

**DIRECTORS' MEETING
MONDAY, MAY 15, 2006
COUNTY-CITY BUILDING, ROOM 113**

I. MAYOR

1. NEWS RELEASE - RE: Mayor Presents April Award of Excellence.
2. NEWS RELEASE - RE: Public Invited to Learn More About Transit Development Plan.
3. Washington Report - May 5, 2006.

II. DIRECTORS

HEALTH DEPARTMENT

1. NEWS RELEASE - RE: American Lung Association Praises Lincoln's Air Quality.
2. NEWS RELEASE - RE: Pfizer Inc. to Host Household Hazardous Waste Collection and Latex Paint Exchange.
3. NEWS RELEASE - RE: Events Scheduled for Women's Health Month.
4. Physician Advisory - RE: Mumps Update.

PUBLIC WORKS/ENGINEERING

1. Memo from Bruce Sweney to Board of Equalization summarizing proposed assessments for three assessment districts before the BOE at the May 15, 2006 meeting.

WEED CONTROL AUTHORITY

1. April 2006 Monthly Report.

III. CITY CLERK

IV. COUNCIL REQUESTS/CORRESPONDENCE

JONATHAN COOK

1. Request to Bruce Dart, Health Director - RE: Request for a sign at 31st & Calvert about dogs having to be on a leash and cleaning up after them (RFI#129 - 05/04/06)
2. Request to Harry Kroos, Public Works & Utilities Dept.-Sidewalks - RE: Sidewalk Ramps around Milder Manor (RFI#130 - 5/04/06)

ROBIN ESCHLIMAN

1. Request to Steve Hubka, Budget Officer - RE: Weeks ago the City had deficit of \$6 million-What is it now? - RFI#4 - 04/12/06.

V. MISCELLANEOUS

Correspondence Opposed to Proposal to Ban Concealed Weapons

1. Email from LeRoy Penlerick.
2. Email from David Oenbring.
3. Email from Doug Vandervort.

Correspondence Supporting Proposal to Ban Concealed Weapons

1. Email from Beatty Brasch.
2. Email from Penny Siefker.
3. Email from Dick Boyd.
4. Email from Tim K. Johnson.
5. Email from Joan Anderson.

Other Correspondence

1. Email from Barbara Woodbeck - RE: Opposed to Starbucks at Intersection of 9th and Van Dorn Streets. (Distributed to Council Members on 05/08/06).
2. Email from Michele York - RE: Safety in public schools on election days with possible sex offenders visiting to vote.
3. Email from Justin Smith - RE: His LES bill.

VI. ADJOURNMENT

**DIRECTORS' MEETING
MINUTES
MONDAY, MAY 15, 2006
COUNTY/CITY BUILDING
CONFERENCE ROOM 113**

Council Members Present: Ken Svoboda, Chair; Patte Newman, Vice-Chair; Dan Marvin, Jonathan Cook, Robin Eschliman, Jon Camp, Annette McRoy.

Others Present: Mayor Coleen Seng, Mark Bowen, Rick Hoppe, Lin Quenzer, Darl Naumann, Mayor's Office; City Clerk Joan Ross; Dana Roper, City Attorney; Directors and Department Heads; Tammy Grammer, City Council Staff; Deena Winter, Lincoln Journal Star Representative; and Coby Mach, LIBA.

I. MAYOR -

Mayor Coleen Seng had no comments, she called on Directors. Lynn Johnson (Parks & Recreation Director) stated regarding Item 6 on their Agenda, last week the bond issue did not pass we are going to be withdrawing this item. Nicole Fleck-Tooze (Public Works & Utilities) has been having ongoing conversations with them about perhaps bringing forward another agreement in the future regarding conservation on some of the floodplain land at the west end of the corridor. We certainly appreciated the opportunity to get that out before the public and see how people felt about it. He appreciates the support and thanked the Council.

Nicole Fleck-Tooze (Public Works & Utilities Department) stated we will bring something forward when the timing is right. Mr. Svoboda noted somebody will make a motion to withdraw Item 6. *[06R-34, Approving an Agreement between the City and State Dept. of Roads to identify a corridor for a linear park on the north side of the South Beltway between 27th and 84th Streets.]*

Steve Beal (Health Department) reported we will have our first public forum to talk about pandemic flu. It will be held at the "F" Street Recreation Center on Saturday, June 3rd from 9:00 a.m. to 10:30 a.m., Doug Ahlberg (Lancaster County Emergency Management Director) and Bruce Dart (Health Director) will be the presenters. We are going to be leaving plenty of time for the community for questions and comments about it. He will get the details for Council. Mr. Svoboda commented send the details to Tammy Grammer in the Council Office and she will distribute it.

