

**DIRECTORS' MEETING
MONDAY, 11:00 A.M.
DECEMBER 11, 2006
COUNTY-CITY BUILDING, ROOM 113**

I. MAYOR

II. DIRECTORS

FINANCE DEPARTMENT (TREASURER)

1. Monthly City Cash Report, October 31, 2006.

PLANNING DEPARTMENT

1. University of Nebraska Technology Park 2nd Addition. Final Plat #06109. Generally located at NW 1st Street and Technology Drive.
2. Street Name Change No. 06006. (Capitol Parkway West to "Rosa Parks Way").
3. County Board action on County Special Permit No. 06006 as it relates to City Council action on Appeal to City special Permit No. 06062, Bill #06R-231, scheduled for Public Hearing at City Council on December 11, 2006.

III. CITY CLERK

IV. COUNCIL REQUESTS/CORRESPONDENCE

V. MISCELLANEOUS

1. Email from Shannon McGovern with link to web article on drag racing track.
2. Email from Randy Gessford re: Opposed to closing the West "O" viaduct for a year.
3. Email from Harlow Dover re: Use of fire trucks by fire department personnel.
4. Email voicing opposition to rate increases on all utilities and cable TV.
5. Email from Bob Schwartz re: Opposed to new West "O" viaduct bridge, and supports repair of bridge.

VI. ADJOURNMENT

**DIRECTORS' MEETING
MINUTES
MONDAY, DECEMBER 11, 2006
COUNTY/CITY BUILDING
CONFERENCE ROOM 113**

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

Others Present: Mayor Coleen Seng, Mark Bowen, Ann Harrell, Lin Quenzer, Rick Hoppe, Darl Naumann, Mayor's Office; Deputy City Clerk Teresa Meier-Brock; Dana Roper, City Attorney; Directors and Department Heads; Tammy Grammer, City Council Staff; Deena Winter, Lincoln Journal Star Representative; John Becker, Talent Plus; and Coby Mach, LIBA

Location Announcement of the Nebraska Open Meetings Act: A Copy of the Nebraska Open Meetings Act is Located on the Wall at the Rear of this Room

I. MAYOR -

Mayor Coleen Seng stated just wondered if you saw Marc Wullschleger's picture in the 'World Herald' last week, she will pass the article around so they can read it.

Update on the company who will be the tenant for the RFP for 4600 Innovation Drive. When they made their announcement last week there were proposals out and there were protests that were filed on the RFP that had been issued. I have decided to order the rejection of all those proposals that were submitted to the RFP at that particular address. In view of the protests that were filed and to ensure the projects schedules can be met the City is going to be seeking new proposals so we voided the current proposals and we have gone straight to a new invitation for proposals. The intent of the original RFP was for the express purpose of creating new quality jobs for Lincoln residents and I think as we've all heard that is the case and under the original RFP the City has the right to reject any or all proposals at any time. So, since the company has made their announcement I will have the staff review all the procedures to determine how best to issue a new invitation for new proposals and I would hope it will happen this week. I signed an executive order on Friday cancelling all of those proposals that had been in.

The ADA (Americans with Disabilities Act) training is tomorrow and I think you all received a letter. I asked all the directors involved with this to be sure to attend and their people that work on this to attend.

Karl Fredrickson (Public Works & Utilities Director) stated as we probably said in the past we have been working with a complaint which was filed through the Federal Department of Justice against the City of Lincoln for non-compliance with Americans

with Disabilities Act (ADA) standards as they relate to sidewalks and curb ramps. They delegated through the Federal Highway and the court directed the Federal Highway Administration as part of our agreement with the Federal Highway and part of the complaint is to host Civil Rights Training for City staff and elected officials to assure sensitivity and knowledge of laws governing their stewardship of the transportation program. We will also be finding out about what other cities and other court cases across the country with educational process in regarding ADA and our sidewalks. They have people coming in from their Illinois Resource Center, and we will have different people from Department of Roads, City of Omaha, City of Norfolk to tell us about their experiences. Noting, you may not be aware upwards of 10% of Omaha's bond issue was to go for ADA accessibility as an agreement with the Federal Highway and Department of Justice and so it's a serious matter. The Federal Government is taking it seriously and mandated, so I would encourage anybody to attend because this is a policy issue for the City of Lincoln and required. The workshop is tomorrow, Tuesday, December 12, 2006, from 8:00 a.m. to 12:15 p.m. at the Lincoln Fire Fighter's Reception Hall, 241 Victory Lane.

Mayor Seng reminded everyone when there is an ADA complaint that is filed with the Department of Justice, they may have the Federal Highway folks carrying it out but it is a Justice issue. Mr. Cook stated since some of us may not be able to attend or maybe we will be there for part of it will there be materials available to us. For instant you said there maybe a review of court cases will there be written material that can be distributed to Council members, I would like to see the references to those court cases and what those were. Mr. Fredrickson stated I will try to get copies.

