

DIRECTORS' MEETING
MONDAY, JUNE 5, 2006
COUNTY-CITY BUILDING, ROOM 113

I. MAYOR

- ** 1. NEWS ADVISORY - Mayor Seng to Announce Water Conservation Plans at News Conference.
- ** 2. NEWS RELEASE - Mayor Calls for Voluntary Water Conservation.
- ** 3. NEWS RELEASE - Mayor Announces Winners of Annual Water Conservation Art Contest.
- ** 4. NEWS RELEASE - Pre-Construction Open House Planned on Stormwater Improvements.
- ** 5. Washington Report, May 12, 2006.
- * 6. NEWS ADVISORY - Mayor Seng's News Conference, May 23, 2006, on Annual 4th of July Celebration.
- * 7. NEWS RELEASE - "Uncle Sam Jam" to Feature Live Symphony Concert on July 4.
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- 11. NEWS RELEASE - Mayor Invites Public to Free Celebration at Homes Lake.
- 12. NEWS ADVISORY - Antelope Valley Authority Bus Tour on Thursday, June 1.
- 13. NEWS RELEASE - Public Invited to Tour Antelope Valley Project Area.
- 14. MEDIA RELEASE - Community Health Endowment Announces Funding Awards.
- 15. Washington Report, May 26, 2006.

II. DIRECTORS

FINANCE DEPARTMENT

- ** 1. Monthly City Cash Report.
- * 2. May Sales Tax Including:
 - (a) Gross Sales Tax Collections (With Refunds Added Back In)
 - (b) Sales Tax Refunds
 - (c) Net Sales Tax Collections
 - (d) Actual Compared to Projected Sales Tax Collections

HEALTH DEPARTMENT

- ** 1. NEWS RELEASE - Adult Smoking Rate on the Decline.
- 2. NEWS RELEASE - Household Hazardous Waste Collections Scheduled for June 9 and 10th.

LIBRARY

- * 1. Response from Carol Connor, Library Director, to Robin Eschliman re: Letter of May 18, 2006 to Mayor Seng.

PLANNING DEPARTMENT

- ** 1. Lincolnshire Square 4th Addition Final Plat #05108. Generally located at South 70th and "A" Streets.

- ** 2. Annexation by Ordinance, No. 18691. Effective: April 11, 2006. 42.52 Acres.
- ** 3. Earley's Addition Final Plat #05122. Generally located at North 52nd and Garland Streets.
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- 7. Memorandum re: Comprehensive Plan Amendment No. 06003. (Designating the east/west portion of the Phase I Antelope Valley Roadway Project from four lanes to six lanes)
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PLANNING COMMISSION FINAL ACTION

- ** 1. Special Permit No. 06031. (Wireless Facility - 540 North 46th Street). Resolution No. PC-00995.
- ** 2. Waiver No. 06002. (Sanitary Sewer Design Standards - 84th and Rokeby Road). Resolution No. PC-00997.
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- * 4. Special Permit No. 06032. (Club Kicks - 4820 Rentworth Drive) Resolution No. PC-00998.

POLICE DEPARTMENT

- 1. 2006 Allstate America's Best Drivers Report National List.

PUBLIC WORKS

- ** 1. King Little structural engineering inspection and investigation of walls located at 1840 "E" Street
- * 2. Letter to Don Wesely regarding request for construction of a traffic signal at the intersection of 27th and Wildcat.

PUBLIC WORKS - ENGINEERING

- ** 1. PUBLIC WORKS & UTILITIES ADVISORY. Pine Lake Road widening project #700014; 40th Street - 61st Street, 56th Street; Shadow Pines - Thompson Creek
- * 2. PUBLIC WORKS & UTILITIES ADVISORY. May 25, 2006. Pine Lake Road Widening Project #700014, 40th Street - 61st Street, 56th Street; Shadow Pines - Thompson Creek with map of area.
- 3. PUBLIC WORKS & UTILITIES ADVISORY. Storm Sewer Rehabilitation Project #701679a. 6th and "J" Streets with map.

URBAN DEVELOPMENT

- 1. Letter to Lincoln Journal Star from Wynn Hjernstad, re: Pentzer Park Celebration on May 20, 2006.

III. CITY CLERK

IV. COUNCIL REQUESTS/CORRESPONDENCE

JON CAMP

- ** 1. Email from Jodi Delozier regarding fire truck late fees. The City Council should move forward and collect the late fees.
- 2. Email from Roger Green re: City Personnel Time and Resource Management.
- 3. Email from Anand Rau re: Sioux Falls Safest Driving City.

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) - SEE RESPONSES RECEIVED FROM JAMES WEVERKA.
- ** 2. Request to Harry Kroos, Public Works & Utilities Department; Sidewalks. RE: Sidewalk Ramps around Milder Manor (RFI#130 - 5/04/06)

ROBIN ESCHLIMAN

- ** 1. Community Meeting held May 12, 2006. Ideas for increasing City income.
- ** 2. Letter to Mayor Seng regarding specific budget cuts.

DAN MARVIN

- * 1. Correspondence on how Hercules, CA used eminent domain to keep out Wal-Mart.

PATTE NEWMAN

- 1. Letter from Andrew Grossman, Executive Director of Wal-Mart Watch.

V. MISCELLANEOUS

- ** 1. Letter from Aquila, re: Extension of 8 years on the Aquila franchise with the City of Lincoln.

Correspondence Supporting Proposal to Ban Concealed Weapons

- ** 1. Email from Kathleen Nelson.
- ** 2. Email from Marcee Metzger, Rape/Spouse Abuse Crisis Center.
- ** 3. Letter from Clarice Lawson. (Letter distributed to Council Members)

Other Correspondence

- ** 1. Email from Paul Haith, re: Fire truck issue. Encourage Council to request an independent audit by an outside agency.
- ** 2. Email from an anonymous constituent with ideas for consideration.
- ** 3. Email from Karen Hatcher, re: West "A" Project. Possibly a reconsideration or "tweaking" the eminent domain plan.
- ** 4. Email from Christopher B. Stokes, re: Lincoln transportation issues.
- ** 5. Email from Steve and Carol Anderson, re: Gas prices in Lincoln compared to Omaha.
- ** 6. Email from Carol Anderson, re: Gas prices listed for Lincoln versus Omaha.
- ** 7. Email from Kay Wunderlich, re: Gas prices different in West Omaha versus Lincoln.

