning candles shouldn't be placed where they can be easily knocked down and should never be used to decorate a Christmas tree; and,
- Never leave a burning candle unattended or near flammable objects such as draperies or blankets.

-more-
For more information on injury prevention during the holidays and additional child safety matters, visit www.safekids.org or contact Brian Baker with the Lincoln-Lancaster County SAFE KIDS Coalition at 441-8046.
Lancaster County AIDS Cases

In 1985, the first case of Acquired Immune Deficiency Syndrome (AIDS) was reported in Lancaster County. By the end of 2003, a total of 205 cases of AIDS had been reported to the Lincoln-Lancaster County Health Department. Except for three cases reported in children under 5 years of age, all were in adults 20 years of age and older. Two of the pediatric cases were infants born to infected mothers. In that same 1985-2003 time frame, 110 of the 205 individuals reported with AIDS, died.

Infection with Human Immunodeficiency virus (HIV), which is the virus that causes a person to develop AIDS, has gone from an acute to a chronic condition. This is due mainly to the tremendous advances in the treatment of HIV infection. Since the mid-nineties, deaths due to AIDS have declined significantly. People with HIV infection are living longer. A total of 118 HIV infected individuals have been reported through 2003 in Lancaster County. These are individuals who have not gone on to develop AIDS at this time.

There continues to be a strong need to educate, motivate and mobilize against HIV/AIDS. Unquestionably, treatment has made great advances in prolonging the lives of those infected. Treatment however, has not prevented a single new infection with HIV.
still can not be cured. Prevention remains our primary weapon in the fight against HIV/AIDS. We must continue to love ourselves, family and others about HIV/AIDS.
November 30, 2004

To: All Physicians, Administrators and Laboratory Personnel

From: Bruce Dart, MS, Health Director

Subject: Physician Advisory

INFLUENZA UPDATE

Flu Vaccine Availability
At this time, the Lincoln-Lancaster County Health Department is able to provide flu vaccine to all high risk children and adults. High risk individuals can obtain the vaccine at the main office of the Department, 3140 N Street, Monday through Friday, 8:00 a.m. to 4:00 p.m.. Children 2 years through 18 years must have a written physician order to obtain the Flu vaccine. Pneumococcal Polysacchride vaccine will also be available for those 65 and older. Those on Medicare Part B can receive both Flu and Pneumococcal Polysacchride vaccine at no cost. Those high-risk adults not on Medicare will be charged a flat fee of $17.00 for Flu vaccine and $26.00 for Pneumococcal Polysacchride vaccine.

Flu Viral Cultures
When the actual amount of influenza in a population is low, the likelihood of false-positive tests increases. This is particularly important in the case of rapid diagnostic tests (RDT) which have decreased specificity compared to viral culture.

To address the likelihood of false-positive influenza tests, for a limited time during the early part of the influenza season the Nebraska Public Health Laboratory (NPHL) will perform confirmatory viral culture testing on specimens submitted from patients who had a positive RDT for influenza.

A high oropharyngeal throat swab or a nasopharyngeal swab/aspirate placed in viral transport media is necessary for the performance of an influenza culture. Viral transport media such as that used for collection of herpes cultures is widely available and suffices for this purpose. Specimens submitted for influenza culture to the NPHL using a NPHL requisition will be performed at public health expense. A copy of the requisition can be accessed at the following website: http://www.hhs.state.ne.us/cod/nphltestrequisition.pdf. Specimens should be forwarded to the Nebraska Public Health Laboratory at UNMC at the address noted on the requisition. For questions, contact us at 441-8053

OVER
Bordetella Pertussis

Douglas County is experiencing an increase in reported *Bordetella pertussis* infections (whooping cough). A total of 26 laboratory confirmed infections have been reported in Douglas County residents this year, 23 of them since August. Among individuals reported to have pertussis, 17 are less than five years of age.

In Lancaster County, there have been 13 epidemiologic cases of pertussis identified since August. These were contacts of a lab-confirmed case which was not a Lancaster County resident and the exposure occurred outside of Lancaster County. A handful of clinical cases of pertussis have been reported in the last two months, none have been lab confirmed or on investigation found to be connected to a lab confirmed case. These clinical cases where among individuals in there late teens and early twenties, who presented with a prolonged cough (at or greater than 2 weeks) and either post-tussive vomiting and/or paroxysms of coughing. All were treated prophylactically.

Pertussis should be considered when evaluating patients with an acute cough illness lasting two weeks or longer, irrespective of immunization status. It should also be considered when an individual diagnosed with pertussis in the preceding 21 days. Only symptomatic persons should be tested. Asymptomatic persons should not be tested, regardless of whether there has been contact with a case or whether an outbreak is occurring.

Serology is NOT recommended as a diagnostic test for *Bordetella pertussis*. Serology is not currently standardized in the U.S. and therefore, is not considered reliable for laboratory confirmation. The two recommended diagnostic tests for *Bordetella pertussis* infection are PCR and culture. This recommendation is consistent with the American Academy of Pediatrics 2003 Red Book. The challenge of laboratory diagnosis is two-fold: specimen collection requires an appropriately collected nasopharyngeal swab, and successful culture requires careful specimen handling, along with the use of special transport and culture media.

In collecting specimens use two posterior nasopharyngeal swabs (use a dacron or rayon-tipped swab), one for the culture and the other for the PCR. Avoid cotton or calcium-alginate tipped swabs. Gently insert the swab through the nostril to the posterior nasopharynx. Leave the swab in place for 15-30 seconds, rotate, and remove.

The PCR swab should be maintained, stored, and transported in a dry fashion. For the culture, when possible, the specimen should be immediately plated on full-strength Regan-Lowe media or Bordet-Gengou media, and incubated. If prompt inoculation and incubation is not possible, the swab should be inserted into specialized Bordetella transport media (half-strength Regan-Lowe media is acceptable). The inoculated transport medium should be kept cool or refrigerated to prevent overgrowth of normal respiratory flora. The specimen should be transported as quickly as possible to a laboratory where it can be plated onto the appropriate media and observed for 10 days.

Prompt diagnosis of *Bordetella pertussis* infections is crucial. It will ensure that the appropriate disease control measures and necessary antibiotic prophylaxis of contacts can be accomplished quickly.

All household contacts of a pertussis case should be treated regardless of immunization status or age. Chemoprophylaxis should be considered for adults who have close or extensive contact. Other contacts outside the home who are symptomatic should be evaluated and treated as necessary. Asymptomatic contacts outside the home need not be treated.
Erythromycin estolate (40-50 mg/kg per day orally in four divided doses; maximum, 2 g/day) for 14 days is the drug of choice. Erythromycin resistance has been rarely reported. The newer macrolides, Azithromycin or Clarithromycin may be as effective as Erythromycin and have fewer adverse effects and better compliance.

Azithromycin (10-12 mg/kg on day 1, orally, than 5 mg/kg per day orally for days 2-5; maximum 600 mg/day)

Clarithromycin (15-20 mg/kg per day orally in two divided doses; maximum, 1 g/day for 7 days)

*Bordetella pertussis* infections should be reported to the Lincoln-Lancaster County Health Department at 441-8053 (Monday-Friday 8:00-4:30) or after hours and weekends call 441-8000 and ask for the Communicable Disease program.

**Physician Advisory Available By E-Mail**

Physicians, Advance Nurse Practitioners, Physician Assistants, Health-Care and Laboratory Administrators can receive periodic physics by e-mail. Send an e-mail to ttimmons@ci.lincoln.ne.us with your name, type of practitioner (MD, ARNP, PA-C, etc.) and location of practice.

PC  Mayor Coleen J. Seng  
Board of Health  
Steven Rademacher, MD, Medical Consultant  
Thomas Stalder, MD, Medical Consultant  
James Nora, MD, Medical Consultant  
Joan Anderson, Executive Director, Lancaster County Medical Society
FOR IMMEDIATE RELEASE: December 1, 2004
FOR MORE INFORMATION: Bruce Dart, MS, 402-441-8001
Health Director
Tim Timmons, R.N., 402-441-8056
Communicable Disease Program Supervisor

High Risk Individuals Encouraged to Get Flu Shot

The Lincoln-Lancaster County Health Department continues to provide Flu vaccine to all high-risk children and adults, from 8:00 a.m. to 4:00 p.m. Monday through Friday at the Department’s main office, 3140 N Street. Children ages 2 through 18 years old MUST provide a written physician order at the time of vaccination.

Bruce Dart, Health Director stated We strongly encourage those high risk individuals who have not obtained a Flu shot to do so as soon as possible. Flu vaccine is available for high-risk individuals and we would hope that they take advantage of that availability.

Although no significant flu activity is currently being seen locally, that could change in the next few weeks according to the Health Director. Mr. Dart stated that Mid to late December is when we would typically see increased flu activity in Nebraska. It takes two weeks to develop full immunity after receiving a flu shot.

Through the Lincoln-Lancaster County Health Department, those on Medicare Part B can receive both Flu and Pneumococcal Polysaccharide vaccine at no cost. Those high-risk adults not on Medicare will be charged a flat fee of $17.00 for Flu vaccine and $26.00 for Pneumococcal Polysaccharide vaccine. There is a $10.00 administration fee only for high-risk children’s flu shots.

The current CDC recommendations for who should be vaccinated are:

People 65 years of age and older

Children ages 6 months to 23 months

Adults and children 2 years of age and older with chronic lung or heart disorders including heart disease, asthma, chronic metabolic diseases (including diabetes), kidney diseases, blood disorders (such as sickle cell anemia), or weakened immune systems, including persons with HIV/AIDS

Pregnant women

Children and teenagers, 6 months to 18 years of age, who take aspirin daily

Residents of nursing homes and other chronic-care facilities

Household members and out-of-home care givers of infants under the age of 6 months (Children under the age of 6 months cannot be vaccinated.)
Healthcare workers who provide direct, hands-on care to patients
COMMUNITY FORESTRY ADVISORY BOARD

2004 ANNUAL REPORT

Prepared by

Community Forestry Advisory Board Members
&
Steve Schwab, City Forester
EXECUTIVE SUMMARY

In the year 2004 the following occurred regarding Lincoln’s community forestry program and city tree resources:

♦ TREE PLANTING AND MAINTENANCE:

A summary of Community Forestry Section accomplishments for FY 03-04 is attached. Over 3,000 citizen requests were received pertaining to the planting and maintenance of city trees.

♦ EDUCATION AND PUBLIC RELATIONS:

The 2004 Arbor Day Ceremony was held at Stransky Park on April 30, 2004 and involved Blessed Sacrament School, the Community Forestry Advisory Board and others.

In June 2004, City Forester Steve Schwab, Northeast District Supervisor Jim Portis, and Parks Planner Mark Canney did two video tape programs on how to properly plant trees. These programs have been broadcast on City TV 5 and are available at City libraries.

The Community Forestry Section web page on the Parks and Recreation Interlinc website is continually being revised to provide better information about city trees and tree care.

♦ TREE CITY USA:

The City of Lincoln submitted to the National Arbor Day Foundation in December 2004 and application for recertification as a Tree City USA and Growth Award recipient. Lincoln has annually received the Tree City USA Award since 1978 and the Growth Award since 1991.