Interim Fire Chief Dan Wright gave an update on our EMS study and where we are with it. EMS Inc. has requested a lot of data from us regarding a variety of things that they have included in the study. We have been working very hard on doing that data and all the information but we did find when we were in a reconcile process making sure all of our data was accurate and we could reproduce it accurately, we got a little hiccup with it we found Friday. Wade James in the City Information Services Department is the one who has written the program for us, he's been on vacation and due back tomorrow, we have a meeting set up to try and figure out what's causing it. So, we are working through that issue and hope to have it resolved real quick. Ms. Newman asked how are we on the negotiations with the County about reimbursement for services? Chief Wright replied I'm not 100% sure where we're at with it, Chief Furasek has been working on that process, I will check with him. Noting, it is still work in progress. Mayor Seng mentioned one of the people that has been very helpful on it has been Doug Ahlberg and they're continuing meetings.

II. DIRECTORS

FINANCE DEPARTMENT/TREASURER -

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PLANNING DEPARTMENT -

1. University of Nebraska Technology Park 2nd Addition - Final Plat #06109 - Generally located at NW 1st Street & Technology Drive. — NO COMMENTS
2. Street Name Change #06006 (Capitol Parkway West to “Rosa Parks Way”). — [Mr. Cook mentioned this material later under his comments.] (See that discussion)
3. County Board action on County Special Permit #06006 as it relates to City Council action on Appeal to City special Permit #06062, Bill #06R-231, scheduled for Public Hearing at City Council on 12/11/2006. — NO COMMENTS

III. CITY CLERK -

Deputy City Clerk Teresa Meier-Brock stated on their Agenda today for Item 8 you have a Motion-To-Amend. *[#8, 06R-231, Appeal of Julie Shipman Burns from the Planning Commission approval of Special Permit 06062 for authority to operate sand, gravel and soil excavation on property generally located one-quarter mile east of North 56th Street/Highway 77 between Waverly Road and Mill Road.]*

For Item 23 you have several Motions-To-Amend; Motion-To-Amend #1 is from Public Works and Motions-To-Amend A, B, & C are from Peter Katt. *[#23, 06-204, Change of Zone 06063-Application of North 47 Group, LLC for a change of zone from AG Agricultural to R-3 Residential and B-2 Planned Neighborhood Business on property generally located at N. 84th Street and Adams Street; for a Planned Unit Development District designation of said property; and for approval of a development plan which proposes modifications to the Zoning Ordinance and Land Subdivision Ordinance to allow approximately 74 residential dwelling units and 140,000 square feet of commercial floor area.]*

IV. COUNCIL REQUESTS/CORRESPONDENCE -

JON CAMP - NO COMMENTS

JONATHAN COOK -

Mr. Cook stated question about the Directors' Agenda on-line version under 'Planning-#2' there are a few extra pages from the approval of the R-8 to B-4 zoning and it has the Mayor's signature Legislation. I just thought somebody might check on it to see if that's correct. Tammy Grammer stated she will check on it.

ROBIN ESCHLIMAN -

Ms. Eschliman stated I have a comment and quick question of the Mayor, I wanted to say congratulations to everyone, Darl (Naumann), Jason Smith and everyone that worked on Verizon that's wonderful news.

Also quick question, how much longer will this next RFP be. Mayor Seng stated probably a long period of time. Ms. Eschliman commented you don't know how long it will be. Mayor Seng replied no, we are starting to work on it this week. I could not do anything until Friday which is when I did the executive order, I had to wait a certain period of time.

Mr. Camp commented follow up on that with the certain amount of secrecy on the project and all is Verizon showing any sign of concern about what happened at this point. Mayor Seng responded no, I think they're okay, I think somebody had talked to the press that shouldn't have is in big trouble (inaudible) but I don't know if that's true or not. Mr. Camp commented I think it's important that we know it's still a go, it's a very fine accomplishment. Mayor Seng replied yes, we worked with their attorney.

DAN MARVIN - NO COMMENTS

ANNETTE McROY - NO COMMENTS

KEN SVOBODA - NO COMMENTS

PATTE NEWMAN -

Ms. Newman requested that Dana (Roper) as he usually stays but maybe Bruce Dart needs to as well, we need to talk about Rickey Meyer.