- ** 8. Email from Jan Anderson, re: Twenty-two (22) cent price difference gasoline here in Lincoln and in West Omaha.
- ** 9. Email from David Oenbring, re: Sales tax decline - study effect of the smoking ban; thanks for Taste of China saved from eminent domain.
- **10. Email from Vicky Valenta re: Lincoln Journal Star article.

Letters Received in Appreciation of Postponement of Change of Zone #06012 at 9th and Van Dorn Streets with Suggestions for Rezoning

- ** 1. Paul Hetrick, 2611 South 10th Street.
- ** 2. Russell Hand, 2661 South 9th Street.
- ** 3. Ron Linville, 2601 South 10th Street.
- ** 4. Abraham Gamez, 2619 South 10th Street.
- ** 5. Juan Tapia, 2538 South 9th Street.
- ** 6. B. Powell, 2710 South 9th Street.
- ** 7. Angela Kimpton, 2667 South 10th Street.
- ** 8. Arnold Walker, 2650 South 9th Street.
- ** 9. Kevin Lewis, 1015 Hill Street.
- **10. Roger Carter, 1032 Hill Street.
- **11. Mr. and Mrs. N. Welter, 2640 South 10th Street.
- **12. Margaret Stroup, 2727 South 10th Street.
- **13. Troy and Connie Saltzman, 2673 South 10th Street.

V. MISCELLANEOUS (CONTINUED - RECEIVED FOR WEEK OF 05/29/06)

- * 1. LIBA Position Statement on EMS Deficits. (Statement distributed to Council Members on 05/22/06)
- * 2. Letter from Billy and Wilma Williams re: Comments on City employee's salaries, suggestions, employees residing in Lincoln and Mayor Seng.
- * 3. Letter from Randall Klein re: Proposed development at 9th and Van Dorn Streets and Treatment of Citizen Speaking before Council.
- * 4. Email from David Oenbring re: Reject any effort to restrict or ban concealed weapons within the City.
- * 5. Email from Janine M. Saltzman re: Against development at 9th, 10th and Van Dorn Streets
- * 6. Letter from Nancy First, Second Amendment Sisters, re: Do not ban citizens from carrying concealed handguns.
- * 7. Email from Jay Snyder re: Current revenue shortfall for the City budget.
- * 8. Email from Ron and Sheila Scheinost re: Opposed to development at 10th and Van Dorn Streets.

MISCELLANEOUS (CONTINUED - RECEIVED FOR WEEK OF 06/05/06)

- 1. Email from Patricia Arline Murphy re: Cheyenne County District Judge Kristin Cecava's Ruling on Richard W. Thompson. Second duplicate email received.
- 2. Email from Robin Hoffman re: City employees and overtime pay, specifically Fire Captains.
- 3. Letter received from Jim Lundak re: How does City Council get overtime?
- 4. Email from Kevin Harvey, re: Opposed to Southwest Waste Treatment Plant near Wilderness Park.
- 5. Email from Linda J. Schrock, re: Concern about proposed Southwest Wastewater Treatment Facility which would flow into Salt Creek by Wilderness Park.

6. Email from Janalee Tobias, President, Women Against Gun Control, re: Concealed carry in Lincoln.
7. Letter from Robert Overstreet, re: Put the Brakes on Keno.
8. Email from Jeanne Kern, re: Postpone acquisition of land for an additional third sewage treatment plant until after a comprehensive cost benefit analysis.

Correspondence Received in “Support of Development at 10th and Van Dorn Streets”

1. Email from Donald Everett, Jr., President, Runza National, Inc.
2. Email from Curt Denker, Pinnacle Bank.
3. Email from Hank Woods, Wells Fargo Center.
4. Email from Mary Campbell.
5. Email from Bob Milligan, M. I. Industries.
6. Email from Tom M. Ostergard, President, Crete Carrier Corporation.
7. Email from Rich Claussen, Bailey Lauerman.
8. Email from Steven R. Knapp, Wells Fargo Bank.
9. Email from Sam Seever.
10. Email from Pam Baker.
11. Email from Jose J. Soto.
12. Email from Doug Ganz, Pinnacle Bank.
13. Email from Lee B. Chapin.
14. Email from Scott G. Spethman, Marketing Support Services.
15. Email from Dave Zeinio.
16. Email from Nancy L. Loftis.
17. Email from Jane Renner Hood, Nebraska Humanities Council.
18. Email from Ron Harris, Former President, Harris Laboratories.
19. Email from Doug and Mary Carper.
20. Email from Don Brester.
21. Email from Carl J. Sjulín, President, West Gate Bank.
22. Email from Bill Cintani, CEO, Mapes Industries.
23. Letter from Mike Dunlap, CEO, Nelnet.
24. Email from Rohn Loyd.
25. Email from Ron Jester, Labenz & Associates, LLC.
26. Email from Marc LeBaron.
27. Email from Kent Thompson, President, Thompson Realty Group, Inc.
28. Email from Mike and Melanie Friend.
29. Email from D. Arnie Johansen, Vice President, Cople Insurance Agency, Inc.
30. Email from Drew D. Stange, Vice President, Wells Fargo Center.
31. Email from Todd Kelley.
32. Email from Lea Barker, Hartland Homes.
33. Email from Tony Ojeda.
34. Email from Jeffrey C. Greenwald, President, INSPRO Insurance.
35. Email from James E. McClurg, Vice President, MDA Pharma Services.
36. Email from Charlie Calhoun, President, Jacob North.
37. Email from William Schmeckle, Chief Investment Officer, and Thomas E. Henning, President, Assurity Security Group.
38. Email from George Peterson.
39. Email from Stephen Rohman, Former President, Uniservice, Inc.
40. Email from Lance Paulsen, E&A Consulting Group.
41. Email from Orrin A. Wilson.