In 2004, Lincoln maintained its “Sterling Tree City USA” designation by continuing to be proactive in managing its tree resources. This designation by the National Arbor Day Foundation has been given to 88 communities nationwide since its inception in 2000. Lincoln is one of only eight “Sterling Tree City USA” communities to also have been a Tree City USA for more than 25 years and received the Tree City USA Growth Award for more than 10 years.

♦ BUDGET EXPENDITURES:

Expenditure of the FY 03-04 Community Forestry Section budget amounted to $1,106,875 and another $509,385 was expended from Parks CIP, Urban Development, Fleet Services, Public Works and Downtown Lincoln Association funding sources for a combined total of $1,616,760. Of that total amount, 26% was for tree planting, 11% was for tree removals and 63% for tree maintenance, equipment and administration.

♦ COMMUNITY FOREST MANAGEMENT:

A windshield survey of city trees was done in March 2004 (see attached). Tree trimming time study was done in March/April 2004 to determine productivity standards (see attached). Eleven street tree planting easements done (see attached).

Block-by-block trimming of street trees was completed in the following areas:

- N. 48th to N. 56th Streets (Leighton to Colfax)
- N. 42nd to N. 48th Streets (Adams to Judson)
## FORESTRY QUARTERLY REPORT
### FY 2003 - 2004

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<th>FORESTRY WORKERS ACTIVITIES</th>
<th>1st Qtr*</th>
<th>2nd Qtr*</th>
<th>3rd Qtr*</th>
<th>4th Qtr*</th>
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<td>Stumps Removed Contractually</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Permits Issued To Remove</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Trees Trimmed</td>
<td>2719</td>
<td>4794</td>
<td>2452</td>
<td>3015</td>
<td>12970</td>
</tr>
<tr>
<td>Trees Trimmed Contractually</td>
<td>149</td>
<td>167</td>
<td>179</td>
<td>26</td>
<td>521</td>
</tr>
<tr>
<td>Trees Sprayed For Pest Control</td>
<td>0</td>
<td>0</td>
<td>1482</td>
<td>0</td>
<td>1482</td>
</tr>
<tr>
<td>Damaged Trees Repaired</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Broken Or Fallen Tree Limb Requests Serviced</td>
<td>69</td>
<td>48</td>
<td>282</td>
<td>242</td>
<td>641</td>
</tr>
<tr>
<td>Trees Planted</td>
<td>2</td>
<td>8</td>
<td>100</td>
<td>3</td>
<td>113</td>
</tr>
<tr>
<td>Trees Planted - Contractually</td>
<td>338</td>
<td>0</td>
<td>260</td>
<td>0</td>
<td>568</td>
</tr>
<tr>
<td>NRD And/or CDBG Grants Coordinated</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Planting Permits Issued</td>
<td>10</td>
<td>1</td>
<td>15</td>
<td>9</td>
<td>34</td>
</tr>
<tr>
<td>Number Of Trees Permits Issued For</td>
<td>13</td>
<td>2</td>
<td>22</td>
<td>9</td>
<td>46</td>
</tr>
<tr>
<td>Holes Dig For Neighborhood Projects</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Number Of Trees Staked</td>
<td>12</td>
<td>0</td>
<td>0</td>
<td>11</td>
<td>23</td>
</tr>
<tr>
<td>Number Of Tree Stakes removed</td>
<td>0</td>
<td>35</td>
<td>0</td>
<td>762</td>
<td>797</td>
</tr>
<tr>
<td>Number Of Hazards Corrected By Owner</td>
<td>23</td>
<td>0</td>
<td>0</td>
<td>28</td>
<td>51</td>
</tr>
<tr>
<td>Number Of Illegal Trees Removed By Owner</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>7</td>
<td>11</td>
</tr>
<tr>
<td>Inquiries Resolved On Planting/Maintenance</td>
<td>696</td>
<td>272</td>
<td>1019</td>
<td>1074</td>
<td>3061</td>
</tr>
<tr>
<td>Requests Serviced</td>
<td>471</td>
<td>63</td>
<td>474</td>
<td>694</td>
<td>1702</td>
</tr>
<tr>
<td>Commercial Arborist License Renewals</td>
<td>1</td>
<td>66</td>
<td>0</td>
<td>1</td>
<td>66</td>
</tr>
<tr>
<td>New Commercial Arborist Licenses</td>
<td>3</td>
<td>7</td>
<td>2</td>
<td>0</td>
<td>12</td>
</tr>
<tr>
<td>Street Tree Surety Bond Releases - 568 trees</td>
<td><strong>$ 129,603.00</strong></td>
<td><strong>$ 129,603.00</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

***NOTE: 762 REMOVALS AND 33 TRIMS WERE DONE IN HALLAM NEBRASKA FOR TORNADO CLEANUP***

CITY OF LINCOLN
PARKS AND RECREATION
CITY OF LINCOLN
EXISTING TREES ON CITY PROPERTY
AS OF 3/1/04

<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>TREES 10&quot; DIAMETER OR LESS</th>
<th>TREES GREATER THAN 10&quot; DIAMETER</th>
<th>TOTAL TREES</th>
</tr>
</thead>
<tbody>
<tr>
<td>STREET TREES</td>
<td>33,123</td>
<td>29,436</td>
<td>62,559 (56%)</td>
</tr>
<tr>
<td>PARK TREES</td>
<td>16,843</td>
<td>21,347</td>
<td>38,190 (34%)</td>
</tr>
<tr>
<td>TRAIL TREES</td>
<td>4,257</td>
<td>1,320</td>
<td>5,577 (5%)</td>
</tr>
<tr>
<td>GOLF COURSE TREES</td>
<td>1,661</td>
<td>4,265</td>
<td>5,926 (5%)</td>
</tr>
<tr>
<td>TOTAL</td>
<td>55,884 (50%)</td>
<td>56,368 (50%)</td>
<td>112,252 (100%)</td>
</tr>
</tbody>
</table>

**NOTE:** Trees 10" diameter or less can be pruned without using an aerial bucket truck. Trees greater than 10" diameter require aerial bucket truck in order to do pruning.

Current Size of Lincoln: 81.2 square miles
2002 Population: 232,362
Linear Miles of Streets: 1211.5 miles
Number of Existing Street Trees per mile of street: 52 trees per mile
FY 2003-04 City Budget: $120,954,757
FY 2003-04 Forestry Operating Budget: $1,120,736 (1% of entire City budget)
FY 2002-03 Per Capita expenditure for Forestry: $4.82
Total Forestry FTE: 20
Forestry FTE doing daily tree maintenance work: 17 FTE
Number of existing City trees to maintain per FTE: 6,603 trees/FTE (6,603 trees x 17 FTE = 112,252 trees)
# CITY OF LINCOLN
EXISTING STREET TREE COUNT
AS OF 3/1/04

<table>
<thead>
<tr>
<th>FORESTRY QUADRANT*</th>
<th>TREES 10&quot; DIAMETER OR LESS</th>
<th>TREES GREATER THAN 10&quot; DIAMETER</th>
<th>TOTAL TREES</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>#</td>
<td>%</td>
<td>#</td>
</tr>
<tr>
<td>NE</td>
<td>8,608 (59%)</td>
<td>5,864 (41%)</td>
<td>14,472 (23%)</td>
</tr>
<tr>
<td>NW</td>
<td>5,546 (61%)</td>
<td>3,563 (39%)</td>
<td>9,109 (15%)</td>
</tr>
<tr>
<td>SE</td>
<td>12,964 (56%)</td>
<td>10,289 (44%)</td>
<td>23,253 (37%)</td>
</tr>
<tr>
<td>SW</td>
<td>6,005 (38%)</td>
<td>9,720 (62%)</td>
<td>15,725 (25%)</td>
</tr>
<tr>
<td>TOTALS</td>
<td>33,123 (53%)</td>
<td>29,436 (47%)</td>
<td>62,559 (100%)</td>
</tr>
</tbody>
</table>

*27TH & ‘O’ Street is the center point for the four (4) Forestry Quadrants

**NOTE:**

Trees 10" diameter or less can be pruned without using an aerial bucket truck. Trees greater than 10" diameter require aerial bucket truck in order to do pruning.
CITY OF LINCOLN
EXISTING PARK/TRAIL/GOLF COURSE TREE COUNT
AS OF 3/1/04

<table>
<thead>
<tr>
<th># OF PARKS/TRAILS/GOLF COURSES</th>
<th>TREES 10&quot; DIAMETER OR LESS</th>
<th>TREES GREATER THAN 10&quot; DIAMETER</th>
<th>TOTAL TREES</th>
</tr>
</thead>
<tbody>
<tr>
<td>94/9/5</td>
<td>22,761</td>
<td>26,932</td>
<td>49,693</td>
</tr>
</tbody>
</table>

NOTE: Trees 10" diameter or less can be pruned without using an aerial bucket truck. Trees greater than 10" diameter require aerial bucket truck in order to do pruning.

There are **38,190 park trees**. Of that total, 11,259 trees (29% of total) are located in Pioneers Park. Trees in Wilderness Park were **not** counted.

There are **5,577 trail trees** along the 9 bike trails that were inventoried.

There are **5,926 golf course trees**.
**TREE TRIMMING PRODUCTIVITY STANDARDS**

<table>
<thead>
<tr>
<th>Tree Diameter Size Class</th>
<th>Average Labor Hrs./Crew/Tree Trimmed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1&quot; to 6&quot; diameter</td>
<td>.33 (20 min.)</td>
</tr>
<tr>
<td>7&quot; to 12&quot; diameter</td>
<td>.50 (30 min.)</td>
</tr>
<tr>
<td>13&quot; to 17&quot; diameter</td>
<td>.84 (50 min.)</td>
</tr>
<tr>
<td>18&quot; to 23&quot; diameter</td>
<td>.91 (55 min.)</td>
</tr>
<tr>
<td>24&quot; to 29&quot; diameter</td>
<td>1.29 (77 min.)</td>
</tr>
<tr>
<td>30&quot; to 36&quot; diameter</td>
<td>1.47 (88 min.)</td>
</tr>
<tr>
<td>36&quot; to 48&quot; diameter</td>
<td>3.66 (220 min.)</td>
</tr>
</tbody>
</table>

**A 30-Day Tree Trimming Time Study was completed by the Forestry Section in March/April 2004 to accurately determine the average time it takes to trim a tree by size, class and the average number of trees that can be trimmed per day that are in the same size class. It involved four 3-person city Forestry crews that trimmed 873 trees. Five (5) tree trimming objectives for each tree diameter size class were established and depending on the maintenance needs of each individual tree trimmed, one or more of the following were done (crown raising for proper clearance; crown cleaning to remove deadwood, broken, cracked and/or rubbing limbs; structural trimming for correct growth/form; crown reduction; crown restoration).**

Number of trees trimmed per day per crew is dependent upon various factors; size of tree(s); weather; travel time to and from job site(s) and Forestry shop (average of 60 min./day); entitled rest periods from work (two 15 minute breaks/day). Based on these factors, 6.5 hours/day is worked in performing assigned tree maintenance work. A 3-person Forestry Section crew, based on the time study done, would therefore on average be able to trim the following number of trees per day in the same size class: 19 trees (1" to 6" dia.); 13 trees (7" to 12" dia.)' 8 trees (13" to 17" dia.); 7 trees (18" to 23" dia.); 5 trees (24" to 29" dia.); 4 trees (30" to 36" dia.); 1.8 trees (36" to 48" dia.).