I also received no less than three calls from bar owners this last week and I understand at least seven bar owners have been either notified or sent a certified letter that if they have outdoor smoking areas that were approved by the City previously they need to be re-approved. That there are some sort of guidelines the Council has not seen and I thought originally we talked about 20% of wall space and now suddenly it changed to 20% of wall and ceiling space and so some of these outdoor smoking rooms are now

being considered not official. Would you like to explain this Bruce (Dart). Mr. Dart (Health Director) stated as far as I know the guideline have not changed, I did not send the letters staff did, so let me talk to my staff and I can get back with you the ceiling has always been a part of it to my knowledge. Ms. Newman stated but if there are some internal rules that are being changed that is not set in the ordinance I would hope that something comes forward to the Council so we can all discuss whether these previously approved outdoor smoking areas truly have to be rebuilt. Mr. Dart commented you know the only thing that has changed is that we have a certain policy of the guideline that we use which I think you have all seen it. The only thing that had been changed is if a wall goes over 8 feet it was harder for a bar owner to achieve 20% with a wall over 8 feet, we lowered it 8 feet so it would be easier for them to achieve 20% that's all that has changed, one sentence in the guideline nothing else is different to my knowledge. Ms. Newman asked Mr. Dart how many letters went out? Mr. Dart answered I think seven as far as I know but I need to check. Mr. Dart commented all we have done is try to make it easier for people to achieve 20%, we haven't made it harder. Mr. Cook questioned is this something the Health Board discussed or someone else (inaudible). Mr. Dart replied absolutely, we've had this guideline. Ms. Newman asked when was the guideline adopted? Mr. Dart responded I think last November. Ms. Newman commented so it was after some of the smoking areas had already been approved. Mr. Dart stated (inaudible) we said before that we had to make some changes because we were not in our earlier calculations, we were not really sure how to form it or use it to achieve 20%. So, we told people we would be coming back once we had a formula that we could feel that we could rely on. Ms. Newman commented but Building & Safety already approved these for all particular purposes. Mr. Dart responded in that I'm not sure. Ms. Newman commented I think we need some clarification because I don't think you can change the rules just because you feel like changing the rules. Mr. Dart commented I don't think we ever change the rules just because we feel like changing the rule. Ms. McRoy asked if there's an appeal or grandfather process so those who already built prior to the guideline change would be grandfathered in? Mr. Dart responded not in this case what we're talking about are these outdoor areas or inside rooms (inaudible) outdoor it is not and we had this discussion before. Ms. Newman commented I think the Council passed an ordinance that talked about anything that is not continuous wall is an outdoor area or that's how they designated an indoor smoking area. Mr. Dart commented but there is no indoor smoking area in this ordinance so that's the problem. Ms. Newman commented well then it was sloppy drafting from the get go and maybe we should of been a little more careful of the drafting. Mr. Dart commented well lots of maybe's I would tell you but we will come back and talk to you. Ms. Newman noted I fear this is another Anderson Ford thing, I think we need to take a careful look at it. Mr. Dart stated we would be happy to we are trying to achieve an operating area specified in the ordinance and an enclosed room is not an operating area. We are trying to do our best to give bar owners as much leeway as possible to achieve it and that's how we chose 20%, we could have chosen a much higher figure. But, we didn't because we want to work with people so they can achieve their area and we're doing the best we can do, it's not easy, it's very difficult.

V. MISCELLANEOUS -

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2. Email from Randy Gessford - RE: Opposed to closing the West “O” viaduct for a year. — NO COMMENTS
3. Email from Harlow Dover - RE: Use of fire trucks by fire department personnel. — NO COMMENTS
4. Email voicing opposition to rate increases on all utilities and cable TV. — NO COMMENTS
5. Email from Bob Schwartz - RE: Opposed to new West “O” viaduct bridge, and supports repair of bridge. — NO COMMENTS

AD D E N D U M - (December 11th)

I. MAYOR -

1. NEWS ADVISORY - RE: Mayor Seng’s Public Schedule Week of December 9 through 15, 2006-Schedule subject to change. — NO COMMENTS
2. NEWS RELEASE - RE: America Recycles Day Prize Winners Named. — NO COMMENTS
3. NEWS RELEASE - RE: Fee To Increase At Bluff Road Landfill. — NO COMMENTS
4. NEWS RELEASE - RE: Public Invited To Open House On Salt Creek Floodplain Mapping Project. — NO COMMENTS

II. CITY CLERK - NONE

III. CORRESPONDENCE

A. COUNCIL REQUESTS/CORRESPONDENCE - NONE

B. DIRECTORS AND DEPARTMENT HEADS -

HEALTH

1. Faxed Letter & Material from Scott E. Holmes to Roger Patton, Risky's Sports Bar & Grill - RE: October 2006 inspection conducted at your establishment to determine the compliance status of your designated outdoor smoking area. — Ms. Newman mentioned this letter earlier. (See that discussion)

C. MISCELLANEOUS - NONE

[End of Addendum]

VI. MEETING ADJOURNED - Approximately at 11:28 a.m.