42. Email from Doug W. Schueths.
43. Email from Todd W. Peterson, Vice-President, Smith Hayes Financial Services.
44. Email from Thomas Lorenz, Pershing Center.
45. Email from James R. Blue.
46. Email from Bob Grundman.
47. Email from Mark Pankoke and Jack Zohner of John Henry's Plumbing.
48. Email from Jon B. Weinberg, Vice-President, Ameritas.
49. Email from Duane W. Acklie.
50. Email from Mark Whitehead.
51. Email from Dean Hoag, Jr., President, Union Title Company.
52. Email from Richard W. Meginnis, Vice-President, NAI/FMA Realty.
53. Email from John L. Hoppe, Jr., Chairman, Hoppe, Inc.
54. Email from James Frohman, Mesa Corporation.
55. Email from Lynn Fisher, Owner/Manager, Great Place Properties.
56. Email from Tom Wanser, Director of Sales & Leasing, Hampton Development Services.
57. Email from Phil Snapp, Associate Broker, CB Richard Ellis/MEGA.
58. Email from Chris Hove, Vice-President, West Gate Bank.
59. Email from John Decker, CFO, Douglas Theatre Co.
60. Email from Rex Bevins, Rex Bevins and Associates.
61. Email from Fred Briggs.
62. Email from Pastor David Lux, Saint Paul United Methodist Church.
63. Email from Joe Hampton.
64. Email from Mary-Jo Bousek.
65. Email from Andrew C. Hove, Jr.
66. Email from Tina Harrill.
67. Email from Pat Genzmer.
68. Email from Otis Young, First-Plymouth Congregational Church.
69. Email from Chris Sommerich.
70. Email from Wade Walkenhorst.
71. Email from Mark Hansen.
72. Email from R. David Wilcox, Vice-President, Union Bank and Trust Company.
73. Email from Mark Hansen, Vice-Present, West Gate Bank.
74. Email from Michael L. Fosdick, President, Security Federal.
75. Email from H. Arnold Wassenberg.
76. Email, with two photos, from Doug Rotthaus.
77. Email from Wallace A. Richardson.
78. Email from Steve Guittar, Associate Broker, Thompson Realty Group.
79. Email from Coby Mach, Director, Lincoln Independent Business Association.
80. Email from Bruce A. Cutshall, Cutshall and Associates.
81. Email from Richard Evnen.
82. Email from Larry Jones.
83. Email from Tim Gergen, Olsson Associates.
84. Email from Beth Morgan, Vice-President, U. S. Bank.
85. Email from Doug Harris, Time Warner Cable.
86. Email from William W. Lester, President, Ameritas Investment Advisors Inc.
87. Email from Mike Minnick, President, DuTeau Chevrolet Subaru.
88. Email from Greg Key, Manager, The Weitz Company.
89. Email from Dean Hestermann, Labenz & Associates.

90. Email from Jane Rolf.

VI. ADJOURNMENT

***HELD OVER FROM MAY 29, 2006**
****HELD OVER FROM MAY 22, 2006**

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**DIRECTORS' MEETING
MINUTES
MONDAY, JUNE 5, 2006
COUNTY/CITY BUILDING
CONFERENCE ROOM 113**

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

Others Present: Mayor Coleen Seng, Mark Bowen, Ann Harrell, Rick Hoppe, Lin Quenzer, Mayor's Office; City Clerk Joan Ross; Rick Peo, Chief Assistant 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 reported Police and Fire had new recruits coming on board last week. She thinks we had 11 new Police officers and 15 firefighters.

Mayor Seng called on Directors. *[Nicole Fleck-Tooze handed out flyers to Council again.]* Nicole Fleck-Tooze (Public Works & Utilities) reminded everyone this weekend we have our Wasterfest event at Holmes Lake Park from 5:00 p.m. to 8:00 p.m. For a celebration of completion of the park and water quality improvements and the Parks & Recreation Department should have a lot of good activities out there. We were working closely with the Parks & Recreation Department on it and some other agencies that had funded it for us.

Ms. Tooze stated for Item 42 on Council's Agenda today just to clarify, you have a couple of substitute Resolutions. The 1st one is an older version we moved on from and we're in agreement that substitute #2 which includes the reference to the structural engineering report is a good substitute. The one thing that's not yet clear is there were several exhibits in there, exhibit C & exhibit D are the same exhibits except for a couple of details. Exhibit C is the one that is recommended by the Public Works & Utilities Department which preserves the required site distance. Exhibit D is one that we had prepared in response to Jonathan Cook's request, so substitute #2 would include the reference to the structural engineering report. It currently references exhibit D and we will be preparing a Motion-To-Amend for Council, and if you wish the Motion-To-Amend could be added to substitute #2 and that will reference exhibit C. If you would like to adopt, substitute #2 currently in reference to exhibit D which is what Jonathan Cook has proposed, and then our recommendation you would amend substitute #2 with a Motion-To-Amend which you should have by this afternoon. Ms. Newman

commented this is action only, so there will be no explanation of these. Ms. Tooze responded she would be happy to get up and explain it. Council members agreed that they would like to have Ms. Tooze give an explanation at the Formal Council Meeting today. [*#42, 06R-66, 06R-66S - Approving the use of public right-of-way by Landon Osborne for installation of a fence/wall at 1840 E Street.*]

Ann Harrell stated the Antelope Valley tours started last Thursday with a tour for the news media and they continued on Friday and some of the elected officials were able to do the tour at the end of last week. The tours will continue through June 15th on a variety of dates and times. So, if there's anyone who has not had an opportunity to make some arrangement to do the tour and get the update from the experts that are working on it, please let her know and if we can't work out any of the scheduled dates and times we will make other accommodations. The Journal Star had a very nice piece over the weekend about Antelope Valley and how it's coming and how to get on to the tours. She talked to the folks over at Olsson Associates this morning and they had about 30 phone calls just on voice mail from mostly members of the public who wanted to get on a tour, so we are feeling pretty positive about it.