As of 3/1/2004, the total number of existing trees on city property was 112,252 (based on a “windshield” survey done by the Forestry Section). City personnel in the Forestry Section doing daily tree maintenance work, including trimming, has been the same 17 FTE (eleven Arborist I; five Arborist II; one Equipment Operator I since FY 94-95 (11 years), even though Lincoln’s population, geographical area and urban forest have increased. The number of city trees to maintain currently per FTE is 6,603 trees (6,603 trees x 17 FTE = 112,252 trees).

From FY 1998-99 through FY 2003-04, the average total number of trees trimmed per year was 10,814 (10,038 trees trimmed by Forestry Section & 776 trees trimmed contractually). This 6 year average equates to 590 trees trimmed/FTE/yr. By the Forestry Section (10,038 trees ÷ 17 FTE = 590 trees) and a current rotational citywide tree trimming cycle of 11.18 years (112,252 total trees ÷ 10,038 trees trimmed/yr. = 11.18 yr. Trimming cycle). The same 6 year period also showed that an average of 36.4% of the total hours worked per year by this 17 FTE in the Forestry Section was doing tree trimming work (1,920 hrs./yr. x 17 FTE x .364 = 11,880 hrs./yr./trimming). A 1,920-hour (240-day) work year is assumed so that paid holidays, vacation and/or sick leave normally taken by a city employee during the year is taken into account.
November 24, 2004

J. Michael Rierden
645 "M" St. Suite 200
Lincoln, NE 68508

RE: Hanson-Jordan Addition Final Plat #03081 Generally located at N. 40th St. and Superior St.

Dear Mr. Rierden:

Hanson-Jordan Addition generally located southwest of N. 40th St. and Superior St. was approved by the Planning Director on November 23, 2004. The plat and the subdivision agreement must be recorded in the Register of Deeds. The fee is determined at $.50 per existing lot and per new lot and $20.00 per plat sheet for the plat, and $.50 per new lot and $5.00 per page for associated documents such as the subdivision agreement. If you have a question about the fees, please contact the Register of Deeds. Please make check payable to the Lancaster County Register of Deeds. The Register of Deeds requests a list of all new lots and blocks created by the plat be attached to the subdivision agreement so the agreement can be recorded on each new lot.

Pursuant to § 26.11.060(d) of the Lincoln Municipal Code, this approval may be appealed to the Planning Commission and any decision of the Planning Commission to the City Council by filing a letter of appeal within 14 days of the action being appealed. The plat will be recorded with the Register of Deeds after the appeal period has lapsed (date + 14 days), and the recording fee and signed subdivision agreement have been received.

Sincerely,

Tom Cajka
Planner

CC: Joan Ray, City Council
Dennis Bartels, Public Works & Utilities
Terry Kathe, Building & Safety
Sharon Theobald, Lincoln Electric File

I:\PC\FP\Approval.wpd
November 24, 2004

Michael Johnson
Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508

RE: Wildflower Farms 1st Addition Final Plat #04015 Generally located at Pioneers Blvd. & S. 93rd Circle

Dear Mr. Johnson:

Wildflower Farms 1st Addition generally located southwest of Pioneers Blvd. and S. 93rd Circle was approved by the Planning Director on November 24, 2004. The plat and the subdivision agreement must be recorded in the Register of Deeds. The fee is determined at $.50 per existing lot and per new lot and $20.00 per plat sheet for the plat, and $.50 per new lot and $5.00 per page for associated documents such as the subdivision agreement. If you have a question about the fees, please contact the Register of Deeds. Please make check payable to the Lancaster County Register of Deeds. The Register of Deeds requests a list of all new lots and blocks created by the plat be attached to the subdivision agreement so the agreement can be recorded on each new lot.

Pursuant to § 26.11.060(d) of the Lincoln Municipal Code, this approval may be appealed to the Planning Commission and any decision of the Planning Commission to the City Council by filing a letter of appeal within 14 days of the action being appealed. The plat will be recorded with the Register of Deeds after the appeal period has lapsed (date + 14 days), and the recording fee and signed subdivision agreement have been received.

Sincerely,

Tom Cajka
Planner

CC: Patricia & Earl Scudder
Joan Ray, City Council
Dennis Bartels, Public Works & Utilities
Terry Kathe, Building & Safety
Sharon Theobald, Lincoln Electric

File

I:\PC\FP\Approval.wpd
PLANNING COMMISSION FINAL ACTION
NOTIFICATION

TO : Mayor Coleen Seng
     Lincoln City Council

FROM : Jean Walker, Planning

DATE : November 30, 2004

RE : Waiver No. 04015
     (Eastwood Drive and S. 83rd Street)
     Resolution No. PC-00894

The Lincoln City-Lancaster County Planning Commission took the following action at their regular meeting on Wednesday, November 24, 2004:

Motion made by Larson, seconded by Sunderman, to approve Waiver No. 04015, requested by Wright Development, Inc., to waive the requirement for construction of a sidewalk in the pedestrian way easement on Lot 8, Block 2, Pointe East Estates 9th Addition, generally located at Eastwood Drive and S. 83rd Street. Motion for approval carried 5-3: Krieser, Sunderman, Marvin, Taylor and Larson voting 'yes'; Carroll, Pearson and Carlson voting 'no'; Bills-Strand absent.

The Planning Commission's action is final, unless appealed to the City Council by filing a Letter of Appeal with the City Clerk within 14 days of the date of the action by the Planning Commission.

Attachment

c: Building & Safety
   Rick Peo, City Attorney
   Public Works
   Tate Wright, Wright Development, 5221 S. 84th Street, 68516
   Tom Tracy, Crown Pointe Neighborhood Association, 2910 Crown Pointe Road, 68506
RESOLUTION NO. PC-00894

WHEREAS, the final plat of Pointe East Estates 9th Addition was previously approved by the City of Lincoln; and

WHEREAS, pursuant to Lincoln Municipal Code § 26.27.020 the conditions of approval required that a sidewalk be constructed in the pedestrian way easement located on Lot 8, Block 2, at the same time that South 83rd Street and Eastwood Drive within this final plat are paved; and

WHEREAS, the applicant, Wright Development Inc., has requested a modification to waive said requirement pursuant to § 26.31.010 of the Lincoln Municipal Code; and

WHEREAS, the Planning Director has recommended approval of the requested modification to § 26.27.020 of the Lincoln Municipal Code; and

WHEREAS, the Planning Commission finds that the strict application of the sidewalk in the pedestrian way easement requirement would result in actual difficulties or substantial hardship or injustice to the property owner.

NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster County Planning Commission of Lincoln, Nebraska:

That the provisions of Section 26.27.020 of the Lincoln Municipal Code which requires that a sidewalk be constructed in the pedestrian way easement on Lot 8, Block 2, Pointe East Estates 9th Addition is hereby waived upon condition that the applicant pay the cost of filing this Resolution with the Register of Deeds for Lancaster County.
All other conditions for approval of the final plat of Pointe East Estates 9th Addition shall remain in full force and effect.

The foregoing Resolution was approved by the Lincoln City-Lancaster County Planning Commission on this __24__ day of __November__, 2004.

ATTEST:

[Signature]
Chair

Approved as to Form & Legality:

[Signature]
Chief Assistant City Attorney

-2-
Date: December 1, 2004

To: City Council

From: Steve Masters

Subject: Presentation Materials for Pre-Council, December 6, 2004

cc: Allan Abbott

We will be discussing water quality and quantity issues at Monday's pre-council. Enclosed for your review are the presentation materials that we will be using.

1. Summary of Copper Results
2. Summary of Lead Results
3. Water Data Summary
4. Illustration of Aquifer Response to Pumping
5. So What

*Note: "WF" abbreviates "wellfield".
Summary of Lead Results for Lead Copper Rule - LWS 1992 - 2004
**Historical Median Flow = 4900 cubic feet per second**
*1/2 of rainfall occurred in late August

<table>
<thead>
<tr>
<th></th>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>2002</td>
<td>67</td>
<td>11.0</td>
<td>66</td>
<td>13.7</td>
<td>7.8</td>
<td>12.8</td>
<td>2004</td>
</tr>
<tr>
<td>2003</td>
<td>73</td>
<td>11.0</td>
<td>66</td>
<td>13.7</td>
<td>7.8</td>
<td>12.8</td>
<td>2004</td>
</tr>
<tr>
<td>2004</td>
<td>73</td>
<td>11.0</td>
<td>66</td>
<td>13.7</td>
<td>7.8</td>
<td>12.8</td>
<td>2004</td>
</tr>
</tbody>
</table>

For Period May 1 through August 31

WATER DATA SUMMARY
Available Water Supply is denoted by the cross-hatched area.
Less Government In Times of Stress

Desiganted Watering Days

Well Field Development

Increasing Block Rate Structure

**SO WHAT**
November 22, 2004

Terry Werner  
City of Lincoln  
City Council Office  
555 S. 10th Street  
Lincoln, NE 68508

Dear Councilman Werner:

A year ago I wrote you a letter asking about the possibilities of the city council creating a special license that a business can purchase to allow smoking within the perimeter of the licensed establishment. Big John’s is a pool hall and pool players smoke while waiting for their turn to shoot the balls. Big John’s Billiards operates in a 13,000 square foot building that was designed 21 years ago to rid the pool hall of smoke. Big John’s does not have a smoke problem.

Big John’s cannot survive as a "Non-Smoking Pool Hall". I would rather have Big John’s Billiards be a business that caters to people who smoke and enjoy a “Smokers Only Pool Hall”. Lettering on the entrance of the business can warn Non-Smokers to enter at their own risk, its their choice.

Big John’s Billiards for more than 21 years has been a good entertainment business for thousands of Lincoln citizens that enjoy playing pool. Granting a License for a business to allow smoking will make the city more money. A smoking license will keep Big John’s Billiards operating as a successful First Class Billiard Center that has provided over $613,000.00 in expenses to employees, local vendors and taxes, this year. Big John’s Billiards is an asset to the City of Lincoln, Please don’t put us out of business because someone’s smoking in the pool hall.

Please let me know what you can do to help me keep my business operating in the City of Lincoln.

Sincerely,

Will Prout
December 3, 2003

Terry Werner
City of Lincoln
City Council Office
555 S. 10th Street
Lincoln, NE 68508

Dear Councilman Werner:

Big John's Billiards is a Pool Room. People come to Big John's to play the game of pool, drink alcohol and smoke cigarettes. Big John's Billiards has been a successful Pool Room for over 20 years, giving Lincoln residents a First Class Billiard Center. Big John's is a 13,000 square foot building with no interior walls and 18 foot high ceilings. Big John's was designed to provide comfort to the pool player by removing the smoke from the air. Six large electronic smoke Eaters hang from the ceiling and are cleaned every week.

Big John's is a "smoking room" with pool tables and can not comply with a smoke-free building ordinance. Big John's employees would be at risk trying to keep a pool player from lighting up, putting their cigarettes on the pool tables and stomping it out on the carpet. No, the players will not leave the pool table and go to an enclosed room to have a smoke. Big John's employees could not control a no-smoking ban at the pool tables and the business could not survive financially only catering to players who do not smoke cigarettes.