Police Chief Casady reported this morning we received one of those asset checks delivered to us by the Lincoln Independent Business Association (LIBA). LIBA did a fund-raiser for us after one of our K9's was killed in a tragic accident back in February. Raised over \$19,000 and \$14,376 of that went to the Police Department and the remainder \$5,000 went to the Lincoln/Lancaster County Sheriff's Office as a donation from LIBA. We've also had several other individuals that have made donations, in all we've had slightly over \$40,000 contributed and that's all without asking. It was just people who came forward who did it and we really appreciate the support. The past 20 years we have not used a single dime of city funds to replace K9's those dogs are very expensive to replace. A dog is about \$7,000 to \$8,000 right now which has all been funded with donations. We are probably endowed for about the next 5 years now with these donations that we have received, so it's a really nice thing and it was covered very nicely by KLIN Radio.

Over the weekend, we made I think our 19th arrests for prostitution and/or pandering. We continue to work that at our angle with undercover details involving both male and female officers, so we're both being solicited for sex and also encountering prostitutes that were negotiating deals.

Ms. Eschliman commented she told one constituent that she would ask Police Chief Casady about if there are laws on the books in some cities to treat the johns with the same penalties as sex offenders and is there anything we should be doing in Nebraska. Chief Casady stated there was a bill in the Legislature this session that would do just that, who ever introduced the bill was unaware it's already a more serious offense to solicit prostitutes. It is a class 4 felony pandering and that's what most of the people that are arrested for acts of prostitution in Lancaster County are being charged with is a felony crime of pandering and prostitution is a misdemeanor. So, he wouldn't be interested in having the penalty for pandering being the same as prostitution, he thinks prostitution should be more of a serious offense.

Mr. Svoboda commented to Coby Mach thank the LIBA Board for us on all your help on that project. He knows you had one individual, Mark Miller, and there were many others that spearheaded that project.

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2. NEWS RELEASE - RE: Public Invited to Learn More About Transit Development Plan. — NO COMMENTS

3. Washington Report - May 5, 2006. — NO COMMENTS

II. DIRECTORS

HEALTH DEPARTMENT

1. NEWS RELEASE - RE: American Lung Association Praises Lincoln's Air Quality. — NO COMMENTS
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3. NEWS RELEASE - RE: Events Scheduled for Women's Health Month. — NO COMMENTS
4. Physician Advisory - RE: Mumps Update. — NO COMMENTS

PUBLIC WORKS/ENGINEERING

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WEED CONTROL AUTHORITY

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III. CITY CLERK -

City Clerk Joan Ross stated on their Agenda for today, Item 1 under "Public Hearing-Liquor Resolutions" Matthew Owens of the Sidelines Deli stopped in this morning and withdrew his application. So, this one will be withdrawn and they'll have to come in with a new manager application. [*#1, Manager application of Matthew Owens for Summit Properties LLC dba Sidelines Deli at 1000 Saunders Ave.*]

They have already talked about Item 6. [*06R-34, Approving an Agreement between the City and State Dept. of Roads to identify a corridor for a linear park on the north side of the South Beltway between 27th and 84th Streets.*]

For Item 17, there was a memo from Rick Peo (City Attorney's Office) that this agreement will not be approved by Resolution, it will be approved as an attachment to a bond ordinance. So, someone would make a motion to withdraw this item from the Agenda. *[06R-96, Approving the Highway 77 & Warlick Boulevard Conditional Annexation and Zoning Agreement between the City and Western Hemisphere Holding Company, Ridge Development Company, Southview Inc., Developments Unlimited, Dial-Southwest Village, LeGrande Excavating, and Norman H. LeGrande, relating to the annexation of approximately 463.8 acres of property generally located at South Folsom Street and West Denton Road.]*

Regarding Items 18, 19, & 20, she spoke briefly with Rick Peo and he thought it would be okay to go ahead with public hearing on the other three items. But, maybe hold the vote until the ordinance catches up with it which would be June 12th. *[See Formal Council Agenda of May 15th for descriptions of these items.]*

In your packet for Item 21 they have the redlined version. *[06R-86, Approving the Development and Conditional Zoning Agreement between the City and B&J Partnership relating to the development of property generally located on the block bounded by 9th, 10th, Hill and Van Dorn Streets.]*

For Items 31 & 32, she believes they received a correspondence from Marvin Krout (Planning Director) to move these items off pending for action only. Council commented we don't remember seeing it. Mr. Krout stated we are not ready to have the agreement scheduled for next week, but would like to take off pending and schedule action on June 5th for all items. If you remember you passed the change of zone subject to the annexation and so we need the annexation agreement to be reworked based on the new conditions and we are very close to having them completed. The applicant asked us to schedule this as soon as we could and June 5th seems like the appropriate date for action.

Mr. Cook commented only probably with that is if you come up with a new annexation agreement people should have a chance to comment on it. Mr. Krout responded that's up to Council. Mr. Cook commented he thinks it might be appropriate that we schedule it for public hearing and vote that day.