Bruce Dart (Health Director) reported we had our first community pandemic presentation Saturday at the "F" Street Recreation Center. Doug Ahlberg from Emergency Management was also there which we did a joint presentation. Our community is very interested in this, we are planning to have more forums as we go. It was a great chance for us to exchange information and present what we were presenting to other organizations. We are going to have some evening meetings as well and at the next evening one our State Chief Medical Officer and Lieutenant Governor would like to attend. So, we will let you know when the next one is scheduled and if you have questions give him a call.

Lynn Johnson (Parks & Recreation Director) stated he heard Patte (Newman) talking on the radio about 9th, 10th, & Van Dorn and so he thought Council might want an update on it. We did meet a week ago Thursday and we had Public Works staff, Parks & Recreation staff, State Department of Roads staff. Mr. Johnson went over a map with Council. Ms. Newman asked Mr. Johnson if he will go over the map at our public hearing this afternoon? Mr. Johnson replied he can. Ms. Newman commented I think that was the expectation that we would get a little bit of a report at the meeting this afternoon. Mr. Johnson stated okay, he will plan to be at the meeting this afternoon. Mr. Cook noted we will have an amendment from B&J which we should receive today.

Marvin Krout (Planning Director) noted we have a lot of annexation items on the Agenda today. He wanted to point out that Items 10 & 11 which is the Charleston Heights case this has gone by so smoothly, it was scheduled three weeks after the Planning Commission acted on it. This was possible because we did not have an annexation agreement. It's probably the first major piece of land we have had in many years that has not required an annexation agreement because they have water and sewer available and there is road paving on the adjacent property. We hope to see this happen more and more in the future. The annexation agreements is where we have catch up problems with infrastructure and the ones that are giving us grief and one of those is the Prairie Village North which is back on Council's Agenda. We provided a summary of all the changes in the agreement which is in their addendum and Mr. Krout went over the memo with Council. Mr. Marvin commented to Mr. Krout that he visited with Mr. Katt yesterday and I had asked to have items 16 & 17 delay a week, so we could look at the various amendments and the finalized. Mr. Krout stated Randy Hoskins will be at the Council Meeting this afternoon to talk about it. *(See Formal Council Agenda of June 5th for descriptions of Items 10, 11, 16, & 17.) [See Attachment 'A' - RE: Prairie Village North for (Bills #16, 05R-262 & #17, 05-164)]*

Mr. Krout reminded Council the King Annexation they heard last week or a couple weeks ago is on their Agenda today for action. Remember what you had as an annexation agreement requires the dedication of street right-of-way along 14th Street at Fletcher his property. Mr. King was appealing to Council not to have to dedicate that at this time and so I think we either need Council to give direction one way or the other as to which way they're going. You could amend the agreement and not require the dedication; or you could approve the annexation subject to the agreement that does include the dedication requirement and leave it to Mr. King as to whether or not he wants to sign the agreement. Mr. Krout commented he wanted to remind Council this is not just a consent item. *[#44, 06R-95, Approving the King Annexation Agreement between the City and Tom and Betty King relating to the annexation of approximately 2.5 acres of property generally located at the northwest corner of N. 14th Street and Fletcher Avenue.; and #45, 06-72, Annexation No. 06003-Amending the Lincoln Corporate Limits Map by annexing approximately 2.5 acres of property generally located at North 14th Street and Fletcher Avenue.]*

- ** 1. NEWS ADVISORY - RE: Mayor Seng to Announce Water Conservation Plans at News Conference. — NO COMMENTS

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URBAN DEVELOPMENT

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III. CITY CLERK -

City Clerk Joan Ross stated to Council first thing on your Agenda is the North 27th Street Board of Equalization scheduled for today and then the assessment from May 22nd. You may have to assess first and then equalize, so is there a way to maybe combine some folks to get through this smoothly. We had advertised ‘Immediately preceding the Formal Council Meeting, The City Council will convene as the Board of Equalization to equalize assessments for the North 27th Street Maintenance District’. Due to the need to assess the Maintenance District, the Board of Equalization Meeting will be called to order, immediately adjourn & re-convene after the regular City Council Meeting. Ms. Newman commented it was the constituent who called Annette (McRoy) who had a problem and so the question is were those concerns addressed which the Urban Development Department was suppose to take care of that. City Clerk Joan Ross stated she immediately contacted Ron Cane at Urban Development to call the constituent, so I presume that he did. He did mention to me that he and she thinks Dallas (McGee) had talked to her on other occasions trying to answer all of her questions, but I said still you are being asked to call her again, so I presume he did. Ms. McRoy indicated she has not called her since she’s been back in town. Ms. Newman commented okay, I assume it is taken care of. Rick Peo (City Attorney’s Office) stated the Board of Equalization, equalizes assessment and that’s if somebody protest the assessment doesn’t like it. So, Dana (Roper) indicated that Council just needs to convene the Board, adjourn, do the City Council Meeting, do the assessment during the City Council, and reconvene the board after the meeting. Mr. Cook commented so he is saying we need to wait until the end because we have to have that approval first. Rick Peo and City Clerk Joan Ross stated that’s correct. City Clerk Joan Ross noted you have to assess before you can equalize. Ms. Newman stated she thinks the three step is probably the cleanness way to do it, and Council agreed. City Clerk Joan Ross stated okay.