The City Council should create a new city license for businesses with pool tables. The "Pool Room License" would cost $1,000.00 and must be renewed in January each year. The "Pool Room License" would allow smoking in the entire building and require the business to place a sign on the front door warning non-smokers not to enter, if seeing someone smoking will offend them. If you don't like the smell of the air in our building, please go someplace else.

Any business or bar that would like to cater to smokers could purchase a "Pool Room License" and pay the City of Lincoln $1,000.00. Plus, have all employees sign a wavier stating they may encounter 2nd hand smoke.

Sincerely,

Will Prout
WARNING

"SMOKERS ONLY POOL HALL"

THE AIR IN THIS BUILDING MAY BE HAZARDOUS TO YOUR HEALTH

NON-SMOKERS ENTER AT YOUR OWN RISK
IT'S YOUR CHOICE

CIGARETTE SMOKE CLEANED ELECTRONICALLY
November 29, 2004

Lincoln City Council  
555 S. 10th Street  
Lincoln, NE 68508

Dear Councilmen and Councilwomen:

I am writing today in opposition to the street vacation requests by B & J Partnership, Ltd. for the former Salvation Army Building at 8th and P Streets. While this vacation request is specific to the Salvation Army building, it is really an integral part of the Haymarket 7th/8th Street Core Redevelopment Project.

We are very enthused about the level of attention and the amount of resources being dedicated to this project and feel that the city and its private partners are on track to produce a great improvement plan for the Haymarket. Our concern is primarily with the continued development of properties and proposed narrowing of streets without regard to the escalating problem of employee parking.

Our opposition is based upon the following:

- Vacation of the areas in question introduces more risk to the Haymarket. The street will be narrowed right when an additional demand for parking will be created. Two restaurants create a need for far more parking than is being proposed with this project.

- Our company unsuccessfully requested vacation of our sidewalk dining area for the same reasons being given for the Salvation Army project; to allow for substantial investment in the property. Our vacation request did not include a narrowing of the street. The reasons for our retail storefront not being classified as a “dock” appear relatively cosmetic if you compare the two properties.

- These proposed vacations are allowing public property to be used in the development of at least 2 new restaurants in an area that has been overbuilt with restaurants. We have no animosity towards competition; our track record speaks for itself. But the Haymarket now has nearly 20 eating establishments in a 4 block area and there has not been an organized effort to address parking management issues specific to this district.
In summary, we are not in support of the vacancy request as it adds a number of risk factors to the Haymarket without addressing a real and growing problem that is making a noticeable impact on the existing businesses in this area. We would like to see the proper amount of attention paid to the underlying parking challenges before selling public right-of-way for a project that compounds the problem.

Sincerely,

Scott C. Miller

Scott C. Miller
For your information, you might want to know what is going on with the students from our area at the Elliott school. You are also invited to participate in the things going on there. Peggy

Attached is the November Report from the Elliott Community Learning Center...

Benjamin Iwasaki Zink
Branch Executive Director
Elliott Community Learning Center
Community Services Branch YMCA
225 South 25th Street
Lincoln, NE 68510
(402) 436-1563
(402) 436-1187 FAX

Elliott’s annual Heritage Feast is on Tuesday, December 7th in the Gym from 5:30-7:00 p.m. Bring your favorite food to share with our community’s most diverse cover dish dinner!

The YMCA Giving Tree program returns for the sixth year! Stop by your favorite YMCA Membership Branch (Cooper, Downtown, or Northeast), select an ornament off of the tree, and return with an appropriate gift. The gifts will be distributed to Elliott students on Wednesday, December 22nd. Our goal is that every Elliott student receives a gift!

The Elliott CLC is now an intake and distribution site for Marine Corps Reserve Toys-for-Tots this year. Already we have received a huge response and anticipate receiving many more. The deadline for application forms is December 1st, 2004. The toy distribution date is Thursday, December 23rd from 10:00 am to 6:00 pm.

AmeriCorps members Alsatir Elseid and Zorte Maaloo have begun their terms of service. Alsatir is working in our before and after school programs and provides support to Elliott 1st graders and an ELL classroom during the school day. Zorte will also work in the before and after school program.

The Saturday Math Achievers have been doing a lot of very special activities. Students who attend every day, complete their work, have great behavior and effort during math class receive a special achievers pass on Friday that allows them onto a YMCA van for a Saturday of cool fun! Recent activities included: the Lincoln Children’s Museum, Sponge Bob Squarepants Movie, Cooper YMCA for climbing wall & swimming, Plate River State Park, Mahoney State Park and Schramm State Park, and the Bug Bash at the Folsom Children’s Zoo.

The Before School program is set to blast off with our initial shipment of our First Book grant scheduled to arrive soon. Students who attend the before school program enjoy breakfast and a half an hour of reading and storytelling. Once our First Book grant books arrive, students will be given their own books to use during the program and take home.

The YMCA Strong Kids Campaign was a resounding success! The Community Services Branch raised $10,325 toward the association goal of $184,500. The donations are still rolling in, but the YMCA has already raised over $200,000! Thank you for supporting our programs and services!

One of the big changes to the Elliott CLC after-school program this year was the introduction of special interest clubs. This month we are highlighting the Cooking with Books Club. One of our most popular clubs, students read, use math, follow directions and problem solve while learning to cook healthy and tasty snacks. Most of the food material we use for this club is purchased from Open Harvest natural food store.
Thanks to our partnership with the Food Bank of Lincoln, the Elliott CLC was able to provide five turkeys to Elliott families this holiday season! Pass the gravy!
Dear Mr. Johnson: Your message has been received in the Council Office and will be forwarded to the Council Members for their consideration. Thank you for your input on this issue.

Joan V. Ray
City Council Office
555 South 10th Street
Lincoln, NE - 68508
Phone: 402-441-6866
Fax:  402-441-6533
e-mail:  jray@ci.lincoln.ne.us
jwjjr@concentric.net

Date: Wed, 01 Dec 2004 23:26:52 -0600
To: info@aclunebraska.org
From: jwjjr@concentric.net
Subject: Lincoln's Smoking Ban and Use of Eminent Domain

I am curious to know the Nebraska ACLU position on Lincoln's soon-to-go-into-effect smoking ban in businesses across the city. As a Libertarian, I feel the ban is a taking in the sense that government is withdrawing from property owners the right to use their property as they see fit. I have periodically checked with the Lincoln/Lancaster County Health Department and they have reported that, before the ban, 75 to 80 per cent of all bars and restaurants were smoke-free -- which means, of course, that consumers and potential employees had a great many places where they could go -- for relaxation, entertainment and employment -- that were "safe." But, with the total ban enacted, and endorsed by voters, those businesses that want to encourage smokers to patronize their business can not do so -- except by spending money to create outdoor facilities in a city whose climate ranges from freezing cold to sweltering heat -- with constant wind! My sense of this is that if I operate a business and choose to cater to smokers or those willing to tolerate a smoking environment, I should have that right, just as consumers have the right to patronize or not patronize my business. But the smoking ban is across the board -- and to enforce it will require the police and health departments to increase their numbers in terms of officers, inspectors and budgets. No one is holding a gun to the head of any citizen forcing him/her to enter a smoking establishment. But the ban certainly deprives property/business owners to operate in ways that SOME of them would not like to operate.

I am also interested to know how ACLU Nebraska stands on such projects as The Grand theatre in downtown Lincoln. In this case, the power of eminent domain was used to
transfer property from several private owners to one private owner, namely, Douglas Theatre Corporation. The 5th Amendment says the government can only use its power for "public use" not "public good." Indeed, I believe there is a case before the US Supreme Court which challenges a proposed take-over of an entire neighborhood in New England so that the homes and business can be razed and turned over to a private company -- which will pay more in taxes to the city than the combined taxes of the home and business owners of the targeted neighborhood. It seems to me that Lincoln has a history of the use of eminent domain to seize property that is to be rolled over to private ownership (Block 35 comes to mind -- a grand scheme was proposed, the city acted, the scheme failed, and a decade later, Embassy Suites took possession of the land!). Yes, I am aware that such activity has passed muster in many places and in many courts across the nation -- for many years. Perhaps it is time to intervene legally -- and push the matter to the US Supreme Court where a conservative court majority could work to the advantage of those resisting a government taking that results in a financial benefit to someone else in the private sector -- and perhaps to government via additional tax revenue. The Constitution says public use -- it does not say public power to take property from one private owner and transfer it to another private owner -- just as it does not equate "public use" with the always indefinable "public good."

I salute you for your efforts over the years. Have you read Judge Andrew Napolitano's book, Constitutional Chaos? If not, I highly recommend it.

Best wishes,

Joseph W. Johnson, Jr.
2800 Woods Boulevard, No. 908
Lincoln, NE 68502-5844

I salute the work of the Nebraska ACLU and look forward to hearing from you.
ADDENDUM TO DIRECTORS’ AGENDA MONDAY, DECEMBER 6, 2004

I. MAYOR

1. NEWS RELEASE - RE: Many Events Part Of Star City Holiday Festival - (See Release)

2. NEWS ADVISORY - RE: Mayor Seng’s Public Schedule Week of December 4 through 10, 2004 - Schedule subject to change - (See Advisory)

II. CITY CLERK - NONE

III. CORRESPONDENCE

A. COUNCIL REQUESTS/CORRESPONDENCE

JON CAMP

1. E-Mail from Bill & Norma Parsons to Jon Camp - RE: Edenton South Townhome sidewalk easement - (See E-Mail)

B. DIRECTORS AND DEPARTMENT HEADS

HEALTH

1. NEWS RELEASE - RE: Health Department To Continue To Give Flu Shots - (See Release)

URBAN DEVELOPMENT DEPARTMENT

1. Interoffice Memo from Marc Wullschleger - RE: 1819 Washington, Dave Heffelbower lot - (See Material)

C. MISCELLANEOUS

1. E-Mail from Robert & Margaret McKitterick - RE: Proposed Public Sidewalk - (See E-Mail)

2. E-Mail from Aaron & Lynda Nordyka - RE: Public sidewalk/Edenton South Neighborhood - (See E-Mail)
3. E-Mail from Tim Kirkpatrick - RE: Withdrawal of Opposition - (See E-Mail)

4. E-Mail from Russ/Kristy Kromberg - RE: Proposed Height Amendment - (See E-Mail)

5. E-Mail from James & Jennifer Heck - RE: Amendment for 60 foot height requirement at 84th & Highway 2 - (See E-Mail)

6. E-Mail from DaNay Kalkowski - RE: 04R-314 - Use Permit No. 150B Height Waiver - (See E-Mail)
OFFICE OF THE MAYOR
555 South 10th Street, Lincoln, NE 68508, 441-7511, fax 441-7120

FOR IMMEDIATE RELEASE: December 2, 2004
FOR MORE INFORMATION: Diane Gonzolas, Citizen Information Center, 441-7831
             Deb Johnson, Parade Executive Director, 434-6901

MANY EVENTS PART OF STAR CITY HOLIDAY FESTIVAL

Mayor Coleen J. Seng today reminded area residents that many activities are part of the Star City Holiday Festival now under way in Lincoln. The festival kicked off Sunday evening with the Holiday Lighting Ceremony and will wrap up with the 20th annual Star City Holiday Parade starting at 11 a.m. Saturday, December 4. “Our Lasting Treasure” is the theme for this year’s parade, the largest of its kind in a five-state area. The parade and festival are presented by First National Bank and produced by the Updowntowners, Inc., the City of Lincoln and the Downtown Lincoln Association.