Mr. Camp commented it sounds like the developer and all wants to have action on the 5th and he's very much agreeable to it. But, if there's some substantial changes with the composition of this potential development we should get that financial information out to the public early, so they will know whether they want

to come and testify. Mr. Krout replied right that's why we are requesting to have action next week. Mr. Cook mentioned it would not hurt to have a summary memo as to what the major changes are that would end up coming to our Directors' packet because that is issued every week and will be posted. [*See Formal Council Agenda of May 15th for descriptions of these items.*]

City Clerk Joan Ross stated Nicole Fleck-Tooze (Public Works & Utilities) wants to make some comments regarding Item 34, but they are ready to move this onto the Agenda for action on May 22nd.

Nicole Fleck-Tooze stated we would recommend that Council go ahead and take action on May 22nd. We have received a structural engineering report that was done for the wall and our recommendation will be to take action on it based on an amendment that we will work with the Law Department to draft that would make the right-of-way permit subject to the conditions in the structural engineering report. We will get you a copy of the report with a Motion-To-Amend and action can be taken next week. Mr. Cook questioned would this just effect the Resolution itself not the drawing. Ms. Tooze replied she thinks it would effect only the Resolution itself but she will check on it. Ms. Tooze noted there is a drawing attached to the engineering report. Mr. Cook commented if we schedule it for June 5th that will give us time to get all the information. Ms. Tooze responded that's fine. City Clerk Joan Ross noted we will do that today. [*#34, 06R-66, Approving the use of public right-of-way by Landon Osborne for installation of a fence/wall at 1840 "E" Street.*]

IV. COUNCIL REQUESTS/CORRESPONDENCE -

JON CAMP -

Mr. Camp stated to Police Chief Casady that he was inquired by some people again around 14th & "P" Street on the panhandling situation. I understand your position and the court cases and all but can we review it and really put a benefit to Lincoln and do something on this with homeless individuals and all. Is there another tactic we can take on it. Chief Casady commented do you have any ideas. Mr. Camp commented as long as there is no law I like to do whatever we can to eliminate the problem. Chief Casady stated the problem is that panhandling is not unlawful and we changed our law in Lincoln to conform to Supreme Court case law that has emerged in the past few years. Don't know what to do about it, we give a good effort down there to catch people who are engaged in the unlawful form of panhandling which is aggressive panhandling defined in our ordinance. But, these guys panhandling generally avoid that pretty suppressively and know exactly how far they can go. Dana Roper (City Attorney) commented in the old

days we use to be able to write tickets for loitering and clean-up downtown that way, but this has been deemed to be a protective constitutional right. The only time we can according to the United States Supreme Court decision, if it is aggressive panhandling and that's our problem. We've got to find an individual who has done it aggressively who has crossed the limit before we can write a ticket, there's very little that we can do. Mr. Roper commented it is 1st amendment right. Mr. Camp commented it effects businesses.

Mr. Camp asked Darl Naumann if they could have an update of what's happening on the north side of 48th & "O" Street? Darl Naumann replied as far as we know we are still under the same redevelopment agreement, no one has signed off on it, and can give you more details when I know more.

JONATHAN COOK -

Mr. Cook stated about the article in the newspaper today in regards to a neighborhood upset with City's plans to uproot trees in the Coddington area, he's concerned about this article. As I understood it was alternative plans to avoid cutting the trees down and the article said somebody from Schemmer Associates is working with the City but in the end the trees could not be saved. He has talked to a lot of the neighbors and been to a Neighborhood Meeting out there, and I don't believe that there is no chance of saving those trees. I think it is an issue of roadway design and I know that there is an opportunity to make some adjustments that could do it, it's a matter of what we are willing to do. At this point the project maybe just put off for many years but I just want to note today that this article seems to indicate there is no room for that kind of compromise. Certainly if this project were to ever come forward and we were to find funding, I would certainly work to save the trees and find a way to make this project work with those kinds of conditions because I think this is very important to the neighbors. Also, I would hate to see this kind of conflict arising in a neighborhood that otherwise generally up until this project was very supportive of the street project. But, now they see that there's not a compromise and it's making them very unhappy about it. Mr. Cook commented he just wanted to bring this up today.

Mr. Cook stated he would like to speak with Marvin Krout (Planning Director) and Lynn Johnson (Parks & Recreation Director) after the Directors' Meeting today.

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2. Request to Harry Kroos, Public Works & Utilities Dept.-Sidewalks - RE: Sidewalk Ramps around Milder Manor (RFI#130 - 5/04/06). — NO COMMENTS

ROBIN ESCHLIMAN - NO COMMENTS

1. Request to Steve Hubka, Budget Officer - RE: Weeks ago the City had deficit of \$6 million-What is it now? - RFI#4 - 04/12/06. — NO COMMENTS

DAN MARVIN - NO COMMENTS

ANNETTE McROY - NO COMMENTS

PATTE NEWMAN - NO COMMENTS

KEN SVOBODA - NO COMMENTS

V. MISCELLANEOUS -

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[NOTE: No Addendum]

VI. MEETING ADJOURNED - Approximately at 11:34 a.m.

dm051506/tjg