Items 2 & 3 will be called together. [*#2, 06-76 - Approving a thirteen-month Lease Agreement between the City and the Wynne Transport Services, Inc. for the lease of space by the Lincoln Area Agency on Aging for its Lincoln Information For the Elderly (LIFE) Geneva Medicaid Waiver Program at 209 S. 10th Street, Geneva, NE.; and #3, 06-77 - Approving a thirteen-month Lease Agreement between the City and the Polk Senior Center for the lease of space by the Lincoln Area Agency on Aging for its Lincoln Information For the Elderly (LIFE) Medicaid Waiver Program at 230 North Main Street, Polk, NE.*]

Items 4, 5, 6, & 7 will be called together. [*See Formal Council Agenda of June 5th for descriptions of these items.*]

Items 8, 9, & 10 will be called together. [*See Formal Council Agenda of June 5th for descriptions of these items.*]

Items 11 & 12 will be called together. [*#11, 06-81, Annexation 06007-Amending the Lincoln Corporate Limits Map by annexing approximately 78.03 acres of property generally located at North 14th Street and Fletcher/Humphrey Avenue.; and #12, 06-82, Change of Zone 06026-Application of Charleston Heights, LLC, for a change of zone from AG Agricultural District to R-3 Residential District on property generally located at North 14th Street and Fletcher Avenue.*]

For Item 15 there is a Motion-To-Amend #1. [*06-68, Amending Chapters 2.62, 2.65, and 2.66 of the Lincoln Municipal Code relating to the Police and Fire Pension Plan requiring the City to make the annual actuarially determined normal cost contribution to such pension plan.*]

We have already talked about the delay for Item 16 which also pertains to Item 17. [*#16, 05R-262, Approving the Prairie Village North Conditional Annexation and Zoning Agreement between the City and Dubois Land LLC, Prairie Village North LLC, Prairie Home Builders Inc., Roland Group LLC, and Faith Evangelical Lutheran Church, relating to the annexation of approximately 149.09 acres, generally located at the northeast corner of N. 84th Street and Adams Street and the use of said 149.09 acres along with approximately 23 acres located at the southeast corner of N. 84th Street and Adams Street under a Planned Unit Development.; and #17, 05-164, Annexation 05013-Amending the Lincoln Corporate Limits Map by annexing approximately 149.09 acres of property generally located at North 84th Street and Adams Street.*]

Items 18 & 19 will be called together and I think you have talked about that a little bit when you had your redline version. Mr. Cook noted we will have a Motion-To-Amend. City Clerk Joan Ross commented okay, do I have it. Mr. Cook stated no because he just received a copy and it has mistakes in it and so he will try to get it her a copy of it by this afternoon. City Clerk Joan Ross stated okay. *[#18, 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.; and #19, 06-65, Change of Zone 06012-Application of B&J Partnership for a change of zone from R-2 Residential District and O-2 Suburban Office District to B-1 Local Business District on property generally located on the block bounded by 9th, 10th, Hill and Van Dorn Streets.]*

They have their ‘Consent Agenda’ which we have already talked about and we have already talked about Item 42. *[#42, 06R-66; 06R-66S; - Approving the use of public right-of-way by Landon Osborne for installation of a fence/wall at 1840 E Street.]*

We have already talked about Items 44 & 45. *[#44, 06R-95, Approving the King Annexation Agreement between the City and Tom and Betty King relating to the annexation of approximately 2.5 acres of property generally located at the northwest corner of N. 14th Street and Fletcher Avenue.; and #45, 06-72, Annexation No. 06003-Amending the Lincoln Corporate Limits Map by annexing approximately 2.5 acres of property generally located at North 14th Street and Fletcher Avenue.]*

IV. COUNCIL REQUESTS/CORRESPONDENCE -

JON CAMP -

Mr. Camp stated he would like to speak with Rick Peo (City Attorney’s Office) after the Directors’ Meeting today.

- ** 1. Email from Jodi Delozier regarding fire truck late fees. The City Council should move forward and collect the late fees. — NO COMMENTS
- 2. Email from Roger Green - RE: City Personnel Time & Resource Management. — NO COMMENTS
- 3. Email from Anand Rau - RE: Sioux Falls Safest Driving City. — NO COMMENTS

JONATHAN COOK - NO COMMENTS

- ** 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) - SEE RESPONSES RECEIVED FROM JAMES WEVERKA. — NO COMMENTS
- ** 2. Request to Harry Kroos, Public Works & Utilities Department; Sidewalks. RE: Sidewalk Ramps around Milder Manor (RFI#130 - 5/04/06). — NO COMMENTS

ROBIN ESCHLIMAN -

Ms. Eschliman stated she would like to speak with Rick Hoppe some time today, she has a question on the Humane Society.

- ** 1. Community Meeting held May 12, 2006. Ideas for increasing City income. — NO COMMENTS
- ** 2. Letter to Mayor Seng regarding specific budget cuts. — NO COMMENTS

DAN MARVIN - NO COMMENTS

- * 1. Correspondence on how Hercules, CA used eminent domain to keep out Wal-Mart. — NO COMMENTS

ANNETTE McROY - NO COMMENTS

PATTE NEWMAN - NO COMMENTS

- 1. Letter from Andrew Grossman, Executive Director of Wal-Mart Watch. — NO COMMENTS

KEN SVOBODA - NO COMMENTS

V. MISCELLANEOUS -

- ** 1. Letter from Aquila - RE: Extension of 8 years on the Aquila franchise with the City of Lincoln. — NO COMMENTS

Correspondence Supporting Proposal to Ban Concealed Weapons

- ** 1. Email from Kathleen Nelson. — NO COMMENTS
- ** 2. Email from Marcee Metzger, Rape/Spouse Abuse Crisis Center. — NO COMMENTS
- ** 3. Letter from Clarice Lawson (Letter distributed to Council Members). — NO COMMENTS

Other Correspondence

- ** 1. Email from Paul Haith - RE: Fire truck issue - Encourage Council to request an independent audit by an outside agency. — NO COMMENTS
- ** 2. Email from an anonymous constituent with ideas for consideration. — NO COMMENTS
- ** 3. Email from Karen Hatcher - RE: West “A” Project - Possibly a reconsideration or “tweaking” the eminent domain plan. — NO COMMENTS
- ** 4. Email from Christopher B. Stokes - RE: Lincoln transportation issues. — NO COMMENTS
- ** 5. Email from Steve & Carol Anderson - RE: Gas prices in Lincoln compared to Omaha. — NO COMMENTS
- ** 6. Email from Carol Anderson - RE: Gas prices listed for Lincoln versus Omaha. — NO COMMENTS
- ** 7. Email from Kay Wunderlich - RE: Gas prices different in West Omaha versus Lincoln. — NO COMMENTS
- ** 8. Email from Jan Anderson - RE: 22¢ price difference gasoline here in Lincoln and in West Omaha. — NO COMMENTS