“The parade and festival are ‘lasting treasures’ in our community that draw 85,000 people to our beautiful downtown each year,” said Mayor Seng. “This fun family event promises to provide memories that our spectators will treasure for years to come.”

New parade features this year include:

• A new animated Title Star Float sponsored by U.S. Cellular.
• An updated look for parade mascot, Major Drummond.
• A giant “Arthur” balloon from Nebraska ETV and the Downtown Optimist Club.
• A Noah’s Ark Float from Back to the Bible.

Pre-parade entertainment begins at 10 a.m. along the parade route. Parade officials recommend coming downtown early and parking in one of the many downtown garages. Rides are free all day on all StarTran bus routes Saturday. Children are reminded to bring their letters to Santa to give to U.S. Postal workers during the parade. Make sure you include your return address, because Santa will write back to all his fans! Children will again serve as judges, deciding which entries win the trophies for best costumes, best unique vehicle, best float and children’s choice. The awards ceremony will begin at 12:45 p.m. in the Grand Ballroom at The Cornhusker.

A list of festival events follows, and contacts are listed for those needing more information. Festival and parade information is also available at www.starcityholidayfestival.org.
STAR CITY HOLIDAY FESTIVAL EVENTS

Lincoln Masonic Lodge #19 Pancake Breakfast
7 to 11:30 a.m., December 4, Masonic Temple, 1645 “L” Street
All-you-can-eat buttermilk pancakes, with sausage and beverage for $4 per person.

Waffleman Parade Breakfast
8 to 11 a.m., December 4, Saint Paul United Methodist Church, 1144 “M” Street
Doug “The Waffleman" will cook up fresh Belgian waffles and sausage in the Church’s basement dining room. Advance tickets are $4 for children ages 8 and under and $5 for adults. For more information, call Karen at 477-6951.

Pete Penguin’s Holiday Picnic
8 a.m. to 1 p.m., December 4, ActivAge Downtown Center, 1005 “O” Street
All ages are invited to the ActivAge Downtown Center for a great day of family fun and food. Hot beverages and rolls begin at 8 a.m., the pancake feed ($5) starts at 9 a.m., and chili and hot dogs are available at 10 a.m. Santa will visit from 9 to 11 a.m. and the events includes many activities for kids.

Polar Bear Picnic
8:30 to 10:30 a.m., December 4, Embassy Suites Hotel ballroom, 1040 “P” Street
This tradition from the Aging Services Foster Grandparent Program offers parents and children an opportunity to warm up with a hot breakfast before the parade with all the added fun of visiting with Santa, face painting, games, prizes and entertainment. Admission is $3 for children ages 12 and under and $7.50 for adults. Proceeds help support the Foster Grandparent Program. No reservations needed!

Trinity Lutheran Church 7th Annual Craft Fair
9 a.m. to 3 p.m., December 4, 724 South 12th Street
Gifts, ornaments, holiday sweets, soup and more. For more information, call 474-0606.

Sheldon’s Super Sleuth
10 a.m. to 5 p.m., December 4, Sheldon Memorial Art Gallery, UNL
Bring along your detective skills to search for hidden treasure in the Sheldon Memorial Art Gallery on December 4. The hunt will take about 30 minutes.

Holiday Cartoons and Hot Chocolate at the Ross
10 a.m., December 4, Mary Riepma Ross Media Arts Center, 313 North 13th Street
Watch classic holiday cartoons while sipping on delicious hot chocolate! Admission is free and the concession stand offers popcorn, coffee and other treats. For more information, call 472-5353 or visit www.theross.org.
“A Christmas Card from Stage and Screen”
7:30 p.m., December 4, Kimball Recital Hall, UNL
The Lincoln Symphony Orchestra and TADA Productions present “A Christmas Card from Stage and Screen,” with Tyler White conducting. Tickets are $26 to $40, and student tickets are half-price. For more information, call 476-2211 or visit www.lincolnsymphony.com.

Winter Weekends
Noon to 4 p.m., December 4 and 5, Folsom Children’s Zoo, 27th and “B” streets
See Santa and his reindeer and Mrs. Claus, watch animal demonstrations, and participate in crafts!

The Santa Station at SouthPointe
Noon to 8 p.m., Fridays and Saturdays, noon to 5 p.m., Sundays, SouthPointe Pavilions center courtyard
The North Pole has gone south! Visit Santa in his magical Santa Station and enjoy free refreshments and fabulous photos! Presented in part by First National Bank.

Story Time with Mrs. Claus
1 to 2 p.m., December 5, SouthPointe Pavilions Barnes & Noble
Please join us for an extra-special hour with an oh-so-special lady.

Downtown Holiday Home Tour
1 to 5 p.m., December 5
Spend a delightful winter afternoon exploring some of our special Star City treasures. See the transformation of historic buildings into elegant living spaces. Enjoy the music of carolers and warm yourself in the hospitality of downtown businesses offering unique shopping experiences and complimentary refreshments. Sponsored by the Downtown Lincoln Association (DLA) and its Downtown Retail Council. Advance tickets are $5 and are available at The Mill and the DLA office and by visiting www.downtownlincoln.org. Tickets are available the day of the event at Wells Fargo and Embassy Suites. For more information, call 434-6900 or visit the DLA Web site.

Downtown Holiday Window Decorating Contest
Through January 1, Downtown Lincoln businesses and merchants
You be the judge! Take a walk through the streets this holiday season and choose which downtown business has the best decorated window. Pick up a ballot at participating stores or at the DLA, 1200 “N” Street, Suite 101. You also can visit the DLA Web site at www.downtownlincoln.org to cast your vote. For more information, call 434-6900. The contest is sponsored by the DLA and its Downtown Retail Council.
Date: December 3, 2004  
Contact: Diane Gonzolas, Citizen Information Center, 441-7831

Mayor Seng’s Public Schedule  
Week of December 4 through 10, 2004  
**Schedule subject to change**

Saturday, December 4  
- Star City Holiday Parade - 8 a.m. breakfast at Cornhusker Hotel, Lancaster Room; 11 a.m. parade begins at 10th and “O” streets; 12:45 p.m. awards ceremony, Cornhusker Hotel Ballroom

Monday, December 6  
- Clinton Neighborhood Organization annual banquet, remarks - 6:30 p.m. social, 7 p.m. dinner, Grace United Methodist Church fellowship hall, 27th and “R” streets

Tuesday, December 7  
- City-County Common meeting - 8:30 a.m., County-City Building, room 113, 555 South 10th Street  
- Pearl Harbor Remembrance, remarks - 11:40 a.m. refreshments, 11:55 program, Veterans Memorial Garden, Antelope Park (east of Auld Recreation Center)

Wednesday, December 8  
- Holiday Ball for people with special needs, remarks - 7 p.m., Auld Recreation Center, Antelope Park

Thursday, December 9  
- Mayor’s Neighborhood Roundtable - 4:30 p.m., County-City Building, room 113, 555 South 10th Street

Friday, December 10  
- Ringing bells for the Salvation Army - 10 a.m., Super Saver, 48th and “O” streets
Joan--please distribute to Council.

--
Jon Camp
Lincoln City Council
City Council Office: 441-8793
Constituent representative: Darrell Podany

----- Message from BP42945 on Fri, 3 Dec 2004 4:25:42 PM Eastern Standard Time -----

To: CAMP JON

Subject: EdentonSouth Townhome sidewalk 

easement

Mr. Camp,

My name is Norma Parsons and my husband, Bill, and I are residents of Edenton South and we live in one of the townhomes on Culwells Court.

We are appealing to you for help in a waiver of a sidewalk easement in our cul-de-sac. Our association president, and fifteen other residents, went before the Lincoln City/Lancaster County Planning Commission on Wednesday November 24 to speak on the merits of having this sidewalk waived. The sidewalk will come off of the South side of Old Cheney just East of 70th Street. It will come between to of the townhomes and empty into the cul-de-sac that of course is dead end. Culwells Court is a private street. Anyone using such a sidewalk will only go between homes and through lawns to get out of the cul-de-sac. There are no sidewalks on Old Cheney and one on 70th, but very few people walk on 70th, because of the excessive amount of traffic. There are sidewalks on both sides of 72nd Street and that is where everyone walks. The townhome area is enclosed with 7 foot fencing. We are terribly concerned about vandalism as well as safety, with an opening in the fence to such a busy traffic area. There are several widows or other single women in our neighborhood and they feel very secure and safe with the enclosed area. We are a very active association and take a tremendous amount of pride in our neighborhood and looking after or neighbors. The elevation of the land is very sloping and there has already been some water problems. There is a sewer drain beside the sidewalk plan that does not need to have any blockage to impair draining. This just does not seem like a very plausible plan for anyone concerned.

Would you please look at our request, as well as the area in question, and see if you can help us? We appreciate any of your time and consideration of our appeal.

Thank you,

Bill and Norma Parsons
7140 Culwells Court
Lincoln, Ne. 68516
NEWS RELEASE

LINCOLN-LANCASHER COUNTY HEALTH DEPARTMENT
3140 N Street, Lincoln NE 68510 • Phone: 441-8000
Fax: 441-8323 or 441-8229

FOR IMMEDIATE RELEASE: December 2, 2004
FOR MORE INFORMATION: Bruce Dart, MS, 402-441-8001
Health Director

Tim Timmons, R.N., 402-441-8056
Communicable Disease Program Supervisor

Health Department To Continue To Give Flu Shots

Due to the tremendous unexpected response for Flu vaccine today (12-2-04) and limited staff resources, the Lincoln-Lancaster County Health Department had to discontinue giving flu shots earlier than the 4:00 p.m time it had announced on Wednesday. The Department has a large supply of flu vaccine remaining and will continue to provide it to all high-risk children and adults, Monday through Friday, at the Department’s main office, 3140 N Street. In order to provide this service within the resources available, the Department will give 400 Flu shots a day between 8:00 a.m. to 4:00 p.m. Individuals planning on coming into the Department later in the morning or in the afternoon for flu shots, should check the Department’s Flu Hotline 441-0358 for vaccine availability.

Through the Lincoln-Lancaster County Health Department, those on Medicare Part B can receive both Flu and Pneumococcal Polysaccharide vaccine at no cost. Those high-risk adults not on Medicare will be charged a flat fee of $17.00 for Flu vaccine and $26.00 for Pneumococcal Polysaccharide vaccine. There is a $10.00 charge (administration fee only) for high-risk children’s flu shots. Children ages 2 through 18 years old MUST provide a written physician order at the time of vaccination.
The current CDC recommendations for who should be vaccinated are:

People 65 years of age and older

Children ages 6 months to 23 months

Adults and children 2 years of age and older with chronic lung or heart disorders including heart disease, asthma, chronic metabolic diseases (including diabetes), kidney diseases, blood disorders (such as sickle cell anemia), or weakened immune systems, including persons with HIV/AIDS

Pregnant women

Children and teenagers, 6 months to 18 years of age, who take aspirin daily

Residents of nursing homes and other chronic-care facilities

Household members and out-of-home care givers of infants under the age of 6 months (Children under the age of 6 months cannot be vaccinated.)