- ** 9. Email from David Oenbring - RE: Sales tax decline - study effect of the smoking ban; thanks for Taste of China saved from eminent domain. — NO COMMENTS
- **10. Email from Vicky Valenta - RE: Lincoln Journal Star article. — NO COMMENTS

Letters Received in Appreciation of Postponement of Change of Zone #06012 at 9th and Van Dorn Streets with Suggestions for Rezoning

- ** 1. Paul Hetrick, 2611 South 10th Street. — NO COMMENTS
- ** 2. Russell Hand, 2661 South 9th Street. — NO COMMENTS
- ** 3. Ron Linville, 2601 South 10th Street. — NO COMMENTS
- ** 4. Abraham Gamez, 2619 South 10th Street. — NO COMMENTS
- ** 5. Juan Tapia, 2538 South 9th Street. — NO COMMENTS
- ** 6. B. Powell, 2710 South 9th Street. — NO COMMENTS
- ** 7. Angela Kimpton, 2667 South 10th Street. — NO COMMENTS
- ** 8. Arnold Walker, 2650 South 9th Street. — NO COMMENTS
- ** 9. Kevin Lewis, 1015 Hill Street. — NO COMMENTS
- **10. Roger Carter, 1032 Hill Street. — NO COMMENTS
- **11. Mr. and Mrs. N. Welter, 2640 South 10th Street. — NO COMMENTS
- **12. Margaret Stroup, 2727 South 10th Street. — NO COMMENTS
- **13. Troy and Connie Saltzman, 2673 South 10th Street. — NO COMMENTS

V. MISCELLANEOUS (CONTINUED - RECEIVED FOR WEEK OF 05/29/06)

- * 1. LIBA Position Statement on EMS Deficits (Statement distributed to Council Members on 05/22/06). — NO COMMENTS
- * 2. Letter from Billy & Wilma Williams - RE: Comments on City employee's salaries, suggestions, employees residing in Lincoln and Mayor Seng. — NO COMMENTS
- * 3. Letter from Randall Klein - RE: Proposed development at 9th & Van Dorn Streets and Treatment of Citizen Speaking before Council. — NO COMMENTS
- * 4. Email from David Oenbring - RE: Reject any effort to restrict or ban concealed weapons within the City. — NO COMMENTS

- * 5. Email from Janine M. Saltzman - RE: Against development at 9th, 10th & Van Dorn Streets. — NO COMMENTS
- * 6. Letter from Nancy First, Second Amendment Sisters - RE: Do not ban citizens from carrying concealed handguns. — NO COMMENTS
- * 7. Email from Jay Snyder - RE: Current revenue shortfall for the City budget. — NO COMMENTS
- * 8. Email from Ron & Sheila Scheinost - RE: Opposed to development at 10th & Van Dorn Streets. — NO COMMENTS

MISCELLANEOUS (CONTINUED - RECEIVED FOR WEEK OF 06/05/06)

1. Email from Patricia Arline Murphy - RE: Cheyenne County District Judge Kristin Cecava's Ruling on Richard W. Thompson-Second duplicate email received. — NO COMMENTS
2. Email from Robin Hoffman - RE: City employees & overtime pay, specifically Fire Captains. — NO COMMENTS
3. Letter received from Jim Lundak - RE: How does City Council get overtime? — NO COMMENTS
4. Email from Kevin Harvey - RE: Opposed to Southwest Waste Treatment Plant near Wilderness Park. — NO COMMENTS
5. Email from Linda J. Schrock - RE: Concern about proposed Southwest Wastewater Treatment Facility which would flow into Salt Creek by Wilderness Park. — NO COMMENTS
6. Email from Janalee Tobias, President, Women Against Gun Control - RE: Concealed carry in Lincoln. — NO COMMENTS
7. Letter from Robert Overstreet - RE: Put the Brakes on Keno. — NO COMMENTS
8. Email from Jeanne Kern - RE: Postpone acquisition of land for an additional third sewage treatment plant until after a comprehensive cost benefit analysis. — NO COMMENTS

Correspondence Received in “Support of Development at 10th and Van Dorn Streets”

1. Email from Donald Everett, Jr., President, Runza National, Inc. — NO COMMENTS
2. Email from Curt Denker, Pinnacle Bank. — NO COMMENTS
3. Email from Hank Woods, Wells Fargo Center. — NO COMMENTS
4. Email from Mary Campbell. — NO COMMENTS
5. Email from Bob Milligan, M. I. Industries. — NO COMMENTS
6. Email from Tom M. Ostergard, President, Crete Carrier Corporation. — NO COMMENTS
7. Email from Rich Claussen, Bailey Lauerman. — NO COMMENTS
8. Email from Steven R. Knapp, Wells Fargo Bank. — NO COMMENTS
9. Email from Sam Seever. — NO COMMENTS
10. Email from Pam Baker. — NO COMMENTS
11. Email from Jose J. Soto. — NO COMMENTS
12. Email from Doug Ganz, Pinnacle Bank. — NO COMMENTS
13. Email from Lee B. Chapin. — NO COMMENTS
14. Email from Scott G. Spethman, Marketing Support Services. — NO COMMENTS
15. Email from Dave Zeinio. — NO COMMENTS
16. Email from Nancy L. Loftis. — NO COMMENTS
17. Email from Jane Renner Hood, Nebraska Humanities Council. — NO COMMENTS
18. Email from Ron Harris, Former President, Harris Laboratories. — NO COMMENTS
19. Email from Doug & Mary Carper. — NO COMMENTS
20. Email from Don Brester. — NO COMMENTS
21. Email from Carl J. Sjulín, President, West Gate Bank. — NO COMMENTS
22. Email from Bill Cintani, CEO, Mapes Industries. — NO COMMENTS
23. Letter from Mike Dunlap, CEO, Nelnet. — NO COMMENTS
24. Email from Rohn Loyd. — NO COMMENTS
25. Email from Ron Jester, Labenz & Associates, LLC. — NO COMMENTS
26. Email from Marc LeBaron. — NO COMMENTS
27. Email from Kent Thompson, President, Thompson Realty Group, Inc. — NO COMMENTS
28. Email from Mike & Melanie Friend. — NO COMMENTS
29. Email from D. Arnie Johansen, Vice President, Cople Insurance Agency, Inc. — NO COMMENTS
30. Email from Drew D. Stange, Vice President, Wells Fargo Center. — NO COMMENTS

31. Email from Todd Kelley. — NO COMMENTS
32. Email from Lea Barker, Hartland Homes. — NO COMMENTS
33. Email from Tony Ojeda. — NO COMMENTS
34. Email from Jeffrey C. Greenwald, President, INSPRO Insurance. — NO COMMENTS
35. Email from James E. McClurg, Vice President, MDA Pharma Services. — NO COMMENTS
36. Email from Charlie Calhoun, President, Jacob North. — NO COMMENTS
37. Email from William Schmeckle, Chief Investment Officer, & Thomas E. Henning, President, Assurity Security Group. — NO COMMENTS
38. Email from George Peterson. — NO COMMENTS
39. Email from Stephen Rohman, Former President, Uniservice, Inc. — NO COMMENTS
40. Email from Lance Paulsen, E&A Consulting Group. — NO COMMENTS
41. Email from Orrin A. Wilson. — NO COMMENTS
42. Email from Doug W. Schueths. — NO COMMENTS
43. Email from Todd W. Peterson, Vice-President, Smith Hayes Financial Services. — NO COMMENTS
44. Email from Thomas Lorenz, Pershing Center. — NO COMMENTS
45. Email from James R. Blue. — NO COMMENTS
46. Email from Bob Grundman. — NO COMMENTS
47. Email from Mark Pankoke & Jack Zohner of John Henry's Plumbing. — NO COMMENTS
48. Email from Jon B. Weinberg, Vice-President, Ameritas. — NO COMMENTS
49. Email from Duane W. Acklie. — NO COMMENTS
50. Email from Mark Whitehead. — NO COMMENTS
51. Email from Dean Hoag, Jr., President, Union Title Company. — NO COMMENTS
52. Email from Richard W. Meginnis, Vice-President, NAIIFMA Realty. — NO COMMENTS
53. Email from John L. Hoppe, Jr., Chairman, Hoppe, Inc. — NO COMMENTS
54. Email from James Frohman, Mesa Corporation. — NO COMMENTS
55. Email from Lynn Fisher, Owner/Manager, Great Place Properties. — NO COMMENTS
56. Email from Tom Wanser, Director of Sales & Leasing, Hampton Development Services. — NO COMMENTS
57. Email from Phil Snapp, Associate Broker, CB Richard Ellis/MEGA. — NO COMMENTS
58. Email from Chris Hove, Vice-President, West Gate Bank. — NO COMMENTS

59. Email from John Decker, CFO, Douglas Theatre Co. — NO COMMENTS
60. Email from Rex Bevins, Rex Bevins & Associates. — NO COMMENTS
61. Email from Fred Briggs. — NO COMMENTS
62. Email from Pastor David Lux, Saint Paul United Methodist Church. — NO COMMENTS
63. Email from Joe Hampton. — NO COMMENTS
64. Email from Mary-Jo Bousek. — NO COMMENTS
65. Email from Andrew C. Hove, Jr. — NO COMMENTS
66. Email from Tina Harrill. — NO COMMENTS
67. Email from Pat Genzmer. — NO COMMENTS
68. Email from Otis Young, First-Plymouth Congregational Church. — NO COMMENTS
69. Email from Chris Sommerich. — NO COMMENTS
70. Email from Wade Walkenhorst. — NO COMMENTS
71. Email from Mark Hansen. — NO COMMENTS
72. Email from R. David Wilcox, Vice-President, Union Bank & Trust Company. — NO COMMENTS
73. Email from Mark Hansen, Vice-Present, West Gate Bank. — NO COMMENTS
74. Email from Michael L. Fosdick, President, Security Federal. — NO COMMENTS
75. Email from H. Arnold Wassenberg. — NO COMMENTS
76. Email, with two photos, from Doug Rotthaus. — NO COMMENTS
77. Email from Wallace A. Richardson. — NO COMMENTS
78. Email from Steve Guittar, Associate Broker, Thompson Realty Group. — NO COMMENTS
79. Email from Coby Mach, Director, Lincoln Independent Business Association. — NO COMMENTS
80. Email from Bruce A. Cutshall, Cutshall & Associates. — NO COMMENTS
81. Email from Richard Evnen. — NO COMMENTS
82. Email from Larry Jones. — NO COMMENTS
83. Email from Tim Gergen, Olsson Associates. — NO COMMENTS
84. Email from Beth Morgan, Vice-President, U. S. Bank. — NO COMMENTS
85. Email from Doug Harris, Time Warner Cable. — NO COMMENTS
86. Email from William W. Lester, President, Ameritas Investment Advisors Inc. — NO COMMENTS
87. Email from Mike Minnick, President, DuTeau Chevrolet Subaru. — NO COMMENTS
88. Email from Greg Key, Manager, The Weitz Company. — NO COMMENTS
89. Email from Dean Hestermann, Labenz & Associates. — NO COMMENTS
90. Email from Jane Rolf. — NO COMMENTS

ADDENDUM - (For June 5th)

I. MAYOR -

1. NEWS ADVISORY - RE: Mayor Seng's Public Schedule Week of June 3 through 9, 2006 -Schedule subject to change. — NO COMMENTS
2. NEWS RELEASE - RE: Section Of South 56th Street To Close Monday. — NO COMMENTS
3. NEWS RELEASE - RE: Right-Turn Lane At 14th & Highway 2 To Close Monday. — NO COMMENTS