Healthcare workers who provide direct, hands-on care to patients
To: City Council Members
From: Marc Wullsleger
Date: December 3, 2004
Subject: 1819 Washington, Dave Heffelbower lot

Attached is a letter from our private contractor in charge of Relocation for our Antelope Valley project. The relocation agent admits his egregious error in identifying two vacant lots which were not available for sale. Urban Development's Real Estate division will be providing increased oversight during future relocation to ensure errors are not repeated.

We have discussed relocation procedures with the contractor and will take further appropriate action if problems arise in the future.
December 3, 2004

RE: City of Lincoln
    Antelope Valley II

Mr. Marc Wullschleger,
City of Lincoln
Urban Development Department
808 "P" Street, Suite 400
Lincoln, Nebraska 68508-3632

Dear Marc:

On September 28, 2004, I mailed a list of available dwellings and vacant lots to Michael Morosin, Earl Robinett and Edward Patterson. The lists of properties and vacant lots were only referrals. Michael Morosin, Earl Robinett and Edward Patterson were not required to visit or purchase the properties.

I now find that the dwellings were available and for sale; however, the vacant lots were not available or for sale. Please accept my sincere apology for the inconvenience that I may have caused to the vacant lot owners and others.

In the future, we will make every effort to confirm the availability of properties prior to referring them to displacees.

If you have questions, please feel free to contact Eugene Gilmore, Relocation Agent, at (402) 955-2900 or cell telephone (402) 880-4050.

Sincerely,

Midwest Right of Way Services, Inc.

[Signature]

Eugene F. Gilmore
Relocation Agent
Dear Mr. McKitterick: Your message has been received in the Council Office and will be forwarded to the Council Members for their consideration. Thank you for your input on this issue.

Joan V. Ray
City Council Office
555 South 10th Street
Lincoln, NE - 68508
Phone: 402-441-6866
Fax: 402-441-6533
e-mail: jray@ci.lincoln.ne.us
User764729@aol.com

TO: Jon Camp, Jonathan Cook, Glenn Friendt, Annette McRoy, Patte Newman, Ken Svoboda, Terry Werner

I am sending this Email to the Lincoln City Council asking for your support in granting a waiver of the requirement to add a sidewalk from Old Cheney Road into the Edenton South group of Town Homes. I feel this will do nothing for our neighborhood but allow access to our properties by outsiders. This is the feeling of all our residents living in this area. Ample access to this area is available off both Old Cheney Road and South 70th Street. All of our Town homes are located on Culwells Court Street. This street is not maintained by any City services such as snow removal etc. Your support on this request would be greatly appreciated.

Sincerely,

Robert N. McKitterick
Margaret L. McKitterick
7125 Culwells Court
Lincoln, NE 68516-4279
Tel: 402-484-7141 (unlisted)
Dear Mr. & Ms. Nordyke: Your message has been received in the Council Office and will be forwarded to the Council Members for their consideration. Thank you for your input on this issue.
Joan V. Ray
City Council Office
555 South 10th Street
Lincoln, NE - 68508
Phone: 402-441-6866
Fax: 402-441-6533
e-mail: jray@ci.lincoln.ne.us
Chalkplus@aol.com

Dear Council Members:

We are writing to you in opposition of the proposed public sidewalk coming into our neighborhood from Old Cheney Road.

Thank you for taking into consideration our opposition to this sidewalk.

Sincerely,
Aaron and Lynda Nordyke
7104 Culwells Ct.
Lincoln, NE 68516
Dear Mr. Kirkpatrick:

Your message has been received in the Council Office and will be forwarded to the Council Members for their consideration. Thank you for your input on this issue.

Joan V. Ray
City Council Office
555 South 10th Street
Lincoln, NE - 68508
Phone: 402-441-6866
Fax: 402-441-6533
e-mail: jray@cl.lincoln.ne.us

Tim Kirkpatrick <TKIRKPATRICK@neb.rr.com>

---

Dear Members of the City Council,

I own property across the street from EIGER Corporation’s land on South 84th Street. They have requested a variance of the building height restriction from 40’ to 60’ for three of the lots that they own. Originally I was opposed to this plan as the developer’s request showed hotels that were six stories high. I felt that this was not a good transition into the existing residential neighborhood that I live in.

Since that original opposition I have had the opportunity to visit with Bob Findley, the project architect for the developer. He seems quite sensitive to the needs of myself and my neighbors.

Additionally the Developer also has assured me that they will be adding an amendment to their original request which states that they will not be putting up any buildings on Lot # 1 or Lot # 2 that will exceed four stories in height. The variance on Lot #3 should now contain an amendment which states that they will not exceed three stories in height. If the request for the 60’ height comes with this amendment then I will withdraw my opposition.

I have also spoken with several of my neighbors (Jim & Jennifer Heck, Terry & Camy Hutchison, Russ & Kristy Kromberg, and Jay & Tami Gruber) that own property in the area. They also seem agreeable to the variance as long as the # of allowable floors does not exceed four on lots 1 & 2 and three floors on Lot # 3.

Thank you very much for your time and your willingness to serve on the Council for the betterment of our community.

Sincerely,

Tim Kirkpatrick
8001 Amber Hill Road

Lincoln, NE  68516
423 9490
Dear Mr. & Ms. Kromberg: Your message has been received in the Council Office and will be forwarded to the Council Members for their consideration. Thank you for your input on this issue.

Joan V. Ray
City Council Office
555 South 10th Street
Lincoln, NE - 68508
Phone: 402-441-6866
Fax: 402-441-6533
e-mail: jray@ci.lincoln.ne.us
"Kromberg" <rkromberg@neb.rr.com>

City Council Members;
I writing in support of the change in maximum height of the hotel on lot 1 of the development at 84th and highway 2. The reason for the support of this change is that the developer has agreed to limit the number of stories of the hotel to 4 and the only need for the extra 20' of height is for an architectural tower on the hotel.

Russ/Kristy Kromberg
8201 Amber Hill Rd.
Lincoln, NE  68516
402-423-1344
Dear Mr. & Ms. Heck: Your message has been received in the Council Office and will be forwarded to the Council Members for their consideration. Thank you for your input on this issue.

Joan V. Ray
City Council Office
555 South 10th Street
Lincoln, NE - 68508
Phone: 402-441-6866
Fax: 402-441-6533
e-mail: jray@ci.lincoln.ne.us
"Jim Heck" <jheck@neb.rr.com>

City Council,

This is our memo stating we are withdrawing our opposition of the height requirement for the hotels. The reason for our withdrawal is because we are in favor of the amendment that limits the number of stories of the building to four.

Cordially

James and Jennifer Heck

8000 South 80th Street
Lincoln, NE
Dear D. Kalkowski: Your message has been received in the Council Office and will be forwarded to the Council Members for their consideration. Thank you for your input on this issue.

Joan V. Ray
City Council Office
555 South 10th Street
Lincoln, NE - 68508
Phone: 402-441-6866
Fax: 402-441-6533
e-mail: jray@ci.lincoln.ne.us
"DaNay Kalkowski" <DaNay@sk-law.com>

"DaNay Kalkowski"
<DaNay@sk-law.com>
12/06/2004 08:32 AM

Members of the City Council -

Attached is a copy of a Motion to Amend I will be offering on behalf of Eiger Corp. at public hearing on the above referenced item this afternoon. The purpose of the Amendment is to address concerns raised by members of the Amber Hill neighborhood to the west. We have been able to work with the neighbors closest to 84th Street since Planning Commission to come up with a compromise that is acceptable to the neighbors and Eiger Corp.

DaNay A. Kalkowski
Seacrest & Kalkowski, P.C.
1111 Lincoln Mall, Suite 350
Lincoln, NE 68508
(402)435-6000
danay@sk-law.com

Note: This email (including attachments) may be attorney/client privileged and is confidential information covered by the Electronic Communications Privacy Act 18 U.S.C. Sections 2510-2521 and any other applicable law, and is intended only for the use of the individual or entity named herein. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any retention, dissemination, distribution or copying of this communication is strictly prohibited. Although this email and any attachments are believed to be free of any virus or other defect that might affect any computer system into which it is received and opened, it is the responsibility of the recipient to ensure that it is virus free and no responsibility is accepted by Seacrest & Kalkowski P.C. or the author hereof in any way from its use. IF you have received this communication in error, please immediately notify us by return email. Thank you.

CC Motion to Amend re Height Waiver 12-2-04, DaNay Kalkowski.vcf
MOTION TO AMEND

I hereby move to amend Resolution No. A-__________, (04R-314), Use Permit No. 150B as follows:

* * * * *

1. This permit approves an adjustment to the maximum height in the B-5 Planned Regional Business District from 40 feet to 60 feet on Lots 1, 2 and 3, Block 3; provided, any building located on Lots 1 or 2, Block 3, shall not exceed four stories above grade and any building located on Lot 3, Block 3, shall not exceed three stories above grade.

* * * * *

Introduced by:

__________________________________________

Approved as to Form & Legality:

__________________________________________
City Attorney

Staff Review Completed:

__________________________________________
Administrative Assistant

Requested by: Seacrest & Kalkowski, P.C. on behalf of Eiger Corp.
DIRECTORS’ MEETING
MINUTES
MONDAY, DECEMBER 6, 2004
CONFERENCE ROOM 113

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

Others Present: Mayor Coleen Seng, Mark Bowen, Ann Harrell, Corrie Kielty, Darl Naumann, Mayor’s Office; City Clerk, Joan Ross; Dana Roper, City Attorney; Directors and Department Heads; Darrell Podany, Aide to Council Members Camp, Friendt, & Svoboda; Tammy Grammer, City Council Staff and Deena, Winter, Lincoln Journal Star Representative.

Mr. Werner noted the Directors’ Agenda is for November 22nd, 29th & December 6th.

I. MAYOR


Mayor Seng stated to Council that Ann Harrell has copies of the letter that they wrote back to Senator Dennis Byars. Ms. Harrell passed out copies of the letter to Council. [Copy of letter on file in the City Council Office.]

Mayor Seng commented the parade was great. Diane Gonzolas stated she hopes many of them were able to attend the parade, it will also be on Channel 5 several times this week. Record attendance as far as they can tell which is kind of hard to count, but Deb Johnson the Parade Executive Director said at some point the crowd was 10 deep, so a lot of people attended. It went fairly smooth and if anybody has any questions give her a call and she can talk to Deb (Johnson) about it.