II. CITY CLERK - NONE

III. CORRESPONDENCE

A. COUNCIL REQUESTS/CORRESPONDENCE - NONE

B. DIRECTORS AND DEPARTMENT HEADS -

PLANNING

1. Memo from Marvin Krout - RE: Prairie Village North (Bills 05R-262 and 05-164). — Marvin Krout talked about this memo earlier under "I. Mayor". (See that discussion)

C. MISCELLANEOUS -

1. 43 E-Mail's from Mark Hansen; Mitch Schaninost; Steve Erwin; Matt Bergmeyer; Martin Massengale; Paula Dicero; Paul & Mindy Edwards; Terry Kreifels; Maggie Higgins; Christi Chaves; Richard Herink; John White; Jan Labenz; George Hancock; Ron Wachter; James Lamphere; Anna Cox; Daniel Black; Len Muma; Paul Conley; William Richter; Daniel Stogsdill; Seth Weather field; Matt Harris; Anthony Racer; Alan Foster; Shanny Cole; John Dittman; Tom Schleich; David Buntain; Bill Etmund; Rebeca Swenson (2); Robert Nefsky; Eversoll; Cynthia & Norman Monroe; Alice Dittman; Jack Campbell; David Schmidt; Andy Neil; Janice Driesbach; Nader Sepahpur; Monte Froehlich; - RE: In SUPPORT of Commercial Development on 10th & Van Dorn. — NO COMMENTS

2. 4 E-Mail's from Lloyd Hinkley; David Miller; Angela Scheinost; Mary Roseberry-Brown; - RE: OPPOSED to the Commercial Development on 10th & Van Dorn. — NO COMMENTS

[End of Addendum]

VI. MEETING ADJOURNED - Approximately at 11:27 a.m.

***HELD OVER FROM MAY 29, 2006**
****HELD OVER FROM MAY 22, 2006**

dm060506/tjg

MEMORANDUM

TO: City Council

FROM: Marvin S. Krout, Director of Planning *MK*

SUBJECT: Prairie Village North (Bills ^{#16} 05R-262 and ^{#17} 05-164)

DATE: June 5, 2006

cc : Mayor Seng
Ray Hill and Greg Czaplewski, Planning
Rick Peo, Chief Asst. City Attorney
Randy Hoskins and Dennis Bartels, Public Works
Peter Katt

Item 16 on the June 5 Council agenda concerns revised annexation agreements for the Prairie Village North development proposed for land that is east of North 84th Street and both north and south of Adams Street in northeast Lincoln. The Council previously divided this land into two sections: the north commercial/apartments area and the south commercial/single family area, and approved Planned Unit Development zoning for both sections, subject to approval of annexation and annexation agreements.

Staff and the applicant have divided the agreement into two sections following the PUD sections, and spent several months redrafting the two new agreements and negotiating revisions requested by the applicant. The new agreements reflect the recent court decision on impact fees, and contain the new "model" language used in the most recent annexation agreements. The parties reached agreement on a number of issues, including:

- The previous agreement required right turn lanes on 84th Street at the 1/4 and 1/2 mile points north of Adams to be installed with any commercial development north of Adams. The new north side commercial/apartment agreement allows up to 100 peak hour trips from commercial development at each of these locations with no improvements required.
- The previous agreement triggered major improvements to North 84th Street and Adams Street west of 84th Street if commercial development on the north side of Adams reached 600 peak hour trips or 200,000 square feet of floor area. The new north side agreement removes the floor area trigger.

- The previous agreement required the applicant to build a 4-lane concrete improvement for Adams east of 84th Street to 87th Street with transition to a 3-lane asphalt section further east, with any commercial development north of Adams. The new agreement allows the applicant to build a temporary 3-lane asphalt street between 84th Street and 87th Street with an extended westbound left-turn lane in Adams at 84th Street, when traffic from the commercial development north of Adams reaches 100 peak hour trips, and defer the permanent improvement until that traffic reaches 600 peak hour trips.

- Staff has agreed to remove the requirements for the applicant to improve and signalize the intersection of North 84th Street and Havelock.

- In order to move an existing electric distribution line out of the way of right turn road improvements along the east side of 84th Street (as well as preserve the ability to widen 84th to six (6) lanes without relocating bodies from the cemetery on the west side of 84th Street), staff, applicant and LES have agreed to a three-way cost-sharing arrangement that would replace the existing towers supporting the major transmission line with simpler-looking poles (like those on Yankee Hill Road) and co-locate the existing 35k electric distribution line onto the new poles. This plan is preferred to relocating the distribution line, overhead and to the east of the existing transmission line, and leaving the existing towers.

However, there are still a couple of major differences regarding the north side agreement. The applicant indicates that in the original agreement, he was contemplating the anchor store (Wal-Mart) paying a large portion of the off-site road network improvement costs. Without a commitment of that type, he is unable to advance the cost of all the improvements in the original agreement and hope that the commercial development occurs quickly and reimburses him with directed impact fees quickly. Specifically, the applicant continues to object to paying for:

1. Widening/reconstruction of North 84th Street both north and south of the intersection with Adams, to create dual left turn lanes southbound to eastbound on Adams and northbound to westbound on Adams.

And is no longer willing to pay for:

2. Improving Adams from two lanes to three lanes west of the transition from improvements at the intersection with North 84th Street, from North 82nd Street to North 75th Street – either to a permanent concrete urban section with curb and gutter that is reimbursable. or a temporary asphalt improvement with ditches that is non-reimbursable.
3. The paving cost of eastbound and westbound right-turn lanes at 70th Street and Adams if and when the City decides to make these improvements.

Staff understands the difficulty that the applicant is facing; however, the City does not have the funds to construct these improvements, and may not have these funds for many years. The Comprehensive Plan provides clear guidance on this issue. The Plan calls for improvements to be made "concurrent" with new development, so that the City does not continue to fall farther and farther behind in making necessary road improvements in its growth areas.

q:\cc\memo re Prairie Village North 060506

A handwritten signature in black ink, appearing to be "Jill", is written over the end of the file path text.