Mayor Seng called on Directors. Marvin Krout stated there’s one issue that may cause some confusion so it’s probably worth bringing up now. The Vintage Heights Homeowners Association who came to the Planning Commission expressing concern because this policy says they’re going to hold the developer responsible for paying maintenance costs associated with operating a pump station, but the developer can pass it onto a homeowners association if he wants to and he probably will. One of the several places they’ve been talking about the temporary pump station would be the eastern portion of Vintage Heights which is yet to be developed. This issue hasn’t come to them officially, but they’ve had discussions and in the report that they gave them they had indicated particularly one has more problems than some of the others they’ve been discussing because it’s more long term, it will be longer than 20 years or maybe more before the actual permanent trunk line from Stevens Creek will get up
the basin but down south all that way to serve this area. The Vintage Heights homeowners concern is that somehow even though they paid for their own sewer and their sewage is going someplace else that they’re going to be hooked into helping pay the cost for developing this additional area. Mr. Krout commented he’s not sure how that can happen and he thinks as they would go through a process of plating and annexing the land that’s in the eastern portion that it would be clear that wasn’t going to be happening. But, the homeowners still have that concern and because of that he thinks they recommended and maybe sent them a letter saying they want the policy to be on record that they are opposed to the Vintage Heights temporary pump station. They don’t think that’s appropriate because they are only talking about them adopting a policy that they would use as a guideline on a case-by-case basis as would the Planning Commission when someone comes in and proposes to do one of these temporary pump stations. A policy doesn’t mean they’re making a decision today about any of these pump stations, so staff believes it’s not appropriate to be making any particular recommendations about the situation at this time. They don’t have all the facts about that particular one, he thinks the homeowners should not be as worried as they are about some how being hooked into the payment on a different part of that development area, they may hear that discussion this afternoon. Mr. Camp stated it would be helpful if someone from Planning makes that statement. Mr. Krout said they’ve tried to explain it to the homeowners and they’ll be at the meeting this afternoon, but is still a fear of theirs and he thinks they want to express that to them so it is on record.

Mayor Seng stated Dallas McGee will talk about a letter from Marc Wullschleger that is on the addendum because they were all very concerned about it. Dallas McGee stated they received a letter from Midwest Relocation Services who are the people that assist them when they purchase properties, they acknowledged to them they had made a mistake with the two vacant lots they said was for sale which were not. They’ve apologized to the people that received letters and they are going to continue looking for other properties that might be for sale. Ms. McRoy noted on that subject doesn’t Urban Development have two Real Estate agents on staff. Mr. McGee replied yes they work with them and they review things. But in this case they did not catch the fact that those lots they indicated were for sale were actually not, they’ll be working more closely with them. Ms. McRoy asked why they’re not using our staff as a Relocation Agent as opposed to contracting it to outside source. Mr. McGee stated it’s a matter of amount of work they have to do the two staff members they have are not able to do all of it themselves. Allan Abbott added he’s on the JAVA Board and they’re also very concerned about the mistakes that have been made particularly with regard to the three people by Antelope Valley. At the JAVA Board meeting they will be asking Urban Development to present steps being taken to assure that it doesn’t happen again.
*1. NEWS RELEASE - RE: City’s Snow Removal Fund At $3.36 Million. — NO COMMENTS

*2. NEWS RELEASE - RE: Statement of Mayor Coleen J. Seng Decision on the November 4, 2004 Recommendation of the Procurement Appeals Board on the Pumper Fire Truck Bid. — NO COMMENTS

*3. Response E-Mail from Mayor Coleen Seng to Paul R. Haith - RE: Fire Truck bids. — NO COMMENTS

*4. NEWS ADVISORY- RE: Mayor Coleen J. Seng and representatives of the Star City Holiday Festival will discuss this year’s December 4th parade at a news conference at 10:00 a.m., Thursday, November 18th at the parade’s float factory. — NO COMMENTS

**5. NEWS RELEASE - RE: Mayor Announces Plans For Star City Festival and Parade. — NO COMMENTS

**6. NEWS RELEASE - RE: Mayor Releases New Homeless Count. — NO COMMENTS

**7. NEWS RELEASE - RE: New System Helps Homeless Service Providers And Clients. — NO COMMENTS

**8. NEWS ADVISORY - RE: Mayor Seng’s Public Schedule Week of November 20 through 26, 2004 - Schedule subject to change. — NO COMMENTS


10. NEWS RELEASE - RE: Separation Of Grass And Leaves Ends December 1st. — NO COMMENTS

11. NEWS RELEASE - RE: Mayor’s Holiday Tree Celebrates 20 Years Of The Star City Holiday Parade. — NO COMMENTS

12. NEWS ADVISORY - RE: Mayor Coleen J. Seng will have a news conference at 10:00 a.m., Thursday, December 2 in the City Council Chambers. — NO COMMENTS
II. DIRECTORS

FINANCE/BUDGET

**1. Material from Steve Hubka - RE: Sales Tax Receipts. — NO COMMENTS

FINANCE DEPARTMENT/CITY TREASURER

*1. Material from Don Herz, Finance Director & Melinda J. Jones, City Treasurer - RE: Resolution & Finance Department, Treasurer of Lincoln, Nebraska - Investments Purchased November 1 thru November 12, 2004. — NO COMMENTS


**3. Material from Don Herz, Finance Director & Melinda J. Jones, City Treasurer - RE: Resolution & Finance Department, Treasurer of Lincoln, Nebraska - Investments Purchased November 15 thru November 19, 2004. — NO COMMENTS


FIRE DEPARTMENT

*1. Letter from Bonny Downing, CFAI, Program Coordinator to Fire Chief Mike Spadt-(faxed to Council Office by Fire Chief Spadt)- RE: Statement of Findings completed on your Annual Compliance Report. — NO COMMENTS

HEALTH

*1. Health Department Report - October, 2004. — NO COMMENTS

*2. NEWS RELEASE - RE: Flu Shots Available to High Risk Individuals. — NO COMMENTS
**3. NEWS RELEASE - RE: Sneak Preview and Photo Opportunity With Kids, Lots Of Color & Sound! - 100+ Youth from 38 Schools Will Perform In The Clean Sweep Kids Trash Can Band Promoting The Star City Holiday Parade As A Litter Free Event. — NO COMMENTS**

4. NEWS RELEASE - RE: Holiday Decorations Can Spark Danger In Homes - SAFE KIDS Simple Tips Can Help Reduce the Risk of Residential Fires. — NO COMMENTS

5. NEWS RELEASE - RE: Lancaster County AIDS Cases. — NO COMMENTS

6. NEWS RELEASE - RE: Influenza Update. — NO COMMENTS

7. NEWS RELEASE - RE: High Risk Individuals Encouraged to Get Flu Shot. — NO COMMENTS

**PARKS & RECREATION DEPARTMENT**

1. Community Forestry Advisory Board - 2004 Annual Report - Prepared by Community Forestry Advisory Board Members & Steve Schwab, City Forester. — NO COMMENTS

**PLANNING**

*1. Letter from Tom Cajka to Brian D. Carstens, Brian D. Carstens & Associates - RE: Plosky Valley 2nd Addition Final Plat #04105-Generally located at the southwest corner of N. 14th St. & Morton St. — NO COMMENTS

*2. Letter from Becky Horner to Lyle Loth - RE: Hartland’s Cardinal Heights 7th Addition Final Plat #04086-Generally located at NW 56th and W. Thatcher Lane. — NO COMMENTS

*3. Letter from Becky Horner to Jason Theillen, EDC - RE: North Creek Business Park 1st Addition Final Plat #04083 - Generally located at 20th and Fletcher Avenue. — NO COMMENTS

*4. Letter from Jean Walker to Interested Parties: - RE: Change of Zone No. 04068 and Special Permit No. 04057 (Text Amendment and Motocross-201 W. South Street). — NO COMMENTS
**5. Letter from Tom Cajka to Paula Dicero, Associated Engineering - RE: Brandt Heights 2nd Addition Final Plat #04043 - Generally located at S. 84th St. & Norval Rd. — NO COMMENTS

**6. Annexation by Ordinance - Ordinance No. 18459 - Effective: November 9, 2004 - 11.8 Acres. — NO COMMENTS

7. Letter from Tom Cajka to J. Michael Rierden - RE: Hanson-Jordan Addition Final Plat #03081-Generally located at N. 40th Street and Superior Street. — NO COMMENTS


PLANNING COMMISSION FINAL ACTION .....

*1. Waiver No. 04013 (S. 70th St. & Sterling Place) Resolution No. PC-00893. — NO COMMENTS

2. Waiver No. 04015 (Eastwood Drive and S. 83rd Street) Resolution No. PC-00894. — NO COMMENTS

PUBLIC WORKS & UTILITIES DEPARTMENT

Allan Abbott updated Council on 84th Street. Mr. Abbott stated on Sunday they were paving, last week they paved it and in the rain as long as they could. So as of right now they have pavement in on 84th Street from Pioneers-north & Pioneers-east and they will be working through the day stabilizing the soil and again with fly ash. Hopefully, they will be paving Pioneers from 84th Street-west on Tuesday or Wednesday as soon as they get it dried out a little bit and then make connections to the streets-86th Street to the church lot and Pagoda Lane. They will have to let it sit for a week to 10 days to give it strength and if the weather continues to cooperate like it has they should have it all taken care of, but a couple weeks later than everybody would like. They had a public meeting last Friday and was well attended but they had a few people that still don’t believe they know what they’re doing. There is one property that has been continually writing to many of them and that’s the Armstrong’s. During the right-of-way negotiations they elected not to have their driveway meet the pavement that they would do it on their own, so 84th Street is going to be uneven with a 9 inch differential between the street and their driveway. The right-of-way negotiations gave them $30,000 to make the connection so when they call them and say the driveway doesn’t meet the street that was part of the negotiations which is what they asked
for. Mr. Camp asked if there was a reasonable notice given about the meeting last week because he received an e-mail from somebody over the weekend about it? Mr. Abbott said probably not reasonable in the way everybody would like, they got out there the day before with signs. The meeting came about rather quickly because he met with contractors and others and said he wants somebody out there telling them what’s going on. So, it was arranged quickly, they did not have three or four days notice but they did have a day and lots of people attended. Mr. Camp asked how many people attended? Mr. Abbott stated he will have to check with Karl (Fredrickson) and he later reported about 70 people attended.

Steve Masters (Public Works) and Ernie Castillo (Urban Development) updated Council on 4th Street and the continuing saga. Mr. Masters stated they have had efforts to improve 4th Street between “A” & “J”. They graded it nicely at the conclusion of their sewer project, but they are continuing to have calls from new developers in the neighborhood.

Mr. Castillo added two week ago Steve (Masters), Bill Nass and I went to 4th Street because they received a couple calls about graders out there throwing additional rock down. They met with folks that called, they’re in agreement that things are looking better and understanding they are doing what they can to keep the end goal and eventually getting 4th Street paved. He thinks there is pretty good communication between Public Works and Urban Development that when they get calls they try to get out there and do what they can at least talk to the people and let them know where they’re at on it. It’s an improvement to what it was and it still has a way to go so calls & letters are probably still going to keep coming in, but he thinks they are doing a pretty good job.

*1. Material from Kris Humphrey - RE: Harris Overpass AG notice to mayor and Council - FYI. — NO COMMENTS

*2. Memo & Material from Steve Masters - RE: Wastewater Capital Improvements Program. — NO COMMENTS

**3. Public Works & Utilities ADVISORY - RE: The intersection of South 14th Street and Highway 2 - Project 701908. — NO COMMENTS


**5. Public Works & Utilities ADVISORY - RE: Water District No. 1193. — NO COMMENTS

**7. Material - RE: Impact Fee Administrator Response To Appellant’s Amendment. — NO COMMENTS**

**8. Presentation Materials for Pre-Council, December 6, 2004 from Steve Masters - RE: Water Quality and Quantity Issues. — NO COMMENTS**

**STARTRAN**

*1. Memo from Larry Worth - RE: Low-Income Passport Program-October, 2004 Report. — NO COMMENTS*

**III. CITY CLERK**

City Clerk Joan Ross stated to Council on their Agenda today, Items 8, 9, & 10 will be called together. [04-214, Amending Chapter 2.78 of the Lincoln Municipal Code to amend Management Compensation Plan Established, Management Compensation Plan Annual Leave, Compensation Plan Variable Merit Pay Plan DSS & “M” Pay Ranges, and Management Compensation Plan Sick Leave in conjunction with the pay plan for employees whose classifications are assigned to pay ranges prefixed by the letter “M”; 04-215, Amending Chapter 2.76 of the Lincoln Municipal Code to delete references and provisions relating to pay ranges prefixed by the letter “M” and to add leave of absence without pay provisions relating to a regular, classified employee who leaves his or her position to accept appointment to a position with a pay range prefixed by “DSS” and the status of that employee should he or she return to the classified service.; and 04-216, Amending the pay schedule for the employee group whose classifications are assigned to the pay range prefixed by the letter “M” to adjust the schedules of annual, monthly, biweekly and hourly pay range equivalents.]

Regarding Item 20 the owner came in and paid this morning. She visited with him and he did not intend to come to the meeting, he just wanted to get it paid off and be finished with it. [04R-313, Assessing the costs incurred by the City for the boarding up of the dangerous building at 2227 Dudley Street against the benefitted property.]
For Item 35 they have a Motion-To-Amend and she thinks at the last meeting they had Kent Seacrest hand out a Substitute Ordinance. Mr. Werner asked Dana Roper if he’s okay with the substitute. Mr. Roper replied yes, his concern was with the time frame that they should have a date when there’s a redevelopment agreement put in it. He doesn’t know what is a responsible time, but if you haven’t done it in a year or 5 years etc., it is now void just so at some point in time they don’t have a messed up title because this is still on the books. Mr. Werner asked if that has happened before. Mr. Roper stated no not that he’s aware of, he thinks they’ve got to pick one. Dallas McGee stated they can certainly identify a time frame and have it for Council. Mr. Werner asked if that’s something they could add with the Motion-To-Amend so they can deal with this item. Mr. Roper replied yes.

[04-208, Vacation 04011-Vacating the south 6.5 feet of the P Street right-of-way adjacent to the former Salvation Army building at 8th and P Street and the west 15.5 feet of N. 8th Street adjacent to the same building complex.]

Ms. Newman asked if the “Tool House” has sent them anything. Dana Roper stated no not that he’s aware of. Ms. Newman commented so that’s going to be late. Mr. Cook suggested they delay Item 33 again for one week and Council agreed. [04-166-Vacation No. 03023-Vacating the north 10 feet of Q Street right-of-way adjacent to Lots 7, 8, and 9, Block 30, Original Plat of Lincoln, generally located at 8th and Q Streets.]

Ms. McRoy stated to Police Chief Casady regarding Item 2 has there been recent incidents out there or is she thinking of a different location. Chief Casady stated there hasn’t been anything since the shooting, he’d have to look but thinks that has been about 7 or 8 months. Following discussion, Ms. McRoy had the correct place. Ms. McRoy commented if she recalls Officer Fosler’s liquor report mentioned some other things on it Chief Casady said they’ve taken legal problems at “Chihualhua” with disturbances, assaults occurring in the parking lot and the shooting was the one that hit the newspaper, its just been something of a magnet for a few problems since it opened. Mr. Svoboda asked if it’s a management issue or a congregation of bad guys in a very visible parking lot. Chief Casady replied popular spot for bad guys. Ms. McRoy commented so does that have any relation to their catering license which is why she’s asking. Chief Casady stated if he thought they could draw some nexus there with their catering license they would have sent Council a letter opposed. [Application of Alfredo Barrera dba Ay Chihuahua for a liquor catering license at 2050 Cornhusker Highway.]
Mr. Werner mentioned for Item 21 they have a Motion-To-Amend that DaNay Kalkowski sent to Council. Mr. Werner asked City Clerk Joan Ross and Dana Roper if they received a copy of it noting that it was on the addendum today. City Clerk Joan Ross said she can pull it out of the addendum and she’ll make sure Dana (Roper) gets a copy of it.

[04R-314, Use Permit No. 150B - Application of Eiger Corp. to waive the maximum allowed building height in the B-5 Planned Regional Business District from 40 feet to 60 feet in the Appian Way Phase II commercial and retail development generally located at S. 87th Street and Highway 2.]

**1. CERTIFIED MAIL - Letter from City Clerk Joan Ross to David Heffelbower; and Richard Douglas McClain - RE: 04R-294–Assessing demolition & utility abandonment expense-Notice Letter. — NO COMMENTS**

**2. Letter from Charles & Jane Brubaker - RE: 04R-288 - Amendment to Impact Fee Notice of Appeal - 2300 “B” Street. — NO COMMENTS**

IV. COUNCIL

A. COUNCIL REQUESTS/CORRESPONDENCE

ANNETTE McROY - NO COMMENTS

JON CAMP - NO COMMENTS

KEN SVOBODA - NO COMMENTS

GLENN FRIENDT - NO COMMENTS

1. OUTSTANDING Request to Allan Abbott, Public Works & Utilities Director/ Marvin Krout, Planning Director - RE: Williamsburg Lake Dredging (RFI#39 - 8/17/04). — 1.) SEE RESPONSE FROM KARL FREDRICKSON, PUBLIC WORKS & UTILITIES DEPARTMENT RECEIVED ON RFI#39-10/01/04. — NO COMMENTS

2. Request to Don Taute, Personnel Director - RE: Veterans in the City workforce (RFI#40 - 11/15/04). — NO COMMENTS

PATTE NEWMAN

Ms. Newman stated she would like to speak with Steve Masters after the Directors’ Meeting today.
1. Request to Marc Wullschleger, Urban Development; Don Herz and Steve Hubka, Finance; Allan Abbott and W. Telen, Public Works; Dana Roper, City Attorney; Marvin Krout, Planning - RE: Antelope Valley Project, Tax Increment Financing (in relationship to non-profit organizations and the current Michigan and Connecticut court cases on eminent domain and their effects on T.I.F funding here) and Consultants and Consulting fee funding. (RFI #27 - 10-01-04). — 1.) SEE RESPONSE FROM MARVIN KROUT, PLANNING DIRECTOR RECEIVED ON RFI#27-10/06/04. – 2.) SEE RESPONSE FROM JOEL PEDERSEN, CITY LAW DEPARTMENT RECEIVED ON RFI#27 - 10/18/04. — NO COMMENTS

JONATHAN COOK

Mr. Cook stated he would like to speak with Marvin Krout and Marc Wullschleger after the Directors’ Meeting today.

Mr. Cook stated regarding the Agenda, he liked the way they did the LES item where they specified the date of action and then they didn’t need to do anything further because it had been advertised for action. He knows they’ve been voting on resolutions when they are associated with ordinances. Mr. Cook suggested they specified action date on items that are associated with others that way they wouldn’t have to go through the motions of voting, it would be preadvertised when action would take place. Mr. Werner asked Dana Roper if he’s okay with it. Mr. Roper said yes as long as they give notice and publicize it.

TERRY WERNER - NO COMMENTS

1. Request to Law Department - RE: ‘Big John’s Billiards, Inc.’ asking about possibilities of the City Council creating a special license that a business can purchase to allow smoking within the perimeter of the licensed establishment (RFI#140 - 11/29/04). — NO COMMENTS

2. Request to Law Department - RE: 45th & ‘O’ Streets (RFI#141-11/30/04). — NO COMMENTS

3. Request to Bruce Dart, Health Director/Dana Roper, Law Department - RE: The total smoke ban (RFI#142-11/30/04). — NO COMMENTS

B. COUNCIL COMMENTS - NO FURTHER COMMENTS
V. MISCELLANEOUS

*1. E-Mail from Doc Mullet - RE: Vote NO on the Motocross race track. — NO COMMENTS

*2. E-Mail from George & Irene Alexander - RE: Opposed to the proposed motocross track. — NO COMMENTS

*3. E-Mail from Jeanette Nakada - RE: Will Motocross contribute to the community? — NO COMMENTS

*4. E-Mail from David Spinar - RE: Say “NO” to motorcycle race track development. — NO COMMENTS

*5. E-Mail from Jason Smith - RE: Use Permit 04005-NW 1st & Barons Road. — NO COMMENTS


*7. Letter from Donald Deal - RE: Smoking Ban. — NO COMMENTS

*8. Letter from Ron Davis - RE: StarTran-Potential Future Litigation. — NO COMMENTS

*9. E-Mail from Mark Hunzeker - RE: Lattimer’s Addition - #23 on 11/15/04 Agenda (Council received their copies of this E-Mail on 11/15/04). — NO COMMENTS

*10. E-Mail from Sara Friedman - RE: motocross track. — NO COMMENTS

**11. Letter from Thomas Lorenz, Chairperson, Lay Leadership Board Christ Lutheran Church - RE: The Lay Leadership Board of Christ Lutheran Church has been advised of certain allegations regarding actions taken by Pastor ST Williams in his pastoral capacity that, upon initial review, require investigation by the LLB and the Director of Ministries Pastor Luke Schnake. It is our understanding that these allegations are also being investigated by President Russell Sommerfeld of The Nebraska District of the Lutheran Church Missouri Synod. — NO COMMENTS

**12. Letter from Louis Pernick - RE: A City Ordinance - egress windows-basement fire escape. — NO COMMENTS
**13.** E-Mail from Michael Von Busch - RE: Smoking Ban. — NO COMMENTS

**14.** E-Mail from Jim - RE: Complaint about cars parked on the front lawns. — NO COMMENTS

**15.** E-Mail from Nancy Vala - RE: Constituent/84th Street Opening Delayed for 3rd time. — NO COMMENTS

**16.** Response E-Mail from Thomas Shafer, Public Works & Utilities Department to Nancy Vala - RE: Constituent/S. 84th widening. — NO COMMENTS

**17.** Response Letter from Terry Bundy, LES to Lincoln City Council - RE: Response to LES Budget Pre-Council. — NO COMMENTS

**18.** E-Mail from Barb Johnson - RE: Capital Improvement Programs-(forwarded to the Planning Dept. for a response). — NO COMMENTS

**19.** Letters from Will Prout, “Big John’s Billiards, Inc.” - RE: A year ago I wrote you a letter asking about the possibilities of the City Council creating a special license that a business can purchase to allow smoking within the perimeter of the licensed establishment. — NO COMMENTS

**20.** Faxed Letter from Scott Miller, Telesis, Inc. - RE: In Opposition to the street vacation requests by B & J Partnership, Ltd. for the former Salvation Army Building at 8th & P Streets - (Council & City Clerk Joan Ross received copies of this Letter on 11/29/04 before Council Meeting). — NO COMMENTS

**21.** E-Mail from Peggy Struwe - RE: Elliott Community Learning Center November Report. — NO COMMENTS

**22.** E-Mail from Joseph W. Johnson, Jr. - RE: Lincoln’s Smoking Ban and Use of Eminent Domain. — NO COMMENTS

VI. MEETING ADJOURNED - Approximately at 11:32 a.